

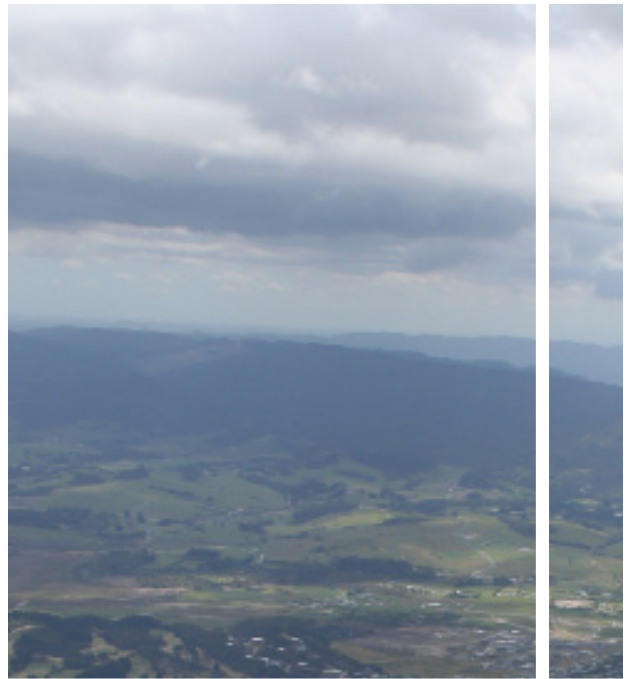


Kaipara Te Orangakui  
**KAIPARA**  
DISTRICT  
*Two Oceans Two Harbours*

# Kaipara District Plan

## *A guide to subdivision in the rural zone*

*The purpose of this brochure is to provide  
an overview of the types of rural  
subdivision in the Kaipara District Plan.*



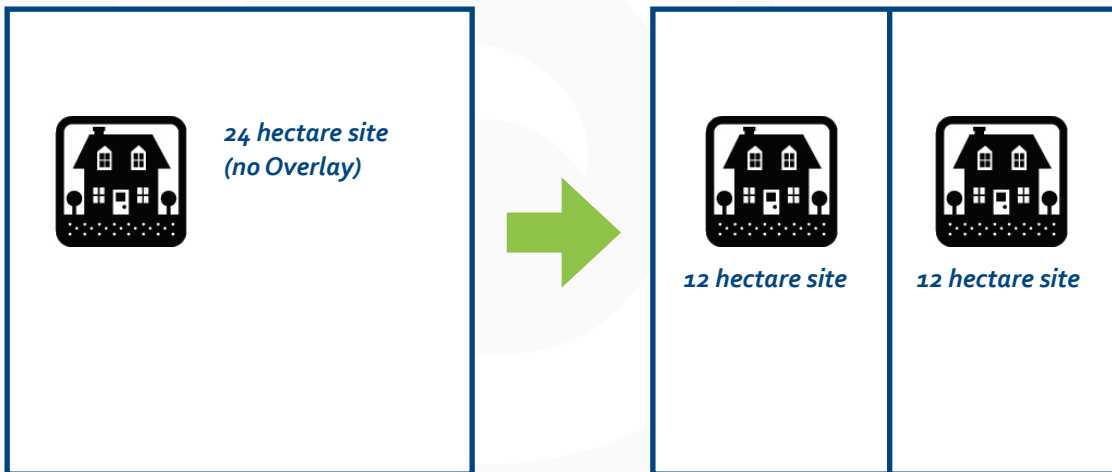


*This Fact Sheet should be read with Fact Sheet 1 - 'A Guide to subdivision in the Kaipara District'*

### General Rural Subdivision – (no Overlay), Rule 12.12.1

If your property is 24 hectares or more in net site area (**not within an Overlay**) then you may be able to subdivide down to a minimum 12 hectare lot size as a Controlled Activity.

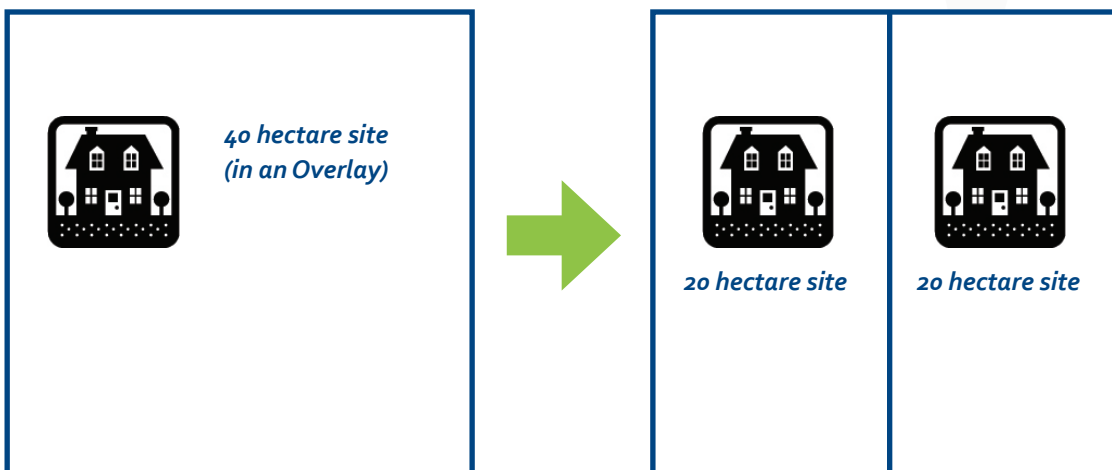
- Note:
1. The following diagram is a guide only, other scenarios could be achieved under this rule.
  2. Check Map Series 1 to see if your site is within an Overlay.
  3. Your development is to meet the Performance Standards of Rules 12.10 and 12.15.



