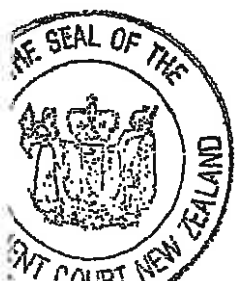
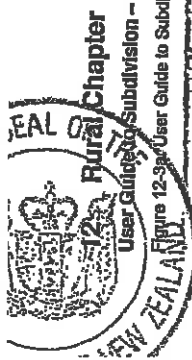


ANNEXURE F
Amendments to Subdivision Provisions

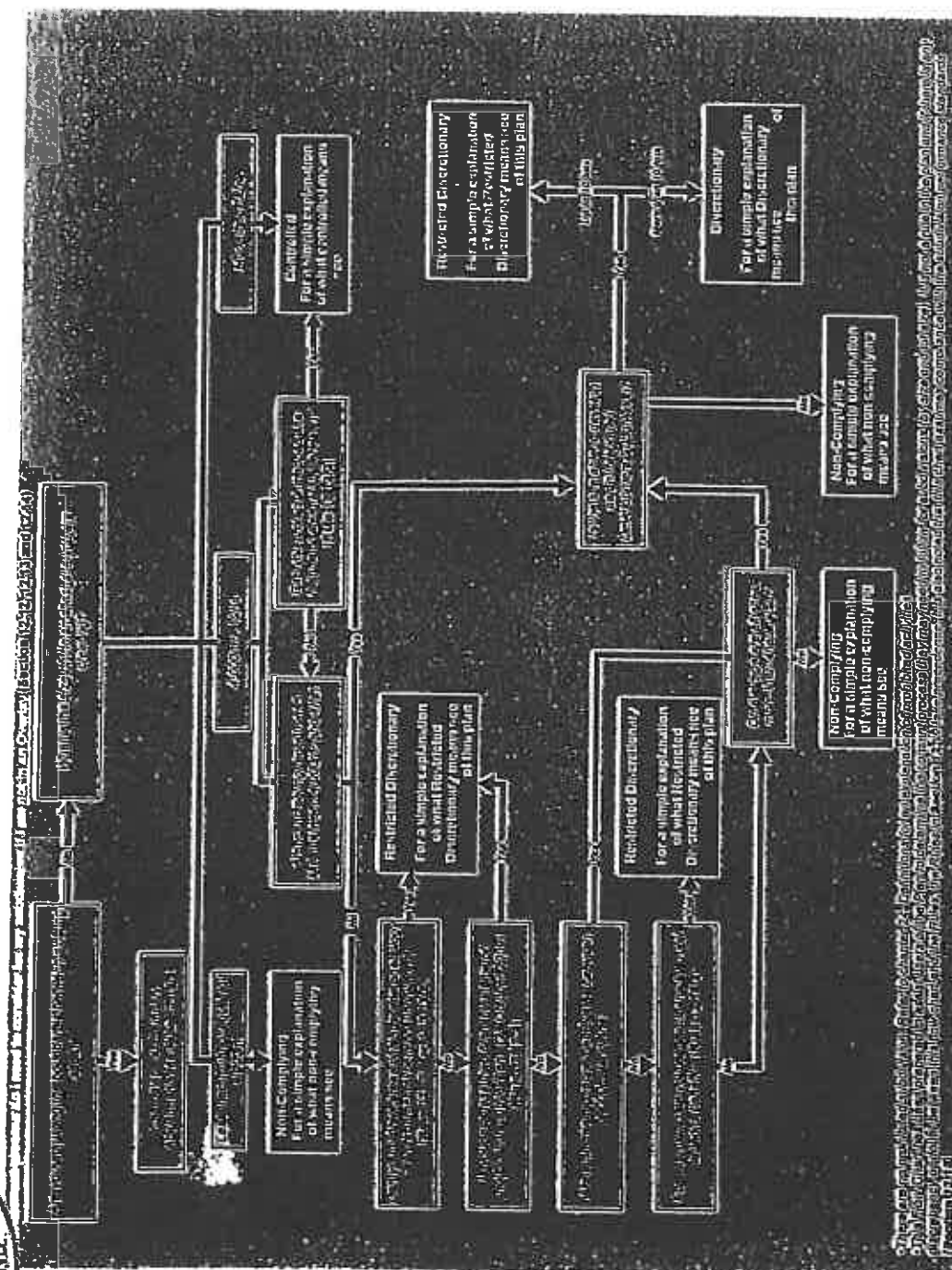




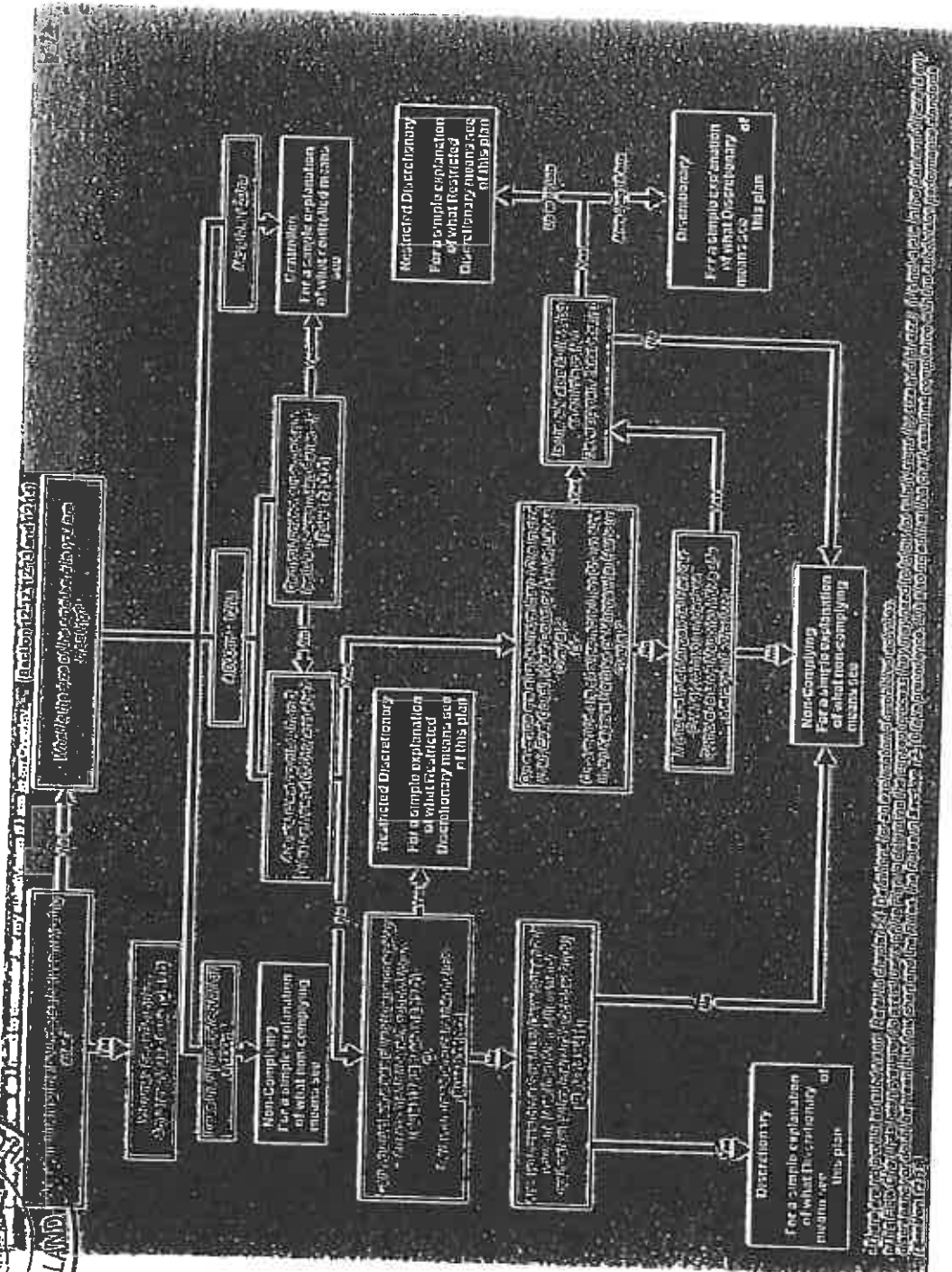
Rural Chapter

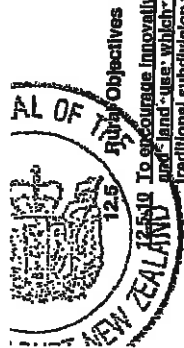
User Guide to Subdivision - What Lot Sizes are you considering?

Figure 12-3: User Guide to Subdivision - not in an Overlay



Use Guide to Subdivision - What Lot Sizes are you considering?
Figure 12-3b: Use Guide to Subdivision - In an Overlay





Issue 12.4.11

12.6 Rural Policies

12.6.3a By allowing greater intensity of subdivision, or development in the Rural Zone, where this is offset by protection, restoration, enhancement or establishment of natural features, vegetation and open space, where they significantly contribute to the natural environment values, natural character of the coastal environment, and a well-served rural character and amenity.

The District has a varied landscape, of which parts of it which are of outstanding quality. Other areas contain significant ecological values and important amenity values. It is important to give permanent protection to features which significantly contribute to natural environment values, natural character of the coastal environment, and a well-served rural character and amenity. The protection of such natural features may allow additional development potential, by way of an 'Environmental Benefit', through a subdivision process.

12.6.3b By allowing Small Lot subdivision within an Overlay only where it is consistent with the Overlay Objectives.

Chapter 4 sets out the objectives for Overlays. The Rule for 'Small Lot Development' subdivision provides assessment matters to ensure that these values are recognised and provided for.

12.6.3c By providing for more intensive and innovative site-specific subdivision and development where this results in better environmental outcomes.

The Plan provides for 'integrated' development subdivision. While development can result in adverse cumulative effects this is not inevitable. Subdivision use and development can provide opportunities for restoration and rehabilitation of features and values and improve public access to and along waterways and the coast. Development can assist to achieve sustainable management outcomes.

- With the input of capital, land management practices can change for positive environmental outcomes.
- Improved public access is more affordable through smaller subdivision lot sizes (e.g. less than that through the provision of esplanade reserves and strips).
- Improved access and management of natural resources can be achieved through 'integrated' and innovative subdivision design, especially on a catchment basis.
- A range of subdivision lot sizes can provide for the identification and protection of site-specific features and valued natural environments, while maintaining a pattern of development that delivers rural residential amenity (rather than an urban form).

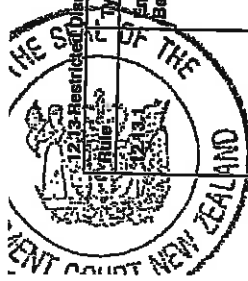
Council considers that this Policy will contribute to achieving the outcomes sought by the Plan (see, e.g., Chapters 2, 4, 5, 6 and 12). However, such development will need careful management and control by Council, because the process is not straightforward and site-specific considerations are needed. During the consent process Council will seek that environmental benefits are delivered and cumulative effects are avoided.

- 1 This amendment is a mediated change to the Plan in response to the Subdivision Topic and is included here for reference only
- 2 This amendment is a mediated change to the Plan in response to the Subdivision Topic and is included here for reference only
- 3 This amendment is a mediated change to the Plan in response to the Subdivision Topic and is included here for reference only
- 4 This amendment is a mediated change to the Plan in response to the Subdivision Topic and is included here for reference only
- 5 This amendment is a mediated change to the Plan in response to the Subdivision Topic and is included here for reference only
- 6 This amendment is a mediated change to the Plan in response to the Subdivision Topic and is included here for reference only

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
	General Rural Subdivision	Subdivision within the Rural Zone is a Controlled Activity if it meets the following terms for subdivision: (1) Rural Zone (excluding Overlay Areas) a) Every proposed allotment has a minimum net site area of 12 hectares (excluding Network Utilities allotments); and b) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter. (2) Overlay Areas (Kai Iwi Lakes, Valued Natural Environments of Mangawhai East Coast, West Coast, and Mangawhai Harbour (Mangawhai and Kaipara) Harbour Overlay) a) Every proposed allotment has a minimum net site area of 20 hectares (excluding Network Utilities allotments); and b) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter. Note 1: If you cannot meet the above general rural subdivision terms you can either seek a non-complying resource consent or you may be able to create smaller, lots than provided for under this rule, if the site to be subdivided meets any of the following: - You can protect a mapped site, feature or area (Map Series 2) - check the Preservation of Natural and Cultural Heritage subdivision rules; - You can protect areas of heritage, landscape or ecology - check the Environmental Benefit and Integrated Development subdivision rules; - You are creating 3 or more additional lots and able to demonstrate that Environmental Benefits can be achieved - check the Integrated Development subdivision rules; - You can create an area of Environmental Benefit on your site - check the Rural Amenity Lot and Integrated Development subdivision rules; - Your site is 5 hectares or less and existed at the time of notification of the Plan - check the Small Lot Development rules. Note 2: While excluded from the minimum allotment size, Network Utility Allotments nevertheless remain a controlled activity and shall be subject to the Matters for Control listed here.	Where an activity is a Controlled Activity under this Rule (meeting the terms of <i>subdivision</i> under this Rule), the following are the matters over which the Council reserves its Control: General Subdivision i) Compliance with the performance standards for all subdivision contained in Section 12.15; ii) That the site is adequately serviced and/or services on-site are managed, in particular the extent to which: - Whether and the extent to which the subdivision complies with the requirements of the relevant performance standards in the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's Engineer; - Whether and the extent to which the subdivision incorporates the principles of Low Impact Stormwater Design; - Whether and the extent to which revegetation using tree-planting is proposed as part of the development; - Whether fertilized services, are able to be placed underground with minimal disturbance to vegetation and landform. However, where the Council or supply authority deem it not practicable, overhead reticulation or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid any potential adverse visual effects; iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity effects including reverse sensitivity conflicts with existing utilities and has regard to the objectives and policies of Chapter 10; iv) That appropriate development within the site is proposed, in particular the extent to which: - The ability of the proposed site to be proposed lots are able to comply with the Land Use Performance Standards in Section 12.10; - The location of building areas or site accesses can avoid dominating the natural landscape or detracting from visual amenity values in the area; - Whether the building area or site access is on a prominent ridge, knoll or skyline where the creation of buildings or driveways would dominate the natural landscape or detract from the visual amenity values in the area; and whether this could be avoided; - Any building areas or earthworks required for building areas or site accesses will avoid or minimise impacts from natural hazards; - Whether and the extent to which the location of proposed allotment boundaries, building areas and driveways or right of ways avoids potential conflicts between incompatible land use activities, including the avoidance of reverse sensitivity effects; - Whether and the extent to which the location of proposed allotment boundaries, building areas and driveways or right of ways avoid Maori heritage sites and features; v) That there is safe and efficient access to and from the site(s), in particular the extent to which: - Whether the site or sites are located so that the number and location of entrance ways along a public road does not result in adverse effects on the safe and efficient operation of the road network; - Whether it is possible to avoid direct vehicle access to a State Highway or a regional arterial road is avoided, by using alternative access to a lower order road where such access exists or can be readily obtained; vi) Whether and the extent to which provision has been made for the exercise of <i>mānawanga marae</i> and <i>hikanga</i> on sites which contain mapped features or areas (see Chapter 17); vii) The extent to which other instruments are required to manage or mitigate the effects of the subdivision, including: - Whether there are sufficient financial contributions provided to mitigate adverse effects generated by the subdivision (refer to: Chapter 22: Financial Contributions); - Whether bonds or covenants, or both, are required to ensure performance or compliance with any conditions imposed; - Requirements for amalgamation of land, holding parcels in the same ownership, and creation or extinguishing of easements; - Provision for Easement Reserves and Strips;

Type of Subdivision	Terms for Subdivision	Matters for Control
OR		xiij) Whether and the extent to which it is necessary to, Timing of consent, including consideration to extend the lapse period of a Resource Consent beyond five years, under Section 125 of the Resource Management Act 1991; and xiv) Whether and the extent to which the subdivision meets the Outcomes of Chapter 3 or a Council adopted Structure Plan or the Outcomes of Chapter 42 or where the subdivision is in an Overlay area, the Outcomes of Chapter 4 Overlay; lv) Whether the subdivision will fill, fill, or exacerbate natural hazards, through earthwork or access provisions, or result in building areas being subject to natural hazards; xv) Administrative charges to be paid to the Council, in respect of processing applications, administration, monitoring and supervision of Resource Consents, and for the carrying out of the Council's functions under Section 35 of the Resource Management Act 1991; xvi) The matters on which conditions can be imposed under Section 220 of the Resource Management Act 1991. These include: easements, reserves and rights-of-way, holding parcels in same ownership, design of structure, protection against natural hazards, filling and compaction of land, and creation or extinguishing of easements; Note 1: Where activities do not comply with the Performance Standards in Section 12.15 the specific assessment criteria for the standard infringed contained within Section 12.15 will need to be considered. This will result in the activity being assessed as a <i>Discretionary Activity</i>; Note 2: Where activities do not comply with the Performance Standards in Section 12.10 the specific assessment criteria and activity status contained within Section 12.10 will need to be considered. Note 3: It is anticipated that Council Engineer's sign-off will be required for all subdivision design to ensure that the engineering design and construction is undertaken in accordance with the Kaipara District Council Engineering Standards 2011. Conditions will be placed on the Consent to this effect. Note 4: Where these matters for control are identified in other Rules, such as 12.13.1, for an activity that is a Restricted Discretionary or Discretionary Activity, these are matters over which the Council will exercise its discretion. Note 5: The above are matters on which conditions may be imposed under Section 220 of the Resource Management Act 1991. Note 6: Administrative charges will be required to be paid to the Council, in respect of processing applications, administration, monitoring and supervision of Resource Consents, and for the carrying out of the Council's functions under Section 35 of the Resource Management Act 1991.
OR	12.12.2 Preservation of Natural and Cultural Heritage <i>Subdivision within the Rural Zone (including Overlays) is a Controlled Activity if it meets the following terms for subdivision:</i> a) Permanent physical and legal protection of the heritage feature is achieved; and b) The lot created for the preservation of heritage shall contain one or more of the following: - Any historic site or feature listed in Chapter 17: Historic Heritage, Schedule 17.1; or - An 'Area of Significance to Maori' listed in Chapter 17: Historic 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 (21 October 2009); - A <i>Notable Tree</i> Identified in Schedule 19.1; c) The boundaries of the lot containing the mapped site or feature must be of a size that can fully contain and protect the feature; and d) On the lot on which the heritage feature is located, the minimum net site area shall be 4,000m² and an area of at least 2,500m² exclusive of the heritage area being permanently protected, shall be made available to accommodate a dwelling and associated wastewater treatment and disposal system (and this area will enable a building compliant with the relevant performance standards of 12.10 of this Chapter); and e) Any balance lot created must be a minimum net site area of 4 hectares; and f) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter.	Where an activity is a <i>Controlled Activity</i> under this Rule, the following are the matters over which the Council reserves its Control: General Subdivision i) The matters for control listed in Rule 12.12.1; and Preservation of Heritage ii) The method for the continued preservation of an historic site, building or object, or archaeological site; iii) The effects of any allotment boundaries and/or identified building areas on the integrity of the heritage feature being protected; iv) Where an application is made under this provision, the following are considered affected parties in terms of Section 85E of the Resource Management Act 1991: - For an historic site, building or object, or archaeological site, the New Zealand Historic Places Trust and the Department of Conservation; - For a site of significance to Maori, the Iwi; v) The application shall be accompanied by all the necessary information, to demonstrate to the Council the authenticity and significance (quality) of the feature for protection; and vi) At the time of creation the Council will also require that the owner enter into a binding covenant to preserve the natural or cultural heritage feature with one of the following: - Heritage Covenant (New Zealand Historic Places Trust); - A Maori Reservation under Sections 338 and 340 of Te Ture Whenua Maori (Maori Land) Act 1993; and - Conservation Covenants (Conservation Act 1987). Note 1: Generally covenants for heritage features would be by way of a heritage covenant with the New Zealand Historic Places Trust or a conservation covenant with the Department of Conservation or the Council.

Type of Subdivision Boundary Adjustment	Terms for Subdivision Subdivision within the Rural Zone (including Overlays) is a Controlled Activity if it meets the following terms for subdivision: a) The size and/or boundaries of two or more adjacent allotments are adjusted; and b) No additional allotments will be created; and c) One of the following are met: i. The net site area of any proposed allotment created by the boundary adjustment is the same as, or does not differ by more than 10% of, the net site area of that allotment as it existed prior to the boundary adjustment; or ii. The area of each individual allotment complies with the minimum lot size specified for the relevant zone of a controlled activity, except where an existing lot size already non-compliant with the desired non-compliance shall not be increased as a result of the boundary adjustment; and d) Any on-site utilities, existing building sites and the access within the properties to those building sites are not adversely affected by the change; and e) It does not create a lot which can accommodate a dwelling in compliance with the District Plan Performance Standards of Section 12.10 of this Chapter.	Matters for Control Where an activity is a Controlled Activity under this Rule, the following are the matters over which the Council reserves its Control: General Subdivision i) The matters for control listed in Rule 12.12.1; and ii) The extent to which a proposed boundary will provide for compliance with the performance standards in Section 12.10 in relation to the existing buildings, structures and services on site.
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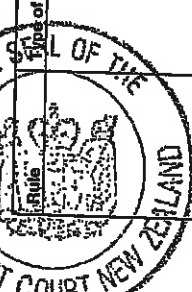
THE ENVIRONMENT COURT OF NEW ZEALAND

Type of Subdivision	Terms for Subdivision	Matters for Consideration ²¹
Environmental Benefit	Subdivision within the Rural Zone (including Overlay) is a Restricted Discretionary Activity if it meets the following terms for subdivision: - Permanent physical and legal protection of an ecological, public access, landscape or riparian margin <i>Environmental Benefit(s)</i> within the site shall be achieved; and - The entire feature shall be protected; and - The Environmental Benefit meets the minimum size requirements relevant to the type of Environmental Benefit proposed listed below: - An 'Ecological' Environmental Benefit shall be a minimum of 0.5ha; or - A 'Landscape' Environmental Benefit shall result in the whole of the portion of the identified landscape located on the parent lot; or - Where the total land of the Landscape to be protected is 9.0 hectares being physically and legally protected; and or more, two Environmental Benefits lots can be obtained; and - No more than three Environmental Benefit Lots can be created per site in perpetuity (these can be created by either one subdivision consent or up to three consecutive consents), and - Each Environmental Benefit Lot shall have a minimum net site area of 4,000m² with an area of at least 2,500m² exclusive of the area being permanently protected, to accommodate a <i>dwelling</i> and associated wastewater treatment and disposal system; and - Any balance lot created shall be a minimum net site area of 4,000m²; and - The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter; and - Only one Consent for a Restricted Discretionary (subdivision) Activity in terms of an Environmental Benefit subdivision can be granted in respect of a site or any specified portion of a site and the provisions contained within this rule can be used only once for each specified portion of the site (noting that as provided for by d) above, the maximum number of Environmental Benefits Lots per 'site' shall remain a maximum of three overall); Note 1: The intention of c(iii) is not to preclude development opportunity of smaller lots, provided an appropriate level of environmental benefit can be realised. Note 2: Where an application is made under this provision, for an area of significant <i>indigenous vegetation</i> or significant habitat of indigenous fauna, the Department of Conservation shall be included as an affected party in terms of Sections 95A to 95E of the Resource Management Act 1981. Note 3: Refer to Chapter 24: Definitions for the definition of 'Environmental Benefit'. Note 4: As an example, the minimum 'Environmental Benefit' is an ecological area of 5,000m² plus lots must be at least 4,000m² (containing a minimum of 2,500m² for a dwelling site and wastewater disposal). Therefore to obtain one 'Ecological' Environmental Benefit with two developable sites (one being the parent lot and one the new lot), a minimum parent site area of 4,000m²-1.3ha is required.²² Note 5: For clarity, this rule intends that only one 'environmental benefit' lot is created per environmental benefit given, with the exception of that provided in Rule c(iii) above.²³	Where an activity is a Restricted Discretionary Activity under this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: General Subdivision - The matters for control listed in Rule 12.12.1; and - In respect of the site(s) design and location, the extent to which: - Whether and the extent to which the subdivision is in accordance with relevant Council adopted Design Guidelines; - Where a site is within the Mangawhai Structure Plan Area, whether and the extent to which the subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy²⁴; - The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 12 and, if the subdivision is in an Overlay area, Chapter 4; - Whether and the extent to which the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services; and - Whether and the extent to which the subdivision is located close to existing residential settlements and avoids the need for provision of new or replacement for increased capacity of Council owned infrastructure and services to meet the needs of the development. Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions. - In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which: - Whether and the extent to which the earthworks required for the provision of servicing, the location of building platforms, parking, manoeuvring and access are minimised; - Whether and the extent to which the density of the subdivision and development avoids adverse effects on rural amenity, landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal environment; and - Revegetation using eco-sourcing of native plants is proposed as part of the development.²⁵ Environmental Benefit Council will have regard to the following additional matters for discretion when assessing an application for Consent under this rule: - The extent to which the environmental benefit proposed is in excess of measures required to avoid, remedy or mitigate the adverse effects of the proposed subdivision; - The size of the feature to be protected;— for example, the size of the feature to be protected relative to the minimum site sizes required by the Rule; and - The quality of the feature proposed to be protected, in particular, and the opportunities for restoration or rehabilitation: - The ecological significance (Appendix 25C); - The location of the feature and its surrounding environment e.g. whether it forms part of an outstanding landscape or adjoins a buffer, an existing protected area and whether any other features on the site make a contribution (either positive or negative) to the significance of the site to be protected; - Identification of any other features on the site and the contribution (positive or negative) these make to the significance of the features proposed to be protected;²⁶ - The significance of the feature to the natural character of the District; - The rarity of the feature; - In the case of subdivision under this rule within the Mangawhai Harbour Overlay, the extent to which any 'ecological benefit' for riparian and waterways areas has been comprehensively identified through an assessment carried out by an appropriately qualified professional (it is noted that Council's Structure Plan has undertaken only limited mapping of these values to date); and - In relation to subdivision within Valued Natural Environments of Mangawhai Overlay areas, the extent to which the riparian and waterways values have been comprehensively identified through an assessment carried out by an appropriate qualified professional and confirmed and protected on the relevant site(s) prior to subdivision being undertaken and the extent to