### General Rural Subdivision – (in an Overlay), Rule 12.12.1

If your property is 40 hectares or more in net site area (is within an Overlay) then you may be able to subdivide down to a minimum 20 hectare lot size as a Controlled Activity.

- Note:
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  2. Check Map Series 1 to see if your site is within an Overlay.
  3. Your development is to meet the Performance Standards of Rules 12.10 and 12.15.





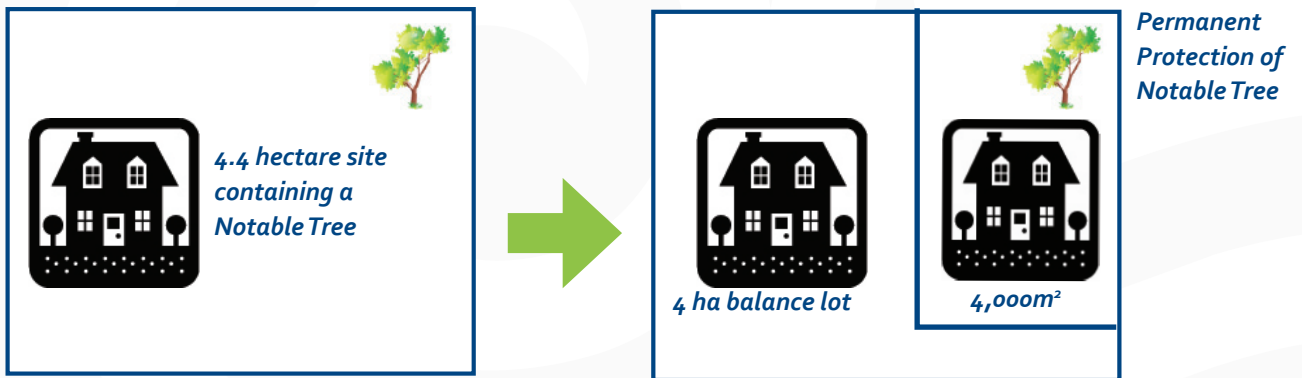
## Preservation of Natural and Cultural Heritage – in all Rural Zones, including Overlays, Rule 12.12.2

Do you have features of Natural or Cultural Heritage Significance on your property that can be permanently protected such as:

- Any historic site or feature listed in Part C: Chapter 17 - Heritage, Schedule 17.1; or
- An 'Area of Significance to Maori' listed in Part C: Chapter 17 - Heritage, Schedule 17.2; or
- A heritage feature registered under the Historic Places Trust or site of significance to Maori identified since the date the District Plan was notified
- A notable tree identified in Schedule 19.1.

A minimum lot size of 4,000m<sup>2</sup> can be created, containing 2,500m<sup>2</sup> clear of the heritage feature being protected, provided that permanent protection of the feature is achieved. This is a Controlled Activity Subdivision.

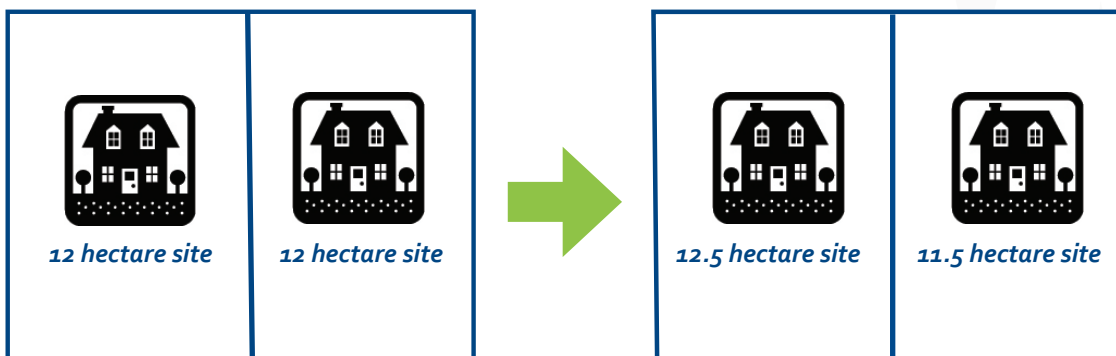
- Note:*
1. The following diagram is a guide only, other scenarios could be achieved under this rule.
  2. Your development is to meet the Performance Standards in Rules 12.10 and 12.15 of the Plan.



## Boundary Adjustment – in all Rural Zones, including Overlays, Rule 12.12.3

Sometimes an owner of a property may want to adjust the boundary of their property, but not create any new lots. If the boundary adjustment results in no more than 15% change in the net size area of each lot or the area of each lot complies with the minimum lot size specified for the relevant zone as a controlled activity. Where an existing lot size is already non-complying then the degree of non-compliance shall not be increased as a result of the boundary adjustment, then you may be able to do a boundary adjustment. This is a Controlled Activity Subdivision.

- Note:*
1. The following diagram is a guide only, other scenarios could be achieved under this rule.
  2. Your development is to meet the Performance Standards in Rules 12.10 and 12.15 of the Plan.