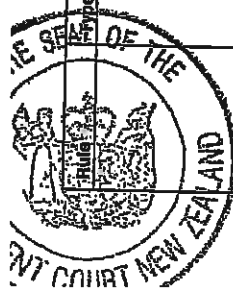
Terms for Subdivision

Type of Subdivision

Matters for Council Discretion²¹

Type of Subdivision	Terms for Subdivision	Matters for Council Discretion ²¹
		which on-going management plans are in place for the foreseeable future. (It is noted that Council has undertaken limited mapping of wet values and that this is expedited as part of the above mentioned assessment); ix) The extent to which the feature proposed for protection has been modified and the impact this has had on its significance (including any positive impacts already resulting from restoration / rehabilitation undertaken) and the opportunities for its restoration or rehabilitation including: - The ability for the area to make a significant contribution to the ecology of an area; - The length of time required before re-vegetated areas make a significant contribution to the ecology of an area and established and contribute an environmental benefit; - The future management of the feature, once protected including any future on-going management and/or restoration plans required to achieve the intent of the Environmental Benefit; and x) The type of permanent protection and management proposed; in particular: - The need for a NoE or bond or covenant proposed and any additional requirements to ensure performance or compliance with any conditions imposed; - The need for restrictions on future land use/development within proximity (within the boundary of the property prior to the subdivision) of the protected feature, in order to maintain its quality and significance; and - The extent to which on-going management plans are in place, including any weed and or pest control / eradication and their duration; xi) The need for any enhancement of the feature, for example by riparian planting, re-vegetation, fencing, weed/pest control or eradication; xii) Whether the site (or sites) is located so that a household unit can be erected on it without significantly detracting from, damaging or destroying any features on the site required to be protected, or from the visual amenity values present in the vicinity of the site; xiii) Effects, including reverse sensitivity effects, due to the location and/or size of the allotments proposed to be created; xiv) If the site is in an Overlay, the extent to which the subdivision meets the Objectives and Policies of Chapter 4 for the relevant Overlay; and Note 1: The application shall be accompanied by all the necessary information, to demonstrate to the Council the authenticity and significance (quality) of the feature for protection. This information may be in the form of a detailed report from a suitably qualified and/or experienced expert and shall assess those matters over which discretion is reserved, or is a feature that has been identified through the Department of Conservation – "Protected Natural Areas Programme". Note 2: At the time of creation the Council may also require that the owner will enter into a binding covenant to preserve the environmental feature with one of the following: • Conservation Covenants (Reserves Act 1977); • Protected Private Land (Reserves Act 1977); • Open Space Covenants (Queen Elizabeth II National Trust 1977); or • Conservation Covenants (Conservation Act 1987).
OR	12.13.2 Rural Amenity Lot for lots existing at date of notification of the Plan	Where an activity is a Restricted Discretionary Activity under this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: General Subdivision i) The matters for consent listed in Rule 12.12.1; ii) In respect of the site(s) design and location, the extent to which: - Whether and the extent to which the subdivision is in accordance with relevant Council adopted Design Guidelines; - Whether and the extent to which the subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance (a. Mangawhai Structure Plan and Reserves and Open Space Strategy); - Whether the arrangement and intensity of sites prevents or inhibits the ability of neighbouring sites to be used for rural productive purposes authorised by the District Plan; - The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 12 and, if the subdivision is in an Overlay area, Chapter 4.
	Provided that the site is not within an Overlay Area, and a Subdivision to create a Rural Amenity Lot is a Restricted Discretionary Activity: a) The parent lot existed at the date of notification of the Plan (21 October 2009); b) No more than two additional Rural Amenity lots are created per parent site in perpetuity (these can be created by either one or two consents); b)(i) The Rural Amenity lot created shall be a minimum net site area of 4,000m² (0.4 ha) and a maximum of 8,000m² (0.8 ha); c) If one Rural Amenity lot is being created, and: • The site is in the Rural Zone (without an Overlay) the balance lot created shall be a minimum net site area of 4 ha; or • If the site is in the Rural Zone with an Overlay the balance lot created shall be a minimum net site area of 20ha; c)(i) If two Rural Amenity lots are being created, and the site is in the Rural Zone (without an	

Rule	Type of Subdivision	Terms for Subdivision	Matters for Council Discretion ²¹
OR			
12.13.3	Small Lot Development (only for 5 hectare lots or less, existing at date of notification of the Plan)	Overlay the balance lot created shall be a minimum net site area of 8 ha; e) Only one Resource Consent for a Restricted Discretionary (subdivision) Activity in terms of a Rural Amenity Lot subdivision shall be granted in respect of a site or any specified portion of a site and the provisions contained within this rule can be used only once for each specified portion of the site (noting that as provided for by a) above, the maximum number of Rural Amenity Lots per 'site' shall remain a maximum of two in the Rural Zone and one in any Overlay overall; f) Where more than one Rural Amenity Lot from a parent site is created either: - An area of at least 0.5ha shall be re-vegetated to create a future 'Ecological environmental benefit' or - An equivalent financial contribution shall be made to the Council Biodiversity Fund; and g) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter. Note 1: Refer to Chapter 24; Definitions for the definition of "Rural Amenity Lot".	ii) In respect of services and/or management of on-site services, whether and the extent to which: a) Whether and the extent to which the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services; b) Whether and the extent to which the subdivision is located close to existing residential settlements and avoids the need for provision of new or replacement for increased capacity of Council owned infrastructure and services to meet the needs of the development. Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions; iv) In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which: a) Whether and the extent to which earthworks, Earthworks required for the provision of servicing, the location of building platforms, parking, manoeuvring and access are minimised; b) Whether and the extent to which the density of the subdivision and development avoids adverse effects on rural amenity (rather than urban character), landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal environment; c) Whether and the extent to which existing vegetation can be retained; d) Revegetation using eco-sourcing of native plants is proposed as part of the development; e) Whether and the extent to which the intensity of the subdivision and the arrangement of the site results in the retention of a rural rather than urban character; f) Whether and to what extent provision has been made for the exercise of matauranga-maori and tikanga;
		Provided that the site is not within an Overlay Area, any subdivision for Small Lot Development is a Restricted Discretionary Activity if: - The parent site must be five hectares or less and held in a separate Certificate of Title as of the date of notification of this District Plan (21 October 2009); - The minimum net site area of 4,000m² can be obtained, provided the minimum average lot size of one hectare can be achieved for the overall subdivision; - The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter; and - No more than three additional new lots are created per site in perpetuity. (these can be created by either one of the consents).	Where an activity is a Restricted Discretionary Activity under this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: General Subdivision i) The matters for consent listed in Rule 12.12.1; ii) In respect of the site(s) design and location, the extent to which: a) Whether and the extent to which the subdivision is in accordance with relevant Council adopted Design Guidelines; b) Whether and the extent to which the subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance i.e. Marginal Structure Plan and Reserves and Open Space Strategy; c) Whether the arrangement and intensity of sites prevents or inhibits the ability of neighbouring sites to be used for rural productive purposes authorised by the District Plan; d) The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 12 and, if the subdivision is in an Overlay area, Chapter 4; iii) In respect of services and/or management of on-site services, the extent to which: a) Whether and the extent to which the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services; b) Whether and the extent to which the subdivision is located close to existing residential settlements and avoids the need for provision of new or replacement for increased capacity of Council owned infrastructure and services to meet the needs of the development. Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions; iv) In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which: a) Whether and the extent to which earthworks, Earthworks required for the provision of servicing, the location of building platforms, parking, manoeuvring and access are minimised, including consideration of opportunities to maximise use of common services and shared driveways or access points for any clusters of housing sites; b) Whether and the extent to which the density of the subdivision and development avoids adverse effects on rural amenity (rather than urban character), landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal environment, including opportunities for the subdivision layout and building platform locations to respond to these effects; c) Whether and the extent to which existing vegetation can be retained; and d) Revegetation using eco-sourcing of native plants is proposed as part of the development.

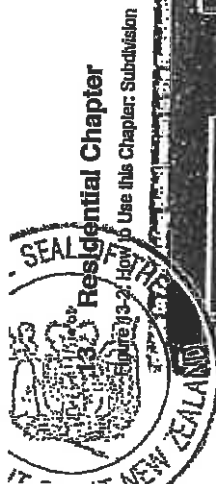


Type of Subdivision	Terms for Subdivision Calculations	Matters for Consideration ²¹ increased domestication
	<u>Note 1:</u> This is to give effect to the Rural Residential Policy Areas and the Conservation Policy Areas within the Manawatu Structure Plan. <u>Note 2:</u> It is recognised that to achieve the protection of the valued natural environments, some sites will not be able to be subdivided to an average lot size of 1 lot per 2ha. <u>Note 3:</u> The intent of this Rule is to focus the use and development on the parts of the site that do not contain valued natural environments, achieving the conservation policy outcomes of the Manawatu Structure Plan.⁴⁴ AND (5)(4) For all integrated development subdivision the following terms of subdivision must be met: a) The application must include the information required by a draft integrated Development Plan as described in Appendix 25B; and b) Only one Consent for a Residential Development (subdivision) Activity in terms of an integrated Development Plan can be granted in respect of a site or any specified portion of a site and the averaging provisions contained within this rule can be used only once for each specified portion of the site; and⁴⁵ c) Where an integrated development subdivision or development is granted in respect of a specified portion of a site, a separate title shall be obtained or amalgamated with another adjoining lot not within the integrated development application for the portion of the site not subject to the integrated development. The portion of a site that is not subject to the integrated development shall be no less than four hectares; and d) The development bonuses available under Rule 12.12 and 12.13 will not be available as part of the process of obtaining such a Consent. The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter; and e) The proposed subdivision results in the creation of 3 or more additional lots and environmental benefits can be provided and are shown in the Draft Integrated Development Management Plan; and f) Environmental benefits can be provided and are shown in the Draft Integrated Development Management Plan; and g) That a 'no subdivision covenant' is registered on the lots of an integrated development subdivision; and is to be voided such that any owners of the lots will not make a future application to the District Council for subdivision to create additional residential lots. <u>Note 1:</u> Any 'further' subdivision of any lot contained within an approved integrated Development Plan shall be a non-complying activity. <u>Note 2:</u> Note 1 Applications for integrated development subdivision will be considered against the assessment criteria of this rule and the ability of the proposal to meet the requirements of the integrated Development Guidelines in Appendix 25B. This type of subdivision allows for flexibility in the amount of environmental benefits and is assessed based on a case by case basis. If any environmental benefit cannot be demonstrated then resource consent under this rule may not be granted. <u>Note 3:</u> The purpose of 12.13(5) is to ensure that no further subdivision occurs on the lots created by an integrated development subdivision. Any future application to cancel this notice, particularly in the event that the zone of the land changes to enable more intense subdivision than the Rules allowed when the original consent was granted (e.g. Residential), will take into account the purpose for which the consent notice was first applied and whether such restrictions are still necessary given the planning (subdivision) regime now in place.⁴⁶	v) In respect of the environmental benefits proposed, the extent to which the development: - Addresses those matters for discretion identified for Environmental Benefit Subdivision (Rule 12.13.1), for ecological and landscape benefits; ix) Whether and the extent to which the development will result in opportunities for the long-term protection and enhancement of indigenous bio-diversity or indigenous ecosystems; - ix) Whether and the extent to which the development incorporates measures to provide new and enhance existing opportunities for open space and public access to the Coastal Marine Area, lakes, rivers and the existing reserve network; - ix) Whether and the extent to which the development maintains and/or enhances historic or cultural patterns or heritage features identified in Appendix 17.1 and 17.2; - ix) Whether and the extent to which the integrated development sustains the life supporting capacity of the soil and vegetation to provide for the on-going productive use of the land; - ix) Whether and the extent to which the proposed subdivision provides for the creation of green networks - pedestrian and as appropriate, cycle routes; ix) Whether and the extent to which the subdivision meets the Outcomes of Chapter 3 or a Council adopted Structure Plan;⁴⁸ ix) If the site is in an Overlay, whether and the extent to which the subdivision meets the Objectives and Outcomes of Chapter 4 for the relevant Overlay; ix) Whether and the extent to which the integrated development is consistent with any Council adopted Design Guidelines; and ix) Whether and to what extent provisions have been made for the exercise of <i>manaungatanga</i> and <i>whangai</i>.⁴⁹

Type of Subdivision	Terms for Subdivision	Matters for Discretion ⁵¹
Small Lot Development (only for 5 hectares lots or less, existing at date of notification of the Plan)	If the site is within an Overlay Area, any subdivision for Small Lot Development is a Discretionary Activity: a) The parent site must be five hectares or less and held in a separate Certificate of Title as of the date of notification of this District Plan (24 October 2009); b) The minimum net site area of 4,000m² can be obtained provided the minimum average lot size of one hectare can be achieved for the overall subdivision; c) The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter; and d) No more than 2 additional lots are created per site in perpetuity.⁵⁴	Where an activity is a Discretionary Activity under this Rule, Council will consider the consent at its discretion including (but not limited to) consideration of the following matters when considering and determining an application for Resource Consent: General Subdivision i) The matters listed in Rule 12.12.1; ii) In respect of the site(s) design and location, extent to which: - The subdivision is in accordance with relevant Council adopted Design Guidelines; - The subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance (e.g. Mangawhai Structure Plan and Reserves and Open Space Strategy); - Whether the arrangement and intensity of sites prevents or inhibits the ability of neighbouring sites to be used for rural productive purposes authorised by the District Plan; - The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 12 and, if the subdivision is in an Overlay area, Chapter 4; iii) In respect of services and/or management of on-site services, the extent to which: - The subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services; - The subdivision is located close to existing residential settlements and avoids the need for provision of new or requirement for increased capacity of Council owned infrastructure and services to meet the needs of the development. Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions. iv) In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which: - Earthworks required for the provision of servicing, the location of building platforms, decking, manoeuvring and access are minimised, including consideration of opportunities to maximise use of common services and shared driveways or access points for any clusters of housing sites; - The density of the subdivision and development avoids adverse effects on rural amenity, (rather than urban character/amenity), landscape, open space, ecological value, ecological values, carbon management, and the natural character of the rural and coastal environment, including opportunities for the subdivision layout and building platform locations to respond to these effects; - Existing vegetation can be retained; - Revegetation using eco-sourcing of native plants is proposed as part of the development.
Integrated Development (for more than 10 lots)	If more than 10 lots are being created, Integrated Development subdivision is a Discretionary Activity where it complies with the following: (1) Rural (excluding overlay areas): a) The number of total lots obtainable shall be one lot per four hectares of the parent site in the Rural Zone, with a minimum net site area of 4,000m² per lot. OR (2) Coastal (East and West) and Kai Iwi Lakes Overlay Areas a) The number of total lots obtainable shall be one lot per 12 hectares of the parent site in the Rural Zone, with a minimum net site area of 4,000m² per lot. OR (3) Kaipara Harbour Overlay a) The number of total lots obtainable shall be one lot per six hectares of the parent site in the Rural Zone, with a minimum net site area of 4,000m² per lot. OR (4) Mangawhai Harbour Overlay a) The number of total lots obtainable shall be one lot per six hectares of the parent site in the Rural Zone, with a minimum net site area of 4,000m² per lot or	Where an activity is a Restricted Discretionary Activity under this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: General Subdivision i) The matters for control listed in Rule 12.12.1; ii) In respect of the site(s) design and location, the extent to which: - The subdivision is in accordance with relevant Council adopted Design Guidelines; - The subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance (e.g. Mangawhai Structure Plan and Reserves and Open Space Strategy); - The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 12 and, if the subdivision is in an Overlay area, Chapter 4; Integrated Development: Council will have regard to the following additional matters for discretion when assessing an application for Consent under this rule: iii) In respect of the subdivision design and location, the extent to which: - There is a range of lot sizes and their configuration maintains the natural character of the coastal environment and the rural amenity values and responds appropriately to the mapped natural environments, natural hazards, and site specific features; - The proposed development (including any associated earthworks or vegetation clearance) addresses adverse effects on, and will be visible from public roads, from neighbouring properties, from public land, and from the coastal setting.