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## Environmental Benefit - in all Rural Zones, including Overlays, Rule 12.13.1

An environmental benefit is-

a) Ecological 'Environmental Benefit' includes the following:

- Permanent, physical and legal protection of indigenous habitats, including stands of indigenous vegetation;
- Wetlands of ecological value, indentified by Department of Conservation's Protected Natural Areas Programme or a suitably qualified ecologist, or where ecological value is unknown it shall be measured against Appendix 25G;
- Newly planted or enhanced areas of indigenous re-vegetation that, in the opinion of a suitably qualified ecologist, strengthen existing ecological corridors, expand other natural areas, or are identified through Council's Reserves and Open Space Strategy;

b) Public Access 'Environmental Benefit' includes the following:

- An area that significantly contributes to public access to the Coastal Marine Area;

c) Landscape 'Environmental Benefit' includes the following:

- Protection of outstanding or amenity landscapes as identified by a suitably qualified landscape architect;

d) Riparian Margins 'Environmental Benefit' includes the following:

- Riparian Margins of waterways (see also definition of Riparian Margin).

Do you have any of the following features on your property that you would like to permanently protect?

- 'Ecological' Environmental Benefit<sup>2</sup> of 0.5 hectares
- 'Landscape' Environmental Benefit<sup>2</sup> (9 hectares or more will be counted as 2 Environmental Benefits)
- 'Public Access' Environmental Benefit<sup>2</sup>
- 'Riparian Margin' Environmental Benefit<sup>2</sup>.

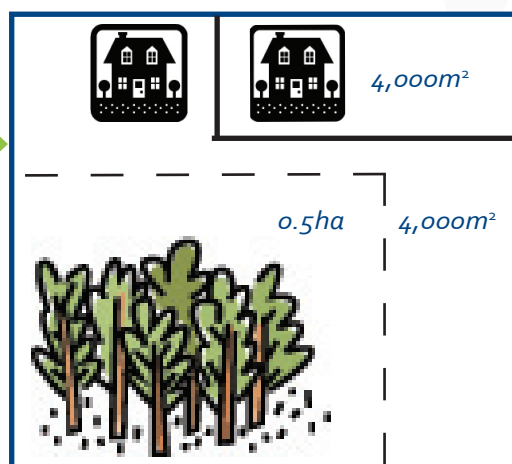
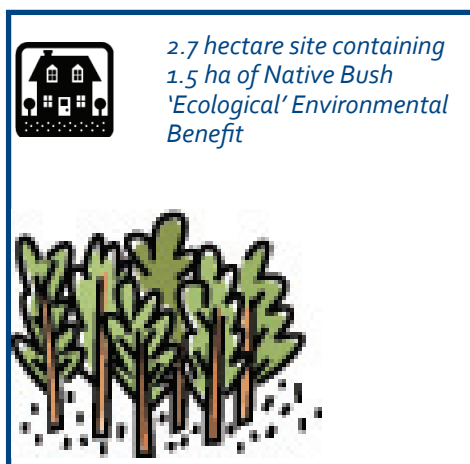
If the answer is 'YES' then you may be able to do the following subdivision as a Restricted Discretionary Activity:

- Up to 3 Environmental Benefit lots can be created, provided that the features are permanently protected
- Each lot requires a minimum lot size of 4,000m<sup>2</sup>, containing 2,500m<sup>2</sup> clear of the 'Environmental Benefit' being protected
- The balance lot must be a minimum net site area of 4,000m<sup>2</sup>.

As an example, the minimum 'Environmental Benefit' is an ecological area of 5,000m<sup>2</sup> plus a lot of at least 4,000m<sup>2</sup> (containing a minimum of 2,500m<sup>2</sup> for a dwelling site and wastewater disposal). Therefore to obtain one 'Ecological' Environmental Benefit a minimum parent site area of 1.3 ha is required.

Note:

1. The following diagram is a guide only, other scenarios could be achieved under this rule
2. Refer to definition of 'Environmental Benefit' in Chapter 24 - Definitions
3. Your development is to meet performance standards listed in Rules 12.10 and 12.15 of the Plan.



Up to 1 additional 4,000m<sup>2</sup> lots created

Permanent protection of native bush 'ecological' environment benefit of 0.5 hectare

Balance site of more than 4,000m<sup>2</sup>



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## Rural Amenity Lot (one additional lot) – Rule 12.13.2

You may be able to create one additional Rural Amenity Lot as a Restricted Discretionary Activity:

- A minimum lot size of 4,000m<sup>2</sup> and a maximum lot size of 8,000m<sup>2</sup>. The balance lot must be a minimum of 4 hectares net site area outside of an overlay area and 20 hectares net size area within an overlay area.

- Note:
1. The following diagram is a guide only, other scenarios could be achieved under this rule
  2. Check Map Series 1 to see if your site is within an Overlay
  3. Refer to definitions of 'Rural Amenity lot' in Chapter 24, or see below
  4. Your development is to meet the Performance Standards listed in Rules 12.10 and 12.15 of the Plan
  5. Maximum two additional lots for no overlay area and maximum one addition lot for overlay area.

### One Rural Amenity Lot - no Overlay



### One Rural Amenity Lot - within Overlay



## What is a Rural Amenity Lot?

A site of net site area of more than 4,000m<sup>2</sup> but less than 8,000m<sup>2</sup> within the Rural Zone for the purposes of countryside living within the rural area whilst maintaining the rural amenity of the zone. Rural amenity lots will be located in such a way as to provide for the continued rural activities and character of the Zone.

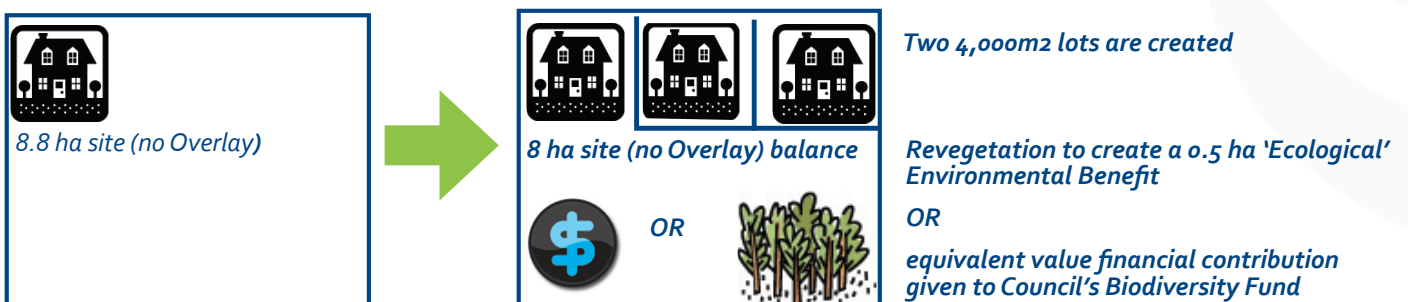
## Rural Amenity Lot (two additional lots) – no Overlay, Rule 12.13.2 (f) and (g)

Two Rural Amenity lots may be able to be created per site as a Restricted Discretionary Activity, where:

- 0.5 ha of 'Ecological' Environmental Benefit is created and permanently protected or a financial contribution of equivalent value into Council's Biodiversity Fund
- Each rural amenity lot must be a minimum lot size of 4,000m<sup>2</sup> and a maximum lot size of 8,000m<sup>2</sup>
- The balance lot must be a minimum of 8 hectares net site area
- No more than 2 Rural Amenity Lots can be created per site.

- Note:
1. The following diagram is a guide only, other scenarios could be achieved under this rule
  2. Check Map Series 1 to see if your site is within an Overlay
  3. Refer to definitions of 'Rural Amenity Lot' in Chapter 24, or see above
  4. Your development is to meet the Performance Standards listed in Rules 12.10 and 12.15 of the Plan.

### Two Rural Amenity Lots





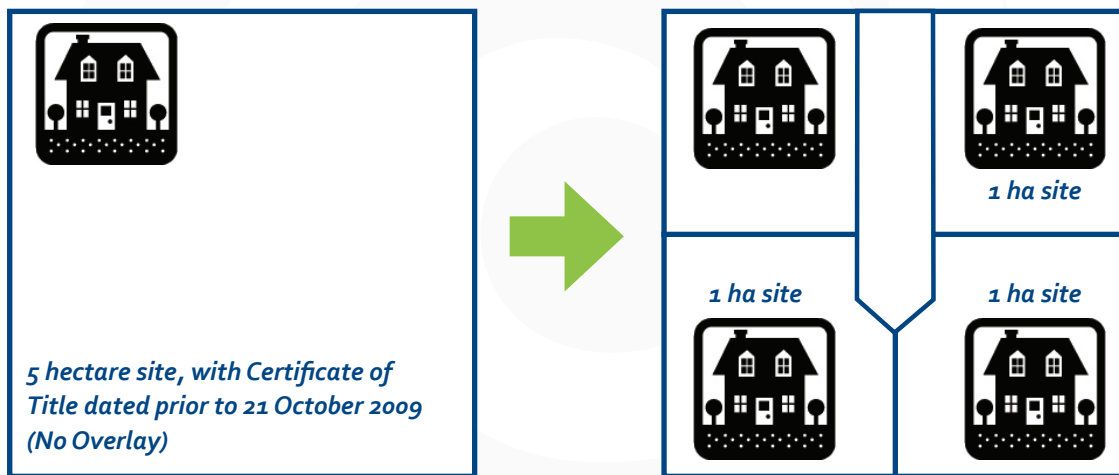
## Small Lot Development (only for 5 hectare lots or less, existing at the date of notification of the Plan). No Overlay, Rule 12.13.3

If you own a site that is 5 hectares or less at the time of notification of the District Plan (21 October 2009), and is not within an Outstanding Natural Landscape, then you may be able to do the following as a Restricted Discretionary Activity:

- Create up to 3 additional lots, each with a minimum lot size of 4,000m<sup>2</sup>
- The average size of all lots must be 1 hectare.

Note: 1. The following diagram is a guide only, other scenarios could be achieved under this rule.

2. Your development is to meet the Performance Standards listed in Rules 12.10 and 12.15 of the Plan.



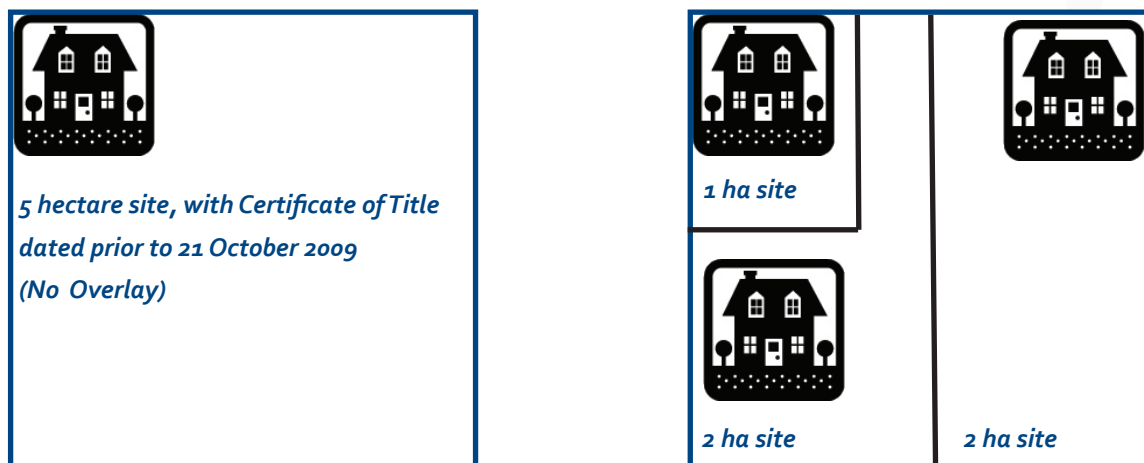
## Small Lot Development (only for 5 hectare lots or less, existing at the date of notification of the Plan). With an Overlay, Rule 12.14.3

If you own a site that is 5 hectares or less at the time of notification of the District Plan (21 October 2009), and is not within an Outstanding Natural Landscape, then you may be able to do the following as a Restricted Discretionary Activity:

- Create up to 2 additional lots, each with a minimum lot size of 4,000m<sup>2</sup>
- The average size of all lots must be 1 hectare.