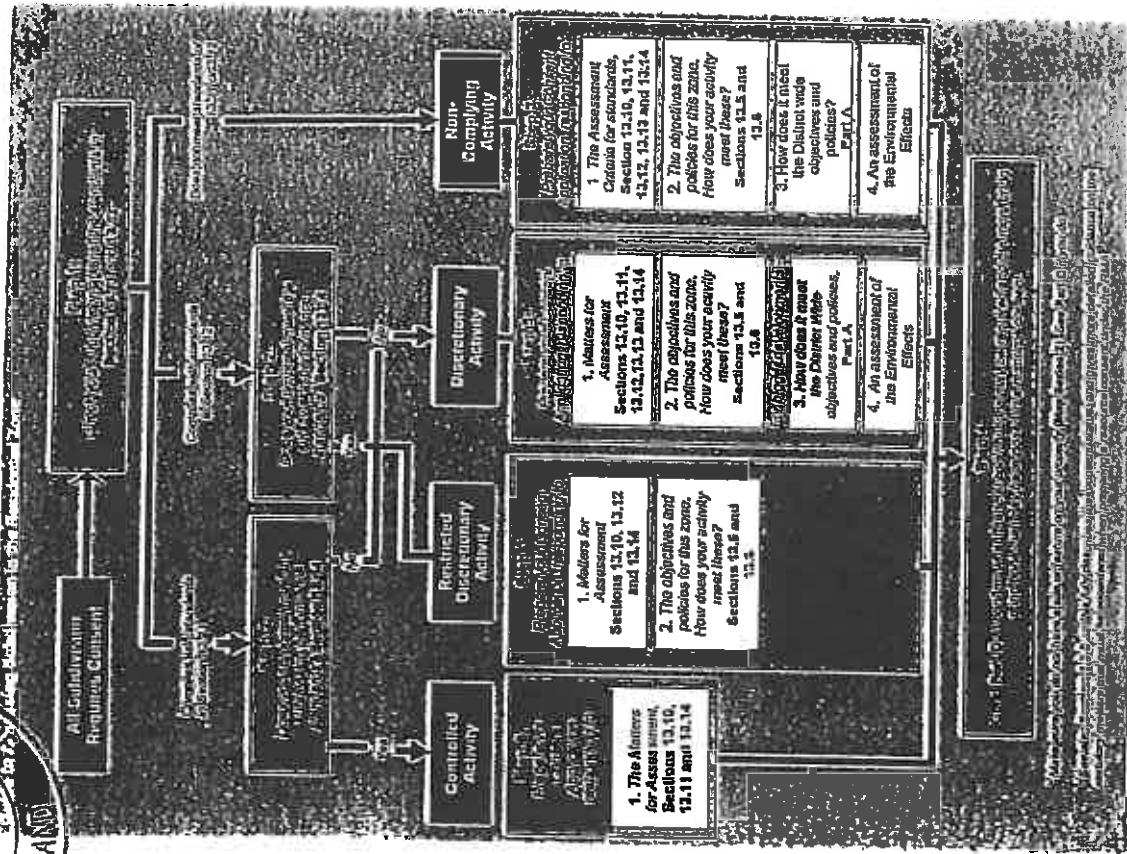
Type of Subdivision	Terms for Subdivision	Matters for Discretion ⁶
b) The total number of lots obtainable shall be one lot per two hectares of the parent title, with a minimum net site area of 4,000m² per lot, where there has been a comprehensive mapping and identification by a suitably qualified ecologist of the valued natural environments on the whole of the site, including: - Coastal dune systems and coastal edge; - Estuarine wetland and saltmarsh systems; - Terrestrial wetland systems and associated riparian corridors; - Significant areas of contiguous bush remnants and regenerating bush shrubland areas; - Significant wildlife habitats and corridors; and - The Eynderwou Range. Note 1: this is to give effect to the Rural-Residential Policy Areas and the Conservation Policy Areas within the Manawhau Structure Plan. Note 2: It is recognised that to achieve the protection of the valued natural environments some sites will not be able to be subdivided to an average lot size of 1/2 of a lot 2ha. Note 3: The intent of this Rule is to focus the use and development on the parts of the site that do not contain valued natural environments, achieving the conservation policy outcomes of the Manawhau Structure Plan. AND (c) For all Integrated Development subdivisions the following terms of subdivision must be met:	a) The application must include the information required by Appendix 25B, and: b) Only one Consent in terms of an Integrated Development may be granted in respect of a site for any specified portion of a site and the relevant provisions contained within this rule shall be based on the portion of the site specified in the application. c) Where an Integrated Development subdivision for development is granted in respect of a specified portion of a site, a separate title shall be obtained for an unallocated portion of the site that is not subject to the Integrated Development application for the portion of the site not subject to the Integrated Development, and the portion of a site that is not subject to the Integrated Development shall be no less than four hectares, and: d) The development/bonus shall be available under Rule 12.12 and 12.13 will not be available as part of the process of obtaining a Consent. The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter and; e) Environmental benefits can be provided and are shown in the "Trail" Integrated Development Management Plan and; f) That no subdivision consent is registered on the title or an Integrated Development subdivision, and it is to be noted that any owners of the title will not make a future application to the District Council for subdivision to create additional residential lots. Note 1: Any further subdivision of any lot contained within an approved Integrated Development Plan shall be a non-complying activity. Note 2: This type of subdivision allows for flexibility and is assessed based on a case by case basis. If environmental benefit cannot be demonstrated then resource consent under this rule may not be granted. Note 3: The purpose of 12.14(5)(b) is to ensure that no further subdivision occurs on the lots created by an Integrated Development subdivision. Any future application to cancel this notice, particularly in the event that the zone of the land changes to enable more intense subdivision than the Rules allowed when the original consent was granted (e.g. Residential), will take into account the purpose for which the consent notice was first applied and whether such restrictions are still necessary given the plan (or subdivision) regime now in place.	area: - The proposed development is designed and/or intended to be carried out in an integrated manner taking into account the topography of the site, the size and configuration of the property being developed, the extent and nature of existing or proposed development on adjoining or adjacent properties, and the opportunities for shared access and/or shared amenities; - The proposed development utilises existing topography or vegetation to integrate the development into the landscape and reduce its visibility, including opportunities to cluster development within areas where there is an opportunity to avoid or reduce impacts on natural character, indigenous vegetation, landform, and coherent natural patterns; - Revegetation using eco-sourcing of native plants is proposed as part of the development; - The change in land use promotes sustainable management of natural and physical resources; - In respect of potential effects of development of sites within the subdivision, the extent to which: - The proposed development maintains the naturalness and rural quality of the landscape with appropriate landscaping, earthworks and planting; - Building setbacks and/or earthworks and/or landscaping that can create buffers to avoid or mitigate the potential effects of development on natural hazards and on adjoining properties, public roads or public places; - In respect of the environmental benefits proposed, the extent to which the development: - Addresses those matters for discretion identified for Environmental Benefit Subdivision (Rule 12.13.1), for ecological and landscape benefits; - Incorporates measures to provide new and enhance existing opportunities for open space and public access to the Coastal Marine Area: lakes, rivers and the existing reserve network; - Maintains and/or enhances historic or cultural patterns or heritage features identified in Appendix 17.1 and 17.2; - Sustains the life supporting capacity of the soil and vegetation to provide for the on-going productive use of the land; - Provides for the creation of green networks – pedestrian and as appropriate cycle routes.⁶

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Residential Chapter

Figure 13-2: How to Use this Chapter, Subdivision



KAIPARA DISTRICT PLAN.



Where an activity is a Controlled Activity under this Rule (meaning the terms of subdivision under this Rule), the following are the matters over which the Council reserves its Control:

Rule	Type of Subdivision	Terms for Subdivision	Matters of Control
	General Residential Subdivision	Subdivision within the Residential zone is a Controlled Activity if it meets the following terms for subdivision: (1) Residential Zone a) Every proposed allotment has a minimum net site area of 600m², where a connection to reticulated wastewater infrastructure is available (excluding Network Utility Allotments); or b) Every proposed allotment has a minimum net site area of 3,000m², where no connection to reticulated wastewater infrastructure is available (excluding Network Utility Allotments); and c) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and 13.1443 of this Chapter. (2) All Overlays a) Every proposed allotment has a minimum net site area of 1,000m², where a connection to reticulated wastewater infrastructure is available (excluding Network Utility Allotments); or b) Every proposed allotment has a minimum net site area of 3,000m², where no connection to reticulated wastewater infrastructure is available (excluding Network Utility Allotments); and c) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and 13.1443 of this Chapter. Note 1: If you cannot meet the above general residential subdivision terms you can either seek a non-combining resource consent or you may be able to create smaller lots than provided for under this rule, if the site to be subdivided and meets any of the following: - You can project a mapped site, feature or area (Map Series 2) – check the Preservation of Natural and Cultural Heritage subdivision rules; - You are creating 3 or more additional lots and able to demonstrate that Environmental Benefits can be achieved – check the Integrated Development subdivision rules. Note 2: While excluded from the minimum allotment size, Network Utility Allotments nevertheless remain a controlled activity and shall be subject to the Matters for Control listed here.	Where an activity is a Controlled Activity under this Rule (meaning the terms of subdivision under this Rule), the following are the matters over which the Council reserves its Control: General Subdivision i) Compliance with the Performance Standards for all subdivision contained in Section 13.1443; ii) That the rules adequately serviced and/or services on-site are managed in particular the extent to which: - Whether and the extent to which the subdivision complies with the requirements of the relevant performance standards in the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's Engineer; - Whether and the extent to which the subdivision incorporates the principles of Low Impact Stormwater Design; - Whether effectuated services, are able to be placed underground with minimal disturbance to vegetation and landform. However, where the Council or supply authority deem it not practicable, overhead reticulation. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary, to avoid, any potential adverse visual effects. iii) That the location and design of allotment boundaries and building areas avoids, remedies or mitigates potential reverse sensitivity effects including reverse sensitivity conflict with existing utilities and the objectives and policies of Chapter 10; iv) That future development on the sites is appropriate, in particular the extent to which: - Whether the proposed development is proposed to include the location of building areas or site accesses are able to comply with the Land Use Performance Standards in Section 13.10; - The location of building areas or site accesses can avoid domination the natural landscape or degradation from visual amenity values in the area; - Any building areas or earthworks required for building areas or site accesses will avoid or minimise impacts from natural hazards; - Whether and the extent to which the location of proposed allotment boundaries, building areas and driveways or right-of-ways avoid potential conflicts between incompatible land use activities for example, building areas close to high noise activities or further use vehicle accesses close to child care / education activities, including the avoidance of reverse sensitivity effects; - Whether and the extent to which the location of proposed allotment boundaries, building areas avoid and driveways or right-of-ways avoids Maori heritage sites and features. v) That there is safe and efficient access to and from the sites, in particular the extent to which: - Whether the sites are located so that the number and location of entrance ways along a public road does not result in adverse effects on the safe and efficient operation of the road network; - Whether it is possible to avoid direct vehicle access to a State Highway or a regional arterial road is avoided, by using alternative access to a lower order road where such access exists or can be readily obtained; vi) Whether and the extent to which provision has been made for the exercise of maintenance and storage on sites which contain specific features or areas (see Chapter 12); vii) The extent to which other instruments are required to manage or mitigate the effects of the subdivision, including: - Whether there are sufficient financial contributions, provided to mitigate adverse effects generated by the subdivision (refer to Chapter 22: Financial Contributions); - Whether bonds, covenants, or both, are required to ensure performance or compliance with any conditions imposed; - Requirements for annexation of land, holding parcels in same ownership, and creation or extinguishment of easements; - Provision for Easement Reserves and Strips; - Whether and the extent to which it is necessary to Timline of consent, including consideration to extend the duration of a Resource Consent beyond five years, under Section 125 of the Resource Management Act 1981. viii) Administrative charges to be paid to the Council, in respect of processing applications, administration, monitoring and supervision of Resource Consents, and for the carrying out of the Council's functions under Section 36 of the Resource

iv) extent to which revegetation using eco-sourcing of native plants is proposed as part of the development;

v) Whether the building area or site access is on a prominent ridge, knoll or skyline where the erection of buildings or driveways would dominate the natural landscape or detract from the visual amenity values in the area, and whether this could be avoided;

vi) Whether the subdivision through earthworks or access provision will initiate or exacerbate natural hazards, through earthworks or access provisions, or result in building areas being subject to natural hazards;

vii) Whether and the extent to which the subdivision meets the Outcomes of Chapter 3 or a Council adopted Structure Plan or the Outcomes of Chapter 13 or where the subdivision is in an Overlay Area, the Outcomes of Chapter 4; Overlay;

viii) The matters on which conditions can be imposed under Section 220 of the Resource Management Act 1991. These include separated reserves and strips, amalgamation of land, holding parcels in separate ownership, design of structures, protection against natural hazards, filling and compaction of land, and creation or extinguishing of easements.

Note 1: Where activities do not comply with the Performance Standards in Section 13.14 the specific assessment criteria for the standard infringed contained within Section 13.14 will need to be considered. This will result in the activity being assessed as a *Discretionary Activity*.

Note 2: Where activities do not comply with the Performance Standards in Section 13.10 the specific assessment criteria and activity status contained within Section 13.10 will need to be considered.

Note 3: It is anticipated that Council Engineer's sign-off will be required for all subdivision design to ensure that the engineering design and easements undertaken in accordance with the Kaipara District Council Engineering Standards 2011. Conditions will be placed on the Consent to this effect.