Note: 1. The following diagram is a guide only, other scenarios could be achieved under this rule.

2. Your development is to meet the Performance Standards listed in Rules 12.10 and 12.15 of the Plan.





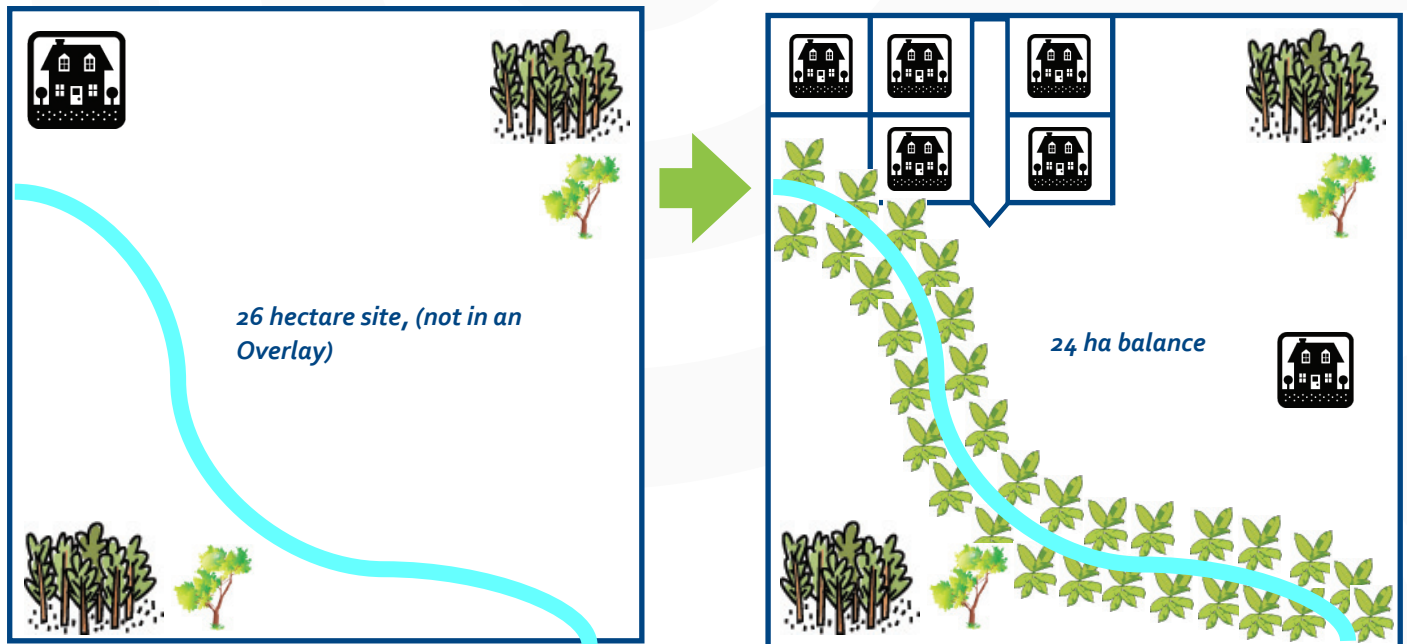
## Integrated Development – Rural – (No Overlay), Rules 12.13.4(1) (for up to 10 lots) and 12.14.2(1) (for more than 10 lots)

Do you have a large property with existing environmental benefits that could be permanently protected, and is not within an Outstanding Natural Landscape or is there the opportunity to create new environmental benefits?

One lot may be able to be created for each 4 hectares of the parent title with a minimum net site area of 4,000m<sup>2</sup>.

Note:

1. The following diagram is a guide only, other scenarios could be achieved under this rule.
2. Your development is to meet the Performance Standards listed in Rules 12.10 and 12.15 of the Plan.
3. Applications for Integrated Development must be accompanied by a Draft Integrated Development Plan required to demonstrate how Environmental Benefits will be provided on the site. This subdivision will only be approved if Environmental Benefits can be demonstrated. This type of subdivision allows for flexibility in the amount of Environmental Benefit and is assessed based on a case by case basis.
4. See Appendix 25b for Integrated Development Guidelines.



5 x 4,000m<sup>2</sup> lots created plus balance lot.

4 ha average.

Environmental benefits can be provided through the retention and permanent protection of existing vegetation or provision of new environmental benefits e.g. through riparian planting of waterways.



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## Integrated Development – Rural – (in the Kaipara Harbour or Mangawhai Harbour Overlays) for up to 10 lots, Rules 12.13.4(3), 12.13.4(4) and for more than 10 lots Rules 12.14.2(3) and (4)

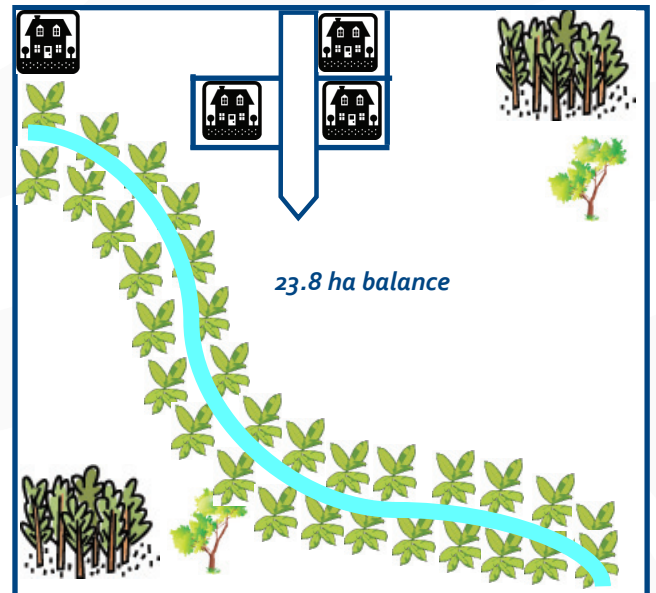
Do you have a large property with existing environmental benefits that could be permanently protected, and is not within an Outstanding Natural Landscape or is there the opportunity to create new environmental benefits?

If your property is within one of the Harbour Overlays<sup>2</sup>, 1 lot may be able to be created for each 6 hectares of the parent title, with a minimum net site area of 4,000m<sup>2</sup>; OR

If your site is within the **Mangawhai Harbour Overlay** and a **Council adopted Structure Plan**, 1 lot may be able to be created for each 2 hectares of the parent title, within a minimum net site area of 4,000m<sup>2</sup>. This is to give effect to the Rural-Residential Policy Area within the Mangawhai Structure Plan. (Rule 12.14.1(3)(b))

Note:

1. The following diagram is a guide only, other scenarios could be achieved under this rule.
2. Check Map Series 1, to see if your site is within the Harbour Overlay.
3. Refer to Appendix 25B for the requirements for a 'Draft Integrated Development Plan'.
4. Refer to Chapter 24 - Definitions for the definition of 'Environmental Benefit'.
5. Your development is to meet the Performance Standards listed in Rules 12.10 and 12.15 of the Plan.
6. Applications for Integrated Development must be accompanied by a Draft Integrated Development Plan required to demonstrate how Environmental Benefits will be provided on the site. This subdivision will only be approved if Environmental Benefits can be demonstrated. This type of subdivision allows for flexibility in the amount of Environmental Benefit and is assessed based on a case by case basis.



3 x 4,000m<sup>2</sup> lots created plus balance lot.

6 hectare average.

Environmental benefits can be provided through the retention and permanent protection of existing vegetation or provision of new environmental benefits e.g. through riparian planting of waterways.





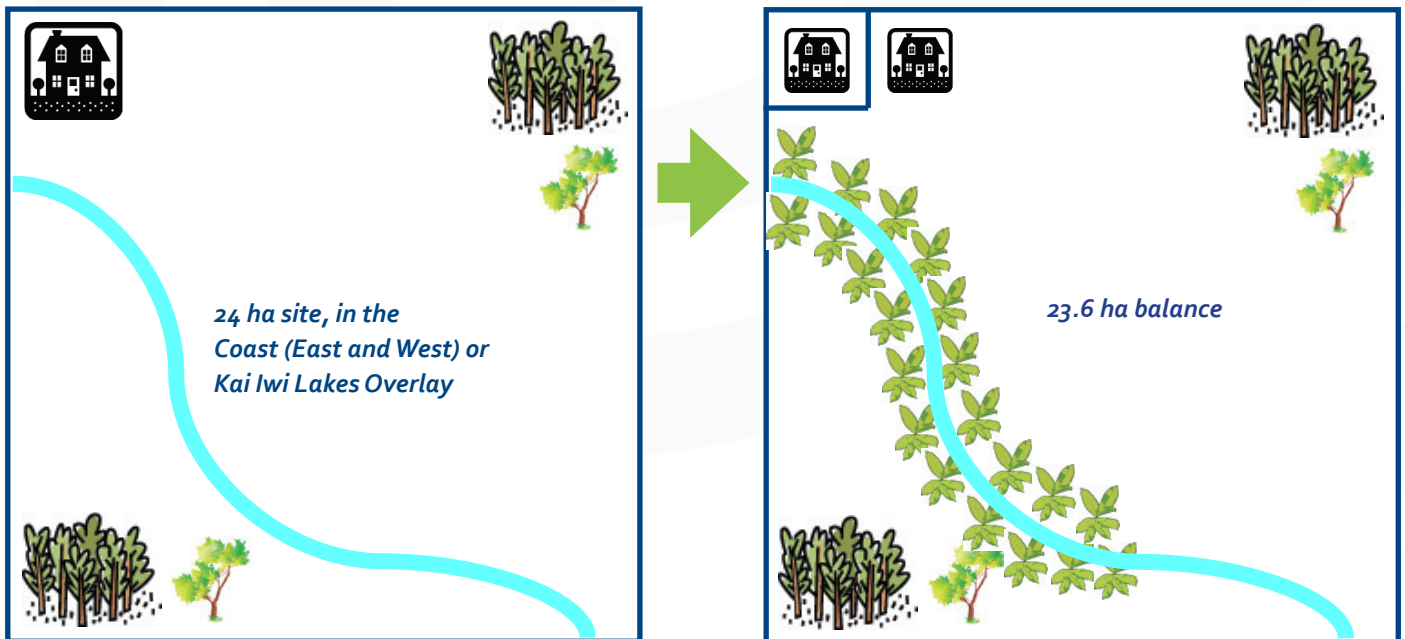
## Integrated Development – Rural – (in the Coast (East and West) and Kai Iwi Lakes Overlays)<sup>2</sup>, Rules 12.13.4(2) and 12.4.2.(2)

Do you have a large property with existing environmental benefits that could be permanently protected, and is not within an Outstanding Natural Landscape, or is there the opportunity to create new environmental benefits?