Note 4: Where these matters for control are identified in other Rules, such as 13.14.1, for an activity that is a *Restricted Discretionary* or *Discretionary Activity* these are matters over which the Council will apply its discretion.

Note 5: The above are matters on which conditions may be imposed under Section 220 of the Resource Management Act 1991.

Note 6: Administrative charges will be required to be paid to the Council in respect of processing applications, administration, monitoring and supervision of Resource Consents, and for the carrying out of the Council's functions under Section 35 of the Resource Management Act 1991.

Where an activity is a Controlled Activity under this Rule, the following are the matters over which the Council reserves its Control:

General Subdivision

i) The matters for control listed in 13.11.1; and

ii) The extent to which a proposed boundary will provide for compliance with the performance Standards in Section 13.10 in relation to the existing buildings, structures and services on site; and

iii) Whether and to what extent provision has been made for the exercise of matauranga maori and tikanga.

Where an activity is a Controlled Activity under this Rule, the following are the matters over which the Council reserves its Control:

General Subdivision

i) The matters for control listed in Rule 13.11.1; and

ii) Preservation of Natural and Cultural Heritage

iii) The method for the continued preservation of a historic site, building or object, or archaeological site; and

iv) The effects of any allotment boundaries and/or identified building areas on the integrity of the heritage feature being protected; and

v) Where an application is made under this provision, the following are considered affected parties in terms of Section 98E of the Resource Management Act 1991:

Subdivision within the Residential zone is a *Controlled Activity* if it meets the following terms for subdivision:

a) The boundaries of two or more adjacent allotments are adjusted; and

b) No additional allotments will be created; and

c) The net site area of any proposed allotment created by the boundary adjustment is the same as, or does not differ by more than 10% of, the net site area of that allotment as it existed prior to the boundary adjustment; and

d) The minimum net site area of any proposed allotment created by the boundary adjustment is 800m² in the Residential Zone and 1,000m² in all Overlays; or 3,000m² where no connection to reticulated wastewater infrastructure is available; and

e) The proposed boundary adjustment complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter. Any existing buildings or activities on the created lots comply with the Performance Standards of Section 13.10 of this Chapter.

(1) Residential Zone

Subdivision within the Residential zone, where it is not in an overlay area, is a *Controlled Activity* if it meets the following terms for subdivision:

a) Permanent physical and legal protection of the feature is achieved; and

b) The lot created for the preservation of heritage shall contain one or more of the following:

- Any historic site or feature listed in Chapter 17: *Historic Heritage*, Schedule 17.1; or
- An 'Area of Significance to Maori' listed in Chapter 17: *Historic Heritage*, Schedule 17.2; or
- A heritage feature registered under the Historic Places Trust or site of significance to

OR

13.11.2

Boundary Adjustment

OR

13.11.3

Preservation of Natural and Cultural Heritage

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Kaipara District Plan

Type of Subdivision	Terms for Subdivision	Matters of Control
	Maori identified since the date the District Plan was notified (21 October 2009); or A Notable Tree Identified in Schedule 19.1; c) The boundaries of the lot containing the mapped site or feature must be of a size that can fully contain and protect the feature; and d) Where a connection to reticulated wastewater infrastructure is available, every proposed allotment has a minimum net site area of 375m² with the exception of the lot containing the mapped site or feature; and e) Where no connection to reticulated wastewater infrastructure is available, every proposed allotment has a minimum net site area of 3,000m² with the exception of the lot containing the mapped site or feature; and f) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and 13.1443 of this Chapter. (2) Overlay Areas Subdivision within the Residential zone, within an Overlay Area, is a Controlled Activity if it meets the following terms for subdivision: a) Permanent physical and legal protection of the feature is achieved; and b) The lot created for the preservation of heritage shall contain one or more of the following:- - Any historic site or feature listed in Chapter 17: Historic Heritage, Schedule 17.1; or - An 'Area of Significance to Maori' listed in Chapter 17: Historic 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 (21 October 2009); or - A Notable Tree Identified in Schedule 19.1. c) The boundaries of the lot containing the mapped site or feature must be of a size that can fully contain and protect the feature; and d) Where a connection to reticulated wastewater infrastructure is available, every proposed allotment has a minimum net site area of 750m² with the exception of the lot containing the mapped site or feature; and e) Where no connection to reticulated wastewater infrastructure is available, every proposed allotment has a net site area of 3,000m² with the exception of the lot containing the mapped site or feature; and f) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and 13.1443 of this Chapter.	- For a historic site, building or object, or archaeological site, the New Zealand Historic Places Trust and the Department of Conservation; and - For a site of significance to Maori, the Iwi; and v) The application shall be accompanied by all the necessary information, to demonstrate to the Council the authenticity and significance (quality) of the feature for protection; and vi) At the time of creation the Council will also require that the owner enter into a binding covenant to preserve the natural or cultural heritage feature through one of the following: - Heritage Covenant (New Zealand Historic Places Trust); or - A Maori Reservation under Sections 338 and 340 of Te Ture Whenua Maori (Maori Land) Act 1983; or - Conservation Covenants (Conservation Act 1987); and vi) Whether and to what extent provision has been made for the exercise of matauranga-maori and tikanga.⁸ Note 1: Generally covenants for heritage features would be by way of a Heritage Covenant with the New Zealand Historic Places Trust or a conservation covenant with the Department of Conservation or the Council.

13.12 Restricted Discretionary Residential Subdivision

Rule	Parameter	Terms for Subdivision	Assessment Criteria: Matters for Discretion?
13.12.1	Integrated Development (for up to 10 lots)	Provided that 10 or fewer lots are being created, an Integrated Development subdivision is a Restricted Discretionary Activity where it complies with the following: (1) Residential Zone Integrated Development subdivision is a Restricted Discretionary Activity where it complies with the following: a) Where a connection to reticulated wastewater infrastructure is available, the number of total lots obtainable shall be an average of at least 1 lot per 500m² of the parent title in the Residential Zone, with a minimum net site area of 375m² per lot or b) Where a connection to reticulated wastewater infrastructure is not available, the number of total lots obtainable shall be an average of at least 1 lot per 3,000m² of the parent title in the Residential Zone, with a minimum net site area of 2,000m² per lot or c) Where a connection to reticulated wastewater infrastructure is not available, but a private wastewater system is proposed to be established to serve all lots within the subdivision, the number of total lots obtainable shall be an average of at least 1 lot per 500m² of the	Where an activity is a Restricted Discretionary Activity under this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: General Subdivision i) The matters for control listed in Rule 13.11.1; ii) Whether and the extent to which the subdivision is to be assessed with adopted Design Guidelines; and in respect of the site(s) design and location, the extent to which: - The subdivision is in accordance with relevant Council adopted Design Guidelines; - Whether and the extent to which the subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance (e.g. Mangawhai Structure Plan and Reserves and Open Space Strategy);¹⁷ - The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 13 and, if the subdivision is in an Overlay area Chapter 4. Integrated Development

[illegible]

Type of Subdivision	Terms for Subdivision	Matters for Discretion
Integrated Development (for more than 10 lots)	If more than 10 lots are being created, integrated development subdivision is a Discretionary Activity where it complies with the following: (1) Residential (excluding overlay areas). a) Where a connection to reticulated wastewater infrastructure is available, the number of lots obtainable shall be an average of at least 1 lot per 500m² of the parent title in the Residential Zone, with a minimum net site area of 375m² per lot; or b) Where a connection to reticulated wastewater infrastructure is not available, the number of lots obtainable shall be an average of at least 1 lot per 3,000m² of the parent title in the Residential Zone, with a minimum net site area of 2,000m² per lot; or c) Where a connection to reticulated wastewater infrastructure is not available, but a private wastewater system is proposed to be established to serve all lots within the subdivision, the number of lots obtainable shall be an average of at least 1 lot per 3,000m² of the parent title (excluding area required for wastewater or access lot) in the Residential Zone, with a minimum net site area of 375m² per lot. OR (2) All Overlays a) Where a connection to reticulated wastewater infrastructure is available, the number of lots obtainable shall be an average of at least one lot per 900m² of the parent title in an Overlay Area, with a minimum net site area of 750m² per lot. b) Where a connection to reticulated wastewater infrastructure is not available, the number of lots obtainable shall be an average of at least one lot per 3,000m² of the parent title in an Overlay Area, with a minimum net site area of 2,000m² per lot. c) Where a connection to reticulated wastewater infrastructure is not available, but a private wastewater system is proposed to be established to serve all lots within the subdivision, the number of lots obtainable shall be an average of at least one lot per 3,000m² of the parent title (excluding area required for wastewater or access lot) in the Residential Zone, with a minimum net site area of 750m² per lot. AND (3) For all integrated development subdivision the following terms of subdivision must be met: a) The application must include the information required by Appendix 25B; and: b) Only one consent in terms of an integrated development may be granted in respect of a site, or any specified portion of a site, to any specified portion of a site, and the averaging provisions contained within this rule can be used only once for each specified portion of the site; and c) The development bonuses available under Rule 13.14 will not be available as part of the process of obtaining such a consent; and d) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter; and e) Environmental benefits can be provided and are shown in the Draft Integrated Development Management Plan; and f) That a 'no subdivision covenant' is registered on the lots of an integrated development subdivision, and is to be worded such that any owners of the lots will not make a future application to the District Council for subdivision to create additional residential lots. Note 1: Any further subdivision of any lot contained within an approved integrated development plan shall be a non-complying activity. Note 2: This type of subdivision allows for flexibility and is assessed based on a case by case basis. If environmental benefit cannot be demonstrated, then resource consent under this rule may not be granted. Note 3: The purpose of 13.12(3)(f) is to ensure that no further subdivision occurs on the lots created by an integrated development subdivision. Any future application to cancel this	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent: General Subdivision - The matters for control listed in Rule 13.11.1; - In respect of the site's design and location, the extent to which: - The subdivision is in accordance with relevant Council-adopted Design Guidelines; - The subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance (e.g. Manawhenua Structure Plan and Reserves and Open Space Strategy);²⁷ - The subdivision meets the Objectives of the Plan, particularly those of Chapter 13 and, if the subdivision is in an Overlay area, Chapter 4; Integrated Development Council will have regard to the following additional matters for discretion when assessing an application for Consent under this rule: - In respect of the subdivision design and location, the extent to which: - There is a range of lot sizes and their configuration maintains the natural character of the coastal environment and the residential amenity values and responds appropriately to the mapped natural environments, natural hazards and site specific features; - The subdivision integrates with surrounding neighbourhoods through the road and open space networks and encourages pedestrian and cycle activity around convenient access and routes; - The layout contributes to the local identity of the Kaipara District, responding to site characteristics, the surrounding environment, notable features and views; - The subdivision reinforces existing local focal points (such as a local store, community facility or similar), ensuring that residents are within walking distance of a range of amenities where available or proposed; - The subdivision provides a variety of lot sizes and other compatible uses to encourage a diverse community (compatible uses could include child care, education activities, aged-care facilities and/or local store retail); - The proposed street network provides accessibility and choice in the local movement network, reducing travel distances; - Residents have convenient access to public paths, open space and community facilities; - Revegetation using eco-sourcing of native plants is proposed as part of the development; - The change in land use promotes sustainable management of natural and physical resources;²⁸ (4) In respect of the Environmental Benefits proposed, the extent to which the development: - Provides open spaces as part of the subdivision that provide for a variety of recreational uses; - Incorporates low impact environmental design through the development; - Protects and enhances ecological and heritage features to add to the value and uniqueness of the subdivision; - Provides for the creation of a connected reading network incorporating green networks that incorporate pedestrian and cycle routes;²⁹

Rule of Subdivision	Terms for Subdivision	Matters for Discretion
	notice, particularly in the event that the zone of the land changes to enable more intense subdivision than the Rules allow when the original consent was granted, will take into account the purpose for which the consent was granted, and whether such restrictions are still necessary given the planning (subdivision) regime now in place.	

13.14-13.19 Performance Standards for All Residential Subdivision

Where activities do not comply with the Performance Standards in Section 13.14-13.19 the specific assessment criteria for the Standard Infringed, contained within Section 13.143 will need to be considered, in addition to the relevant Assessment Criteria under Rule 13.10, 13.11 or 13.12.

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File	Type of Subdivision	Terms for Subdivision	Matters for Control
14.11	General Business Subdivision Served	Subdivision within the Business Zone is a Controlled Activity if it meets the following terms for subdivision: (1) Commercial Zone, where a connection to reticulated wastewater infrastructure is available (not in an Overlay) a) Every proposed allotment has a minimum net site area of 250m² (excluding Network Utilities allotments); and b) The proposed subdivision complies with the relevant Performance Standards in Section 14.10 and 14.13 of this Chapter. (2) Industrial Zone, where a connection to reticulated wastewater infrastructure is available (not in an Overlay) a) Every proposed allotment has a minimum net site area of 500m² (excluding Network Utilities allotments); and b) The proposed subdivision complies with the relevant Performance Standards in Section 14.10 and 14.13 of this Chapter. (3) Industrial and Commercial Zones in an Overlay, where a connection to reticulated wastewater infrastructure is available a) Every proposed allotment has a minimum net site area of 1,000m²; and b) The proposed subdivision complies with the relevant Performance Standards in Section 14.10 and 14.13 of this Chapter. Note 1: While excluded from the minimum allotment size, Network Utility Allotments nevertheless remain a controlled activity and shall be subject to the Matters for Control listed here.	Where an activity is a Controlled Activity under this Rule (meaning the terms of <i>subdivision</i> under this Rule), the following are the matters over which the Council reserves its Control: General Subdivision i) Compliance with the Performance Standards for all subdivision contained in Section 14.13; ii) That the site(s) is adequately serviced and/or services on-site are managed. In particular the extent to which: -- i) Whether and the extent to which the subdivision complies with the requirements of the relevant Performance Standards in the <i>Kalpara-District Council Engineering Standards 2011</i> or has been confirmed as appropriate by Council's engineer; -- ii) Whether all reticulated services, including telephone are able to be placed underground with minimal disturbance to vegetation and landform. Where possible, this will include electricity. However where the Council or supply authority deem it not practicable overhead reticulation or for overhead reticulation the extent to which it is placed as unobtrusively as possible, and additional measures are taken as necessary to avoid any potential adverse visual effects; iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity effects including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10; iv) That appropriate development within the site(s) is proposed. In particular the extent to which: -- i) The ability of the proposed lots to be able to comply with the Land Use Performance Standards in Section 14.10; -- ii) Any building areas or earthworks required for building areas or site accesses will avoid or minimise impacts from natural hazards; -- iii) Whether and the extent to which the location of proposed allotment boundaries, building areas and driveways or right of ways avoids potential conflicts between incompatible land use activities, including the avoidance of reverse sensitivity effects; -- iv) Whether and the extent to which the location of proposed allotment boundaries, building areas and driveways or right of ways avoids Moori heritage sites and features; -- v) The extent to which vegetated areas and riparian margins are protected from buildings and storage areas in the Valued Natural Environments of Mangawhai Harbour Overlay; and vi) Whether and the extent to which the subdivision meets the Outcomes of Chapter 3 or a Council-adopted Structure Plan; v) That there is safe and efficient access to and from the site(s). In particular the extent to which: -- i) Whether the site or sites are located so that the number of entrance ways along a public road does not result in adverse effects on the safe and efficient operation of the road network; -- ii) Whether it is possible to avoid direct vehicle access to a State Highway or a regional arterial road is avoided by using alternative access to a lower order road where such access exists or can be readily obtained; vi) Whether and the extent to which the subdivision meets the Outcomes of Chapter 3 or a Council-adopted Structure Plan; and the extent to which other instruments are required to manage or mitigate the effects of the subdivision. Including: -- i) Whether there are sufficient financial contributions provided to mitigate adverse effects generated by the subdivision (refer to Chapter 22: Financial Contributions); -- ii) Whether bonds or covenants, or both, are required to ensure performance or compliance with any conditions imposed; -- iii) Requirements for amalgamation of land, holding parcels in the same ownership, and creation or extinguishing of easements; -- iv) Provision for Esplanade Reserves and Sites; -- v) Whether and the extent to which it is necessary, Timing of consent, including consideration to extend the duration of a Resource Consent beyond five years, under Section 125 of the Resource Management Act 1991; vi) Whether and the extent to which the subdivision meets the outcomes of Chapter 3 or a Council-adopted Plan or the outcomes of Chapter 14 or where the subdivision is in an Overlay Area, the outcomes of Chapter 4; Overlay; v) Whether the subdivision will initiate or exacerbate natural hazards, through earthwork or access provision or result in

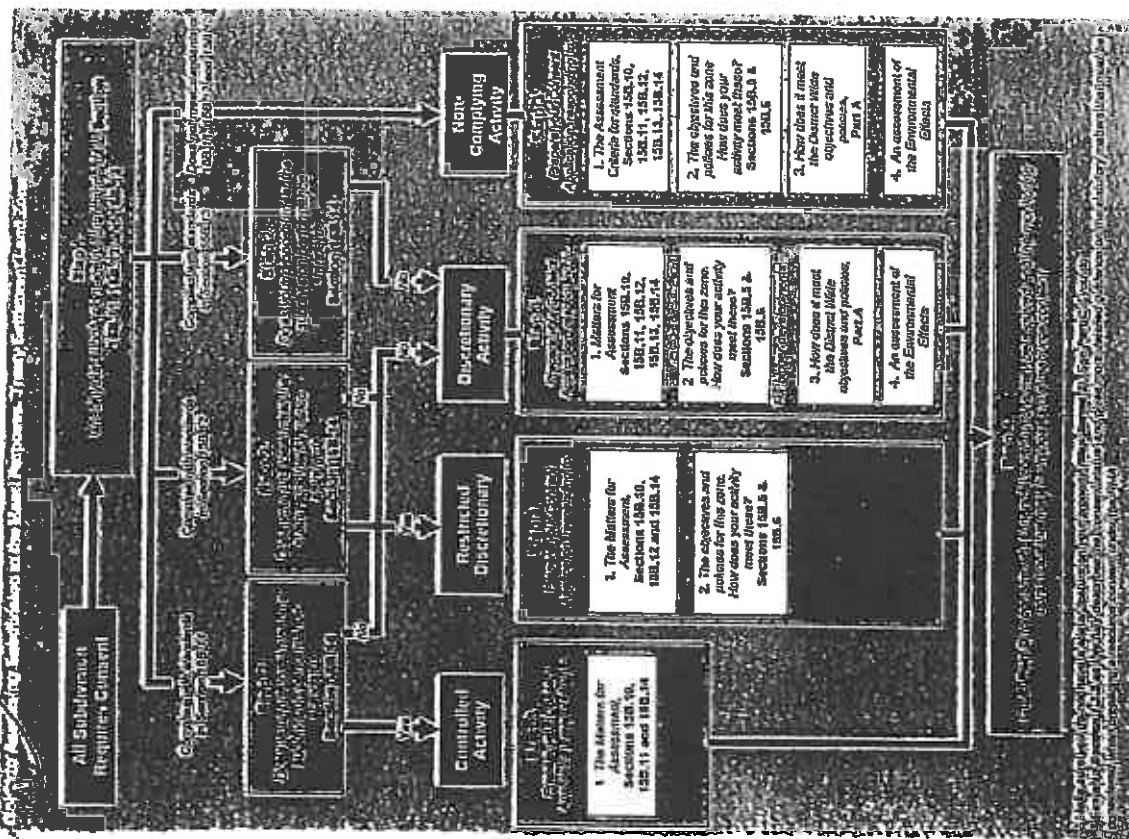
Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
14.11.2	Boundary Adjustment	Subdivision is a Controlled Activity if it meets the following terms for subdivision: a) The minimum net site area of any proposed allotments created by the boundary adjustment is 250m² in the Commercial Zone or 500m² in the Industrial Zone, where sites can be connected to reticulated wastewater infrastructure; or b) The minimum net site area of any proposed allotments created by the boundary adjustment is 2,000m² where sites are not connected to reticulated wastewater infrastructure; and c) No additional allotments will be created; and d) The boundaries of two or more adjacent allotments are adjusted; and e) The net site area of any proposed allotment created by the boundary adjustment is the same as, or does not differ by more than 10% of, the net site area of that allotment as it existed prior to the boundary adjustment; and f) The proposed boundary adjustment can comply with the relevant Performance Standards in Section 14.10 and 14.13 of this Chapter. Any existing buildings or activities on the created lots comply with the Performance Standards of Section 14.10 of this Chapter.	Building areas being subject to natural hazards; will Administrative charges to be paid to the Council in respect of processing applications, administration, processing and supervision of Resource Consents, and for the carrying out of the Council's functions under Section 35 of the Resource Management Act 1991; xy) The matters on which conditions can be imposed under Section 220 of the Resource Management Act 1991. These include: openable reserves and strips; amalgamation of land; holding parcels in same ownership; design of structures; protection against natural hazards; filling and compaction of land; and creation or extinguishing of easements; Note 1: Where activities do not comply with the Performance Standards in Section 14.13, the specific assessment criteria for the Standard Bifurged contained within Section 14.13 need to be considered. This will result in the activity being assessed as a Discretionary Activity. Note 2: Where activities do not comply with the Performance Standards in Section 14.10 the specific assessment criteria and activity status contained within Section 14.10 will need to be considered. Note 3: It is anticipated that Council Engineer's sign-off will be required for all subdivision design to ensure that the engineering design and construction is undertaken in accordance with the Kaipara District Council Engineering Standards 2011. Conditions will be placed on the Consent to this effect. Note 4: Where these matters for control are identified in other Rules, such as 14.13.1, for an activity that is a Restricted Discretionary or Discretionary Activity, these are matters over which the Council will exercise its discretion. Note 5: The above are matters on which conditions may be imposed under Section 220 of the Resource Management Act 1991. Note 6: Administrative charges will be required to be paid to the Council in respect of processing applications, administration, monitoring and supervision of Resource Consents, and for the carrying out of the Council's functions under Section 35 of the Resource Management Act 1991. Where an activity is a Controlled Activity under this Rule (meeting the terms of <i>subdivision</i> under this Rule), the following are the matters over which the Council reserves its Control: General Subdivision i) The matters for control listed in Rule 14.11.1; and ii) The extent to which a proposed boundary will provide for compliance with the Performance Standards in Section 14.10 in relation to the existing buildings, structures and services on site.

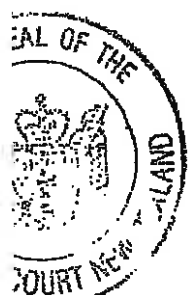
14.12 Subdivision Unserviced	Terms for Subdivision Subdivision within the Business Zones is a <i>Restricted Discretionary Activity</i> if it meets the following terms for subdivision: Commercial and Industrial Zone (excluding Overlay) a) While there is no minimum <i>site</i> area for sites with no connection to <i>reticulated</i> wastewater <i>infrastructure</i>, Performance Standard 14.13.6 will apply; and b) The proposed subdivision can comply with the relevant Performance Standards in Section 14.10 and 14.13 of this Chapter.	Matters for Discretion Where an activity is a Restricted Discretionary Activity under this Rule, <i>Council</i> has restricted its discretion over the following matters when considering and determining an application for Resource Consent: General Subdivision i) The matters for control listed in Rule 14.11.1; ii) In respect of the site(s) design and location, the extent to which: - ii) Whether and the extent to which the subdivision is in accordance with adopted Design Guidelines; - iii) Whether and the extent to which the subdivision is in accordance with any relevant adopted <i>Structure Plans</i> or Policy Guidance i.e. Mangawhai Structure Plan and Rescoves and Open Space Strategy; - iv) Whether and the extent to which the proposal contributes to the Outcomes for Growth Areas Identified in Chapter 3 The subdivision meets the Objectives of the Plan, particularly those of Chapter 3 and Chapter 14, and
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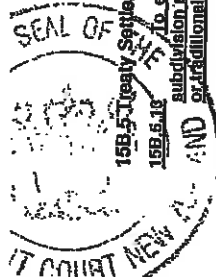
15B Maori Purposes: Treaty Settlement Land

Figure 15B.2: How to Use this Chapter: Subdivisions





KAPARA DISTRICT PLAN



15B.5 Treaty Settlement Objectives

15B.5.10 To encourage innovative development and integrated management of effects between subdivision and land use which results in better environmental outcomes than more conventional or traditional subdivision use and development.

Issue 12.4.11

15B.6 Treaty Settlement Rural Policies

15B.6.11a By providing for greater intensity of development and subdivision where, such development is undertaken in an integrated manner, or where such development is offset by protection, restoration, enhancement or establishment of natural features, vegetation and open space, where they significantly contribute to the natural environment values, natural character of the coastal environment, and as well as rural character and amenity.

Objectives
15B.5.5, 15B.5.6,
15B.5.8 and
15B.5.12 and
15B.5.15

The District has a varied landscape, of which parts of it which are of outstanding quality. Other areas contain significant ecological values and important amenity value. It is important to give permanent protection to features which significantly contribute to the natural environment values, natural character of the coastal environment, and as well as rural character and amenity. The protection of such features may allow additional development potential by way of an 'environmental offset' through a subdivision process.³

15B.6.3b By allowing Small Lot subdivision within an Overlay only where it is consistent with the Overlay Objectives.

Chapter 4 sets out the objectives for Overlays. The Rule for Small Lot Development subdivision provides assessment matters to ensure that these values are recognised and provided for.

15B.6.3c By providing for more intensive and innovative site-specific subdivision and development where this results in better environmental outcomes.

The Plan provides for integrated development subdivision. While development can result in adverse cumulative effects this is not inevitable. Subdivision use and development can provide opportunities for restoration and rehabilitation of features and values and improve public access for and along waterways and the coast. Development can assist to achieve sustainable management because:

- With the input of capital land management practices can change for positive environmental outcomes;
- Improved public access is more affordable through smaller subdivision lot sizes (e.g. less than 4ha) through the provision of easement reserves and strips;
- Improved access and management of natural resources can be gained through integrated and innovative subdivision design, especially on a catchment basis;
- A range of subdivision lot sizes can provide for the identification and protection of site specific features and valued natural environments, while maintaining a pattern of development that delivers rural-residential amenity (rather than an urban form).

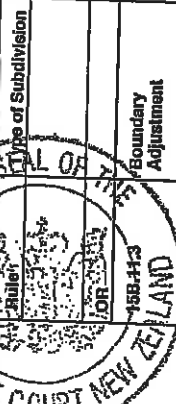
Council considers that this Policy will contribute to achieving the outcomes sought by the Plan (e.g. Chapters 2, 4, 5, 6 and 15B). However, such development still needs careful management and control by Council, because the process is not 'risk-free' and site-specific considerations are needed. During the consent process Council will seek that environmental benefits are delivered and cumulative effects are avoided.