If your site is within the Coast (East and West) or Kai Iwi Lakes Overlay Areas<sup>2</sup>, 1 additional lot maybe able to be created for each 12 hectares of net site area, the additional lot must have a minimum net site area of 4,000m<sup>2</sup>

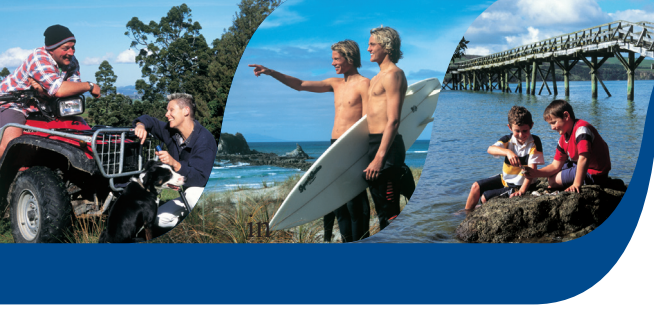
Note:

1. The following diagram is a guide only, other scenarios could be achieved under this rule
2. Check Map Series 1, to see if your site is within the Coast, Valued Natural Environments or Kai Iwi Lakes Overlay areas
3. Refer to Appendix 25B for the requirements for a 'Draft Integrated Development Plan'
4. Refer to Chapter 24 - Definitions for the definition of 'Environmental Benefit'
5. Your development is to meet the Performance Standards listed in Rules 12.10 and 12.15 of the Plan
6. Applications for Integrated Development must be accompanied by a Draft Integrated Development Plan<sup>3</sup> required to demonstrate how Environmental Benefits will be provided on the site. This subdivision will only be approved if Environmental Benefits<sup>4</sup> can be demonstrated. This type of subdivision allows for flexibility in the amount of Environmental Benefit and is assessed based on a case by case basis.



**1 x 4,000m<sup>2</sup> lots created, plus the balance lot.  
12 ha average.**

**Environmental benefits can be provided through the retention and permanent protection of existing vegetation or provision of new environmental benefits e.g. through riparian planting of waterways.**



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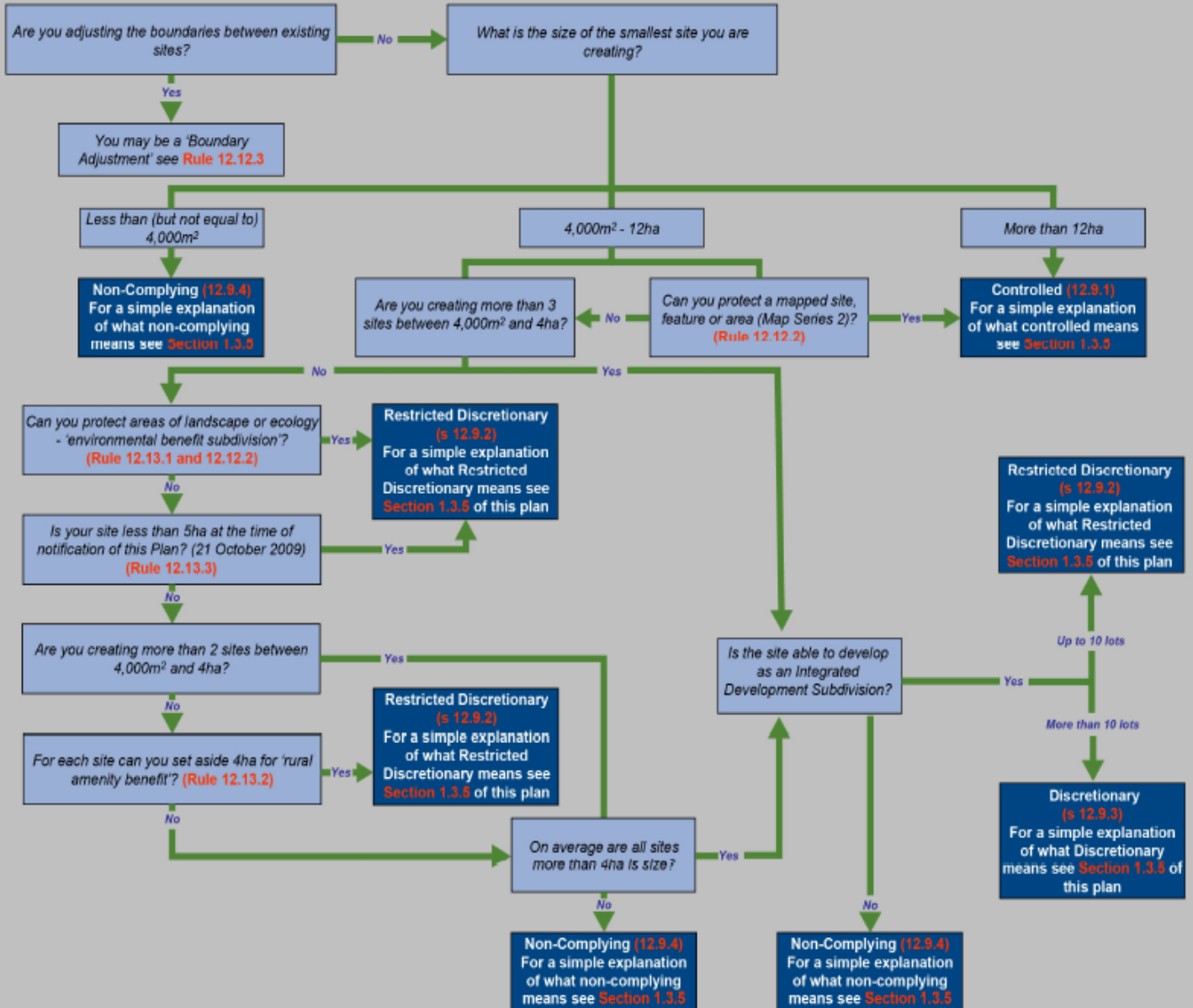
## REFER TO RULE 12.15 - PERFORMANCE STANDARDS FOR ALL RURAL SUBDIVISION TO SEE WHAT YOU ARE REQUIRED TO MEET.