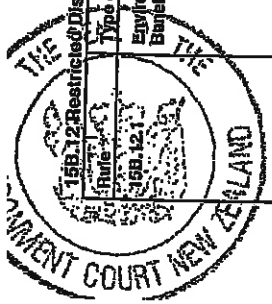
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15B.11: Controlled Treaty Settlement Land Subdivision

Not all subdivisions will require consent as either Controlled, Resisted Discretionary, Discretionary or Non-Complying Activity (see Figure 15B.2)

Rule 15B.11.1	Type of Subdivision	Terms for Subdivisions	Matters for Control
15B.11.1	General Treaty Settlement Subdivision	Subdivision within the Maori Purposes: Treaty Settlement Zone is a Controlled Activity if it meets the following terms for subdivision: (1) Maori Purposes: Treaty Settlement Zone (excluding Overlay Areas) a) Every proposed allotment has a minimum net site area of 12 hectares (excluding Network Utility Allotments); and b) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and 15B.14 of this Chapter. (2) Overlay Areas (Kai Iwi Lakes, Keiwhi-Natural-Environments-of-Mangawhai, East Coast, and West Coast, and Mangawhai Harbour (Mangawhai and Kaipara) Harbour Overlay) a) Every proposed allotment has a minimum net site area of 20 hectares (excluding Network Utility Allotments); and b) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and 15B.14 of this Chapter. (3) Maori Purposes: Treaty Settlement Zoned land where it adjoins Residential Zoned land a) Every proposed allotment has a minimum net site area of 600m², where a connection to reticulated wastewater infrastructure is available (excluding Network Utility Allotments); or b) Every proposed allotment has a minimum net site area of 3,000m², where no connection to reticulated wastewater infrastructure is available (excluding Network Utility Allotments); and c) The proposed subdivision can comply with the relevant Performance Standards in Section 13.10 and 13.14 of the Residential Chapter. Note 1: If you cannot meet the above general Treaty Settlement subdivision terms you can either seek a non-complying resource consent or you may be able to create smaller lots than provided for applicable rules, if the site to be subdivided meets any of the following: - You can protect a mapped site, feature or area (Map Series 2) – check the Preservation of Natural and Cultural Heritage subdivision rules; - You can protect areas of heritage, landscape or ecology – check the Environmental Benefit and Integrated Development subdivision rules; - You are creating 3 or more additional lots and able to demonstrate that Environmental Benefits can be achieved – check the Integrated Development subdivision rules; - You can create an area of Environmental Benefit on your site – check the Rural Amenity Lot and Integrated Development subdivision rules; - Your site is 5 hectares or less and existed at the time of notification of the Plan – check the Small Lot Development rules." Note 2: While excluded from the minimum allotment size, Network Utility Allotments nevertheless remain a controlled activity and shall be subject to the Matters for Control listed here.	Where an activity is a Controlled Activity under this Rule (meeting the terms of subdivision under this Rule), the following are the matters over which the Council reserves its Control: General Subdivision i) Compliance with the Performance Standards for all subdivision contained in Section 15B.14; ii) That site(s) is/are adequately serviced and/or services on-site are managed in particular the extent to which: - Whether and the extent to which the subdivision complies with the requirements of the relevant Performance Standards in the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's Engineer; - Whether and the extent to which the subdivision incorporates the principles of Low Impact Stormwater Design; - Whether and the extent to which re-vegetation using eco-sourcing of native plants is proposed as part of the development; - Whether reticulated services, are able to be placed underground with minimal disturbance to vegetation and landform. However, where the Council or supply authority deem it not practicable, overhead reticulation or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects. iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity effects including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10; iv) That appropriate development within the site(s) is proposed, in particular the extent to which: - The ability of the proposed lots to be proposed lots are able to comply with the Land Use Performance Standards in Section 15B.10; - The location of building areas or site accesses can avoid dominating the natural landscape or detracting from visual amenity values in the area; - Whether the building area or site access is on a prominent ridge, knoll or skyline where the erection of buildings or driveways would dominate the natural landscape or detract from the visual amenity values in the area; and whether this could be avoided; - Any building areas or earthworks required for building areas or site accesses will avoid or minimise impacts from natural hazards; - Whether and the extent to which the location of proposed allotment boundaries, building areas and driveways or right of ways avoids potential conflicts between incompatible land use activities, including the avoidance of reverse sensitivity effects; - Whether and the extent to which the location of proposed allotment boundaries, building areas and driveways or right of ways avoid Maori heritage, sites and features. v) That there is safe and efficient access to and from the site(s), in particular the extent to which: - Whether the site or sites are located so that the number and location of entrance ways along a public road does not result in adverse effects on the safe and efficient operation of the road network; - Whether it is possible to avoid direct vehicle access to a State Highway or a regional arterial road is avoided, by using alternative access to a lower order road where such access exists or can be readily obtained. vi) Whether and the extent to which provision has been made for the exercise of matauranga maori and tikanga on sites which contain mapped features or areas (see Chapter 17); vii) The extent to which other instruments are required to manage or mitigate the effects of the subdivision, including: - Whether there are sufficient financial contributions provided to mitigate adverse effects generated by the subdivision (refer to Chapter 22: Financial Contributions); - Whether title Bonds or covenants, or both, are required to ensure performance or compliance with any conditions imposed; - Requirements for aménagement of land, holding parcels in the same ownership, and creation or extinguishing of easements; - Provision for Esplanade Reserves and Strips; - Whether and the extent to which it is necessary to, Timing of consent, including consideration to extend the lease

	Type of Subdivision	Terms for Subdivisions	Matters for Control
15B.11.3 Boundary Adjustment	• For a site of significance to Maori, the Wd.	Subdivision within the Treaty Settlement Zone (including Overlays) is a <i>Controlled Activity</i> if it meets the following terms for subdivision: a) The size and/or boundaries of two or more adjacent allotments are adjusted; and b) No additional allotments will be created; and c) One of the following are met: i. The <i>net site area</i> of any proposed allotment created by the boundary adjustment is the same as, or does not differ by more than 4015% of, the <i>net site area</i> of that allotment as it existed prior to the boundary adjustment; or ii. The area of each adjusted lot complies with the minimum lot size specified for the relevant zone as a controlled activity, except where an existing lot size is alleged to not comply, then the degree of non-compliance shall not be increased as a result of the boundary adjustment; and d) Any on-site utilities, existing building sites, and the access within the properties to those building sites, are not adversely affected by the change and the proposed boundary adjustment complies with the relevant Performance Standards in Section 15B.10 and 45B.44 of the Resource Management Act 1992 or activities on the created lots comply with the Resource Management Act 1992, 15B.10 of the Chapter; e) Access from the public road for each of the lots is not affected; and f) It does not create a lot which can accommodate a dwelling where previously it was too small to accommodate a dwelling in compliance with the District Plan Performance Standards of Section 12.10 of this Chapter.	Where an activity is a <i>Controlled Activity</i> under this Rule, the following are the matters over which the Council reserves its Control: General Subdivision i) The matters for control listed in Rule 15B.11.1; ii) The extent to which a proposed boundary will provide for compliance with the Performance Standards in Section 15B.10 in relation to the existing buildings, structures and services on site; and iii) Whether and to what extent, the extent to which provision has been made for the exercise of <i>matatunga maori</i> and <i>ikanga</i>.

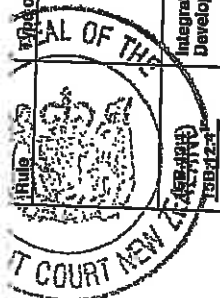


CHAPTER 15B – MAORI PURPOSES – TREATY SETTLEMENT LAND

Type of Subdivision		Terms for Subdivisions	Matters for Discretion
Environmental Benefit		Subdivision within the Treaty Settlement Zone (including Overlays) is a Restricted Discretionary Activity if it meets the following terms for subdivision: a) Permanent physical and legal protection of an Ecological, Public Access, Landscape or Riparian Margin <i>Environmental Benefit(s)</i> within the site shall be achieved; and b) The entire feature shall be protected; and c) The Environmental Benefit meets the minimum size requirements relevant to the type of Environmental Benefit proposed listed below: - An 'Ecological' Environmental Benefit shall be a minimum of 0.5ha; or - A 'Landscape' Environmental Benefit shall result in the whole of the identified landscape located on the parent lot being physically and legally protected; and - Where the total area of the Landscape to be protected is 9.0 hectares or more, two Environmental Benefits lots can be obtained; and d) No more than three Environmental Benefit Lots can be created per site in perpetuity. (This can be created by either 1 subdivision consent or up to three consecutive consents); and e) Each Environmental Benefit Lot shall have a minimum net site area of 4,000m² with an area of at least 2,500m² (exclusive of the area being permanently protected), to accommodate a dwelling and associated wastewater treatment and disposal system; and f) Any balance lot created shall be a minimum <i>net site area</i> of 4,000m²; and g) The proposed subdivision complies with the relevant Performance Standards in Sections 15B.10 and 15B.14 of this Chapter; and h) In addition, where covenants for the protection of ecological or landscape values have already been applied to <i>Treaty Settlement Land</i>, as a result of the Te Uti o Hau Deed of Settlement 2000 or the Te Raukura Deed of Settlement 2005, these will be accepted retrospectively as providing an Environmental Benefit in terms of this Rule. Note 1: Where an application is made under this provision, for an area of significant <i>Indigenous vegetation</i> or significant habitat of indigenous fauna, the Department of Conservation following shall be included as affected party in terms of Section 95E of the Resource Management Act 1991: Note 2: Refer to Part A: Chapter 24: Definitions for the definition of "Environmental Benefit". Note 3: As part of the Treaty Settlement Process all Redress Land has been surveyed, and features of ecological and landscape value protected through covenants. This rule recognises this existing level of protection already occurs and allows for these benefits to be applied retrospectively so as not to preclude the efficient development and use of Treaty Settlement Land. Note 4: For example, the minimum 'Environmental Benefit' is an ecological area of 5,000m² plus lots must be at least 4,000m²; (containing a minimum of 2,500m² for a dwelling site and wastewater disposal). Therefore, to obtain one 'Ecological' Environmental Benefit with two developable sites (one being the parent lot and one the new lot), a minimum parent site area of 4,000m² + 1.3ha is required. Note 5: For clarity, this rule intends that only one 'Environmental Benefit' lot is created per Environmental Benefit given, with the exception of that provided in Rule 15B.14(3) above.	Where an activity is a Restricted Discretionary Activity under this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: General Subdivision i) The matters set out in Rule 15B.11.1; ii) In respect of the site(s) design and location, the extent to which: - Whether and the extent to which the subdivision is in accordance with relevant Council adopted Design Guidelines; - The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 15B and, if the subdivision is in an Overlay area, Chapter 4; iii) In respect of services and/or management of on-site services, the extent to which: - Whether and the extent to which the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services; and - Whether and the extent to which the subdivision is located close to existing residential settlements and avoids the need for provision of new or increased capacity of Council owned infrastructure and services to meet the needs of the development. Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions. iv) In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which: - Whether and the extent to which the earthworks required for the provision of servicing, the location of building platforms, parking, manoeuvring and access are minimised; - Whether and the extent to which the density of the subdivision and development avoids adverse effects on rural amenity, landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal environment; and - Restoration using eco-sourcing of native plants is proposed as part of the development. Whether and the extent to which provision has been made for the avoidance of maintenance issues and the danger. Environmental Benefit Council will have regard to the following additional matters for discretion when assessing an application for Consent under this Rule: i) The extent to which the environmental benefit proposed is in excess of measures required to avoid, remedy or mitigate the adverse effects of the proposed subdivision; ii) The size of the feature to be protected; for example, the size of the feature to be protected relative to the minimum site sizes required by the Rule; and iii) i) The quality of the feature proposed to be protected, in particular, and the opportunities for restoration or rehabilitation; - The ecological significance (Appendix 25C); - ii) The location of the feature and its surrounding environment e.g. whether it forms part of an outstanding landscape or adjoins / buffers a protected area and whether any other features on the site make a contribution (either positive or negative) to the significance of the site to be protected; - iii) The significance of the feature to the natural character of the District; - iv) The rarity of the feature; - v) In the case of subdivision under this rule within the Mangawhai Harbour Overlay, the extent to which any 'ecological benefit' for riparian and waterways areas has been comprehensively identified through an assessment carried out by an appropriately qualified professional (it is noted that Council's Structure Plan has undertaken only limited mapping of these values to date); and iv) The extent to which the feature proposed for protection has been modified and the impact this has had on its significance (including any positive impacts already resulting from restoration / rehabilitation undertaken) and the opportunities for its restoration or rehabilitation, including: - The ability for the area to make a significant contribution to the ecology of an area; - iv) The length of time required before re-vegetated areas make a significant contribution to the ecology of an area after established and contribute an environmental benefit; - v) The future management of the feature, once protected including any future on-going management and/or restoration

Matters for Discretion		Plans required to achieve the intent of the Environmental Benefit, and	
vi) The type of permanent protection and management proposed, in particular: iii) The need for a type of bond or covenant proposed and any additional requirements to ensure performance or compliance with any conditions imposed; iv) The need for restrictions on future land use/development within proximity (within the boundary of the property prior to the subdivision) of the protected feature, in order to maintain its quality and significance; v) The extent to which on-going management plans are in place, including any weed and/or pest control / eradication and their duration; vi) The need for any enhancement of the features, for example by riparian planting, re-vegetation, fencing, weed/pest control or eradication; vii) Identification of any other features on the site and the contribution (positive or negative) these make to the significance of the features proposed to be protected; viii) Whether the site (or sites) is located so that a household well can be created on it without significantly disturbing from, damaging or destroying any features on the site required to be protected, or from the visual amenity values present in the vicinity of the site; ix) Effects, including resource, sensitivity, effects, due to the location and/or size of the allotments proposed to be created; x) If the site is in an Overlay, whether and the extent to which the subdivision meets the Objectives and Outcomes of Chapter 4 for the relevant Overlay; xi) In relation to subdivisions within Valued Natural Environments of Mangawhai Overlay areas, the extent to which the riparian and wetlands values have been comprehensively identified through an assessment carried out by an appropriate qualified professional and confirmed, and protected on the relevant site(s) prior to subdivision being undertaken; and the extent to which riparian management plans are in place for the foreseeable future (the notice that Council has undertaken limited mapping of such values and that this is expected as part of the above-mentioned assessment). Note 1: The application shall be accompanied by all the necessary information, to demonstrate to the Council the authenticity and significance (quality) of the feature for protection. This information may be in the form of a detailed report from a suitably qualified and/or experienced expert and shall assess those matters over which discretion is reserved or is a feature that has been identified through the Department of Conservation – "Protected Natural Areas Programme". Note 2: At the time of creation the Council may also require that the owner will enter into a binding covenant to preserve the environmental feature with one or the following: • Conservation Covenants (Reserves Act 1977); • Protected Private Land (Reserves Act 1977); • Open Space Covenants (Queen Elizabeth II National Trust 1977); and • Conservation Covenants (Conservation Act 1987).		Where an activity is a Restricted Discretionary Activity under this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: General Subdivision i) The matters set out in Rule 15B.11.1; ii) In respect of the site(s) design and location the extent to which: iii) Whether and the extent to which the subdivision is in accordance with relevant Council adopted Design Guidelines; iv) Whether and the extent to which the subdivision is in accordance with any relevant adopted Structure Plans or Policy Outcomes (i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy); v) Whether the arrangement and intensity of sites prevents or inhibits the ability of neighbouring sites to be used for rural productive purposes authorised by the District Plan; vi) The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 15B and, if the subdivision is in an Overlay area, Chapter 4; vii) In respect of services and/or management of on-site services, the extent to which:	
OR	15B.12.2	Provided that the site is not within an Overlay Area, any subdivision, Subdivision, to create a Rural Amenity Lot is a Restricted Discretionary Activity, is: a) The parent lot existed at the date of notification of the Plan (24 October 2009); b) No more than two additional Rural Amenity Lots are created per parent site in perpetuity; c) The Rural Amenity lot created shall be a minimum net site area of 4,000m² (0.4 ha) and a maximum of 8,000m² (0.8 ha); d) If one Rural Amenity lot is being created, and: - The site is in the Treaty Settlement Zone (without an Overlay) the balance lot created shall be a minimum net site area of 4 ha; or - If the site is in the Treaty Settlement Zone with an Overlay the balance lot created shall be a minimum net site area of 20 ha; e) If two Rural Amenity lots are being created, and the sites are in the Treaty Settlement Zone (without an Overlay) the balance lot created shall be a minimum net site area of 8 ha; f) Only one Consent for a Restricted Discretionary (subdivision) Activity in terms of a Rural	Rural Amenity Lot (for lots existing at date of notification of the Plan).