All applications for subdivision resource consent need to meet the performance standards for subdivision under section 12.15 set in the Plan for the following:

- Suitable Building Platform;
- Road, Private Way Formation and Property Access;
- Servicing (Water, Wastewater, Stormwater, Power and Telephone).

Where activities do not meet the performance standards for subdivision in section 12.15 then the specific assessment criteria for the affected performance standard also needs to be considered.

What consent process do I need to consider for my subdivision if I am not in an Overlay (Section 12.12, 12.13 and 12.14)



• There are no prohibited subdivisions. Refer to chapter 24: Definitions for an explanation of prohibited activities.

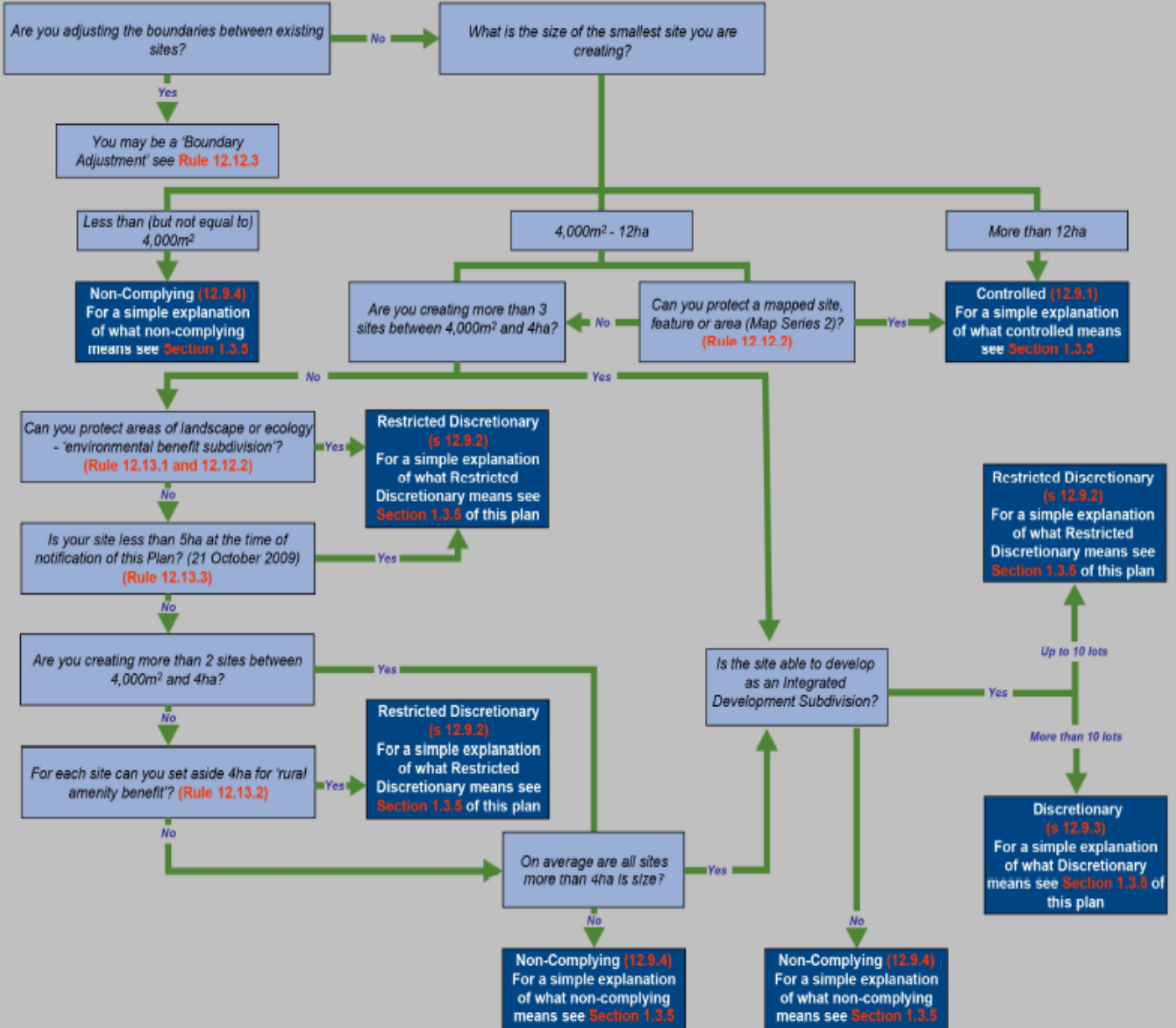
• This Flow Chart has been prepared to assist users of the Plan to determine the consent process they may need to follow for subdivisions (by size and lot size). It is not a rule in the plan and if there is any discrepancy or doubt between this flow chart and the Rules, the Rules in Section 12.10 take precedence. It is also noted that this chart assumes compliance with the subdivision performance standards (Section 12.15)



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