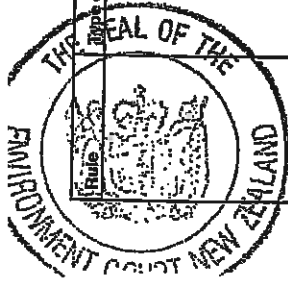
Type of Subdivision	Terms for Subdivisions	Matters for Discretion
Small Development (only for 5 hectare lots or less, existing at date of notification of the Plan)	Amenity Lot subdivision shall be granted in respect of a site or any specified portion of a site and the provisions contained within this rule shall be used only once for each specified portion of the site (noting that as provided for by a) above, the maximum number of Rural Amenity Lots per site is a maximum of two in the Treaty Settlement Zone and this may be provided for by two separate Resource Consents relating to two different portions of the site). ii) Where more than one Rural Amenity Lot from a parent site is created either: iii. An area of at least 0.5ha shall be revegetated to create a future 'Ecological' Environmental Benefit; or iv. Fund; and iii) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and 15B.14 of this Chapter. Note 1: Refer to Chapter 24: Definitions for the definition of "Rural Amenity Lot".	Matters for Discretion - Whether and to what extent the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services; - Whether and to what extent the subdivision is located close to existing residential settlements and avoids the need for provision of new or replacement for increased capacity of Council owned infrastructure and services to meet the needs of the development; Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions; - In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which: - Whether and to what extent the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services; - Whether and to what extent the subdivision and development avoids adverse effects on rural amenity, rather than urban character (including landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal environment; - Whether and to what extent the subdivision and development avoids adverse effects on rural amenity, rather than urban character (including landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal environment; - Revegetation using eco-sourcing of native plants is proposed as part of the development; - Whether and to what extent the subdivision and development avoids adverse effects on the environment and on the provision of infrastructure and services;
OR 15B.12.3	Provided that the site is not within an Overlay Area, any subdivision for Small Lot Development is a <i>Restricted Discretionary Activity</i> if: a) The parent site must be five hectares or less and held in a separate Certificate of Title as of the date of notification of this District Plan; b) The minimum <i>not site area</i> of 4,000m² can be obtained, provided the minimum average lot size of one hectare can be achieved for the overall subdivision; c) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and 15B.14 of this Chapter; and d) No more than three additional new lots are created per site.⁴⁷	Where an activity is a Restricted Discretionary Activity under this Rule, Council has rescinded its discretion over the following matters when considering and determining an application for Resource Consent: General Subdivision i) The matters set out in Rule 15B.11.1; ii) In respect of the site's design and location, the extent to which: - Whether and to what extent the subdivision is in accordance with relevant Council adopted Design Guidelines; - Whether and to what extent the subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidelines, e.g. Mangawhai Structure Plan and Reserves and Open Space Strategy; - Whether the arrangement and intensity of sites prevents or inhibits the ability of neighbouring sites to be used for rural productive purposes authorised by the District Plan; - The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 15B and, if the subdivision is in an Overlay area, Chapter 4; iii. In respect of services and/or management of on-site services, the extent to which: - Whether and to what extent the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services; - Whether and to what extent the subdivision and development avoids adverse effects on the environment and on the provision of infrastructure and services to meet the needs of the development; Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions; iv. In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which: - Whether and to what extent the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services; - Whether and to what extent the subdivision and development avoids adverse effects on rural amenity, rather than urban character (including landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal environment, including opportunities for the subdivision layout and building platform locations to respond to these effects; - Whether and to what extent the subdivision and development avoids adverse effects on rural amenity, rather than urban character (including landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal environment, including opportunities for the subdivision layout and building platform locations to respond to these effects; - Revegetation using eco-sourcing of native plants is proposed as part of the development; - Whether and to what extent the subdivision and development avoids adverse effects on the environment and on the provision of infrastructure and services; - Whether and to what extent the subdivision and development avoids adverse effects on the environment and on the provision of infrastructure and services;



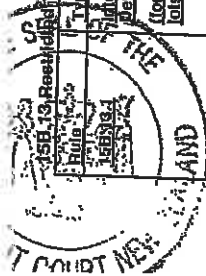
Rule 20
of the
District Court of New Zealand

Terms for Subdivisions

Terms for Subdivisions	Matters for Discretion
Provided that 10 or fewer lots are being created, an integrated development subdivision is a Restricted Development Activity where it complies with the following: (1) Main Purposes: Treaty Settlement Zone (excluding Overlay areas) a) The number of total lots obtainable shall be one lot per four hectares of the Parent Title, with a minimum net site area of 4,000m² per lot. OR (2) Coast (East and West), Valued Natural Environments of Mangawhai and Kai Iwi Lakes Overlay Areas (excluding Harbour) a) The number of total lots obtainable shall be one lot per 12 hectares of the Parent Title, with a minimum net site area of 4,000m² per lot; or b) Where there is a Council adopted Structure Plan, the total number of lots obtainable shall be one lot per four hectares of the Parent Title with a minimum net site area of 4,000m² per lot. OR (3) Kaipara Harbour Overlay a) The number of total lots obtainable shall be one lot per six hectares of the Parent Title, with a minimum net site area of 4,000m² per lot; or b) Where there is a Council adopted Structure Plan, the total number of lots obtainable shall be one lot per two hectares of the Parent Title in the Treaty Settlement Land Zone (excluding areas in a Valued Natural Environment or Conservation Overlay) with a minimum net site area of 4,000m² per lot. OR AND (4) Mangawhai Harbour Overlay a) The number of total lots obtainable shall be one lot per six hectares of the parent title, with a minimum net site area of 4,000m² per lot; or b) The total number of lots obtainable shall be one lot per two hectares of the parent title, with a minimum net site area of 4,000m² per lot, where there has been a comprehensive mapping and identification by a suitably qualified ecologist of the valued natural environments on the whole of the site, including: - Coastal dune systems and coastal edge; - Estuarine wetland and saltmarsh systems; - Terrestrial wetland systems and associated riparian corridors; - Significant areas of contiguous bush remnants and regenerating bush shrubland areas; - Significant wildlife habitats and corridors; - The Brindley Range; - and these features and areas are protected and excluded from the above averaging calculations. Note 1: This is to give effect to the Rural Residential Policy Areas and the Conservation Policy Areas within the Mangawhai Structure Plan. Note 2: It is recognised that to achieve the protection of the valued natural environments some sites will not be able to be subdivided to an average lot size of 1 lot per 2ha. Note 3: The intent of this Rule is to focus the use and development on the parts of the site that	any whether an integrated approach is taken to the subdivision layout, in order to ensure the open space characteristics and rural character are retained, and that use of the site is consistent with the open space characteristics and rural character of the site. any whether the subdivision is in accordance with any adopted Design Guidelines and in respect of the site's design and location, the extent to which: - The subdivision is in accordance with relevant Council adopted Design Guidelines; - The subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance (e.g. Mangawhai Structure Plan and Reserves and Open Space Strategy); - The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 18B and, if the subdivision is in an Overlay area, Chapter 4; - Whether and the extent to which the subdivision is in accordance with any adopted Structure Plans or Policy Guidance (e.g. Mangawhai Structure Plan and Reserves and Open Space Strategy); - Whether and the extent to which the subdivision is in accordance with the objectives of natural resource management and design. Integrated Development Council will have regard to the following additional matters for discretion when assessing an application for Consent under this rule: i) Whether and the extent to which the application for an integrated development meets the information requirements outlined in Appendix 2B and whether the application provides a sufficient level of detail for Council to determine the application; ii) In respect of the subdivision design and location, the extent to which: - There is a range of lot sizes and their configuration maintains the natural character of the coastal environment and the rural amenity values and responds appropriately to the mapped natural environments, natural hazards, and also specific features; - Whether and the extent to which the proposed development, including any associated earthworks or vegetation clearance, addresses adverse effects on, and will be visible from public roads, or from neighbouring properties, from public land and from the coastal marine area; - Whether and the extent to which the proposed development is designed and/or intended to be carried out in an integrated manner taking into account the topography of the site, the size and configuration of the property being developed, the extent and nature of existing or proposed development on adjoining or adjacent properties, and the opportunities for signed access and/or shared amenities; - Whether and the extent to which the proposed development utilises existing topography or vegetation to integrate the development into the landscape and reduce its visibility, including opportunities to cluster development within areas of coherent natural patterns; - Restoration using eco-sourcing of native plants is proposed as part of the development; - The change in land use promotes sustainable management of natural and physical resources; iii) In respect of potential effects of development of sites within the subdivision, the extent to which: - Whether and the extent to which the proposed development is sustainable or sustainable in terms of the site's location, including its proximity to existing or proposed development on adjoining or adjacent properties in terms of land use, traffic, and other potential effects on the environment; - The proposed development maintains the naturalness and rural quality of the landscape with appropriate landscaping, earthworks and planting; - Whether and the extent to which the proposed development is sustainable or sustainable in terms of the site's location, including its proximity to existing or proposed development on adjoining or adjacent properties in terms of land use, traffic, and other potential effects on the environment;

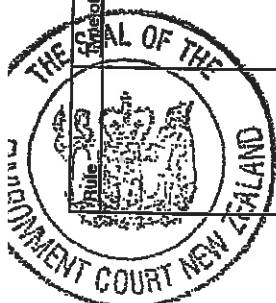


Type of Subdivision	Terms for Subdivisions do not contain valued natural environments, achieving the conservation policy outcomes of the Matawhiri Structure Plan, AND (5)(4) For all Integrated Development subdivision the following terms of subdivision must be met:	Matters for Discretion
a) The application must include the information required by a draft Integrated Development Plan as described in Appendix 25B; and b) Only one consent for a regulated discretionary (subdivision) activity in terms of an Integrated Development may be granted in respect of a site or any specified portion of a site and the averaging provisions contained within this rule can be used only once for each specified portion of the site; and c) Where an Integrated Development subdivision or development is granted in respect of a specified portion of a site, a separate title shall be obtained or accompanied with another adjoining lot not within the Integrated Development application for the portion of the site not subject to the Integrated Development. The portion of a site that is not subject to the Integrated Development shall be no less than four hectares; and d) The development bonuses available under Rule 15B.11 and 15B.12 will not be available as part of the process of obtaining such a Consent; and e) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and 15B.14 of this Chapter; and f) The proposed subdivision results in the creation of 3 or more additional lots and environmental benefits can be provided and are shown in the Draft Integrated Development Management Plan; and g) Environmental benefits can be provided and are shown in the Draft Integrated Development Management Plan; and h) That a no subdivision covenant is registered on the lots of an Integrated Development subdivision and is to be worded such that any owners of the lot will not make a future application to the District Council for subdivision to create additional residential lots. Note 1: Any further subdivision of any lot contained within an approved Integrated Development Plan shall be a non-complying activity. Applications for Integrated Development Subdivisions will be considered against the assessment criteria of this rule and the ability of the applicant to manage the requirements of the Integrated Development Subdivisions in Appendix 25B. Note 2: This type of subdivision allows for flexibility in the support of Environmental Benefit and is assessed based on a case by case basis. If environmental benefit cannot be demonstrated then resource consent under this rule may not be granted. Note 3: The purpose of 15B.12.4(5)(h) is to ensure that no further subdivision occurs on the lots created by an Integrated Development subdivision. Any future application to cancel this notice, particularly in the event that the zone of the land changes to enable more intense subdivision than the Rules allowed when the original consent was granted (e.g. Residential) will take into account the purpose for which the consent notice was first applied and whether such restrictions are still necessary given the planning (subdivision) regime now in place.	iv) Whether and the extent to which the proposed development will adversely affect the naturalness and rural quality of the landscape through inappropriate land-use including earthworks and planting as a result of any proposed mitigation or increased development; v) In respect of the environmental benefits proposed, the extent to which the development: - Addresses those matters for discretion identified for Environmental Benefit Subdivision (Rule 15B.12.1), for ecological and landscape benefits; - Whether and the extent to which the development will result in opportunities for the long-term protection and enhancement of indigenous biodiversity or indigenous ecosystems; - Whether and the extent to which the development maintains and/or enhances historic or cultural patterns or heritage features identified in Appendix 17.1 and 17.2; - Whether and the extent to which the Integrated Development sustains the life supporting capacity of the soil and vegetation to provide for the on-going productive use of the land; - Whether and the extent to which the proposed subdivision provides for the creation of green networks – pedestrian and as appropriate cycle routes; - Whether and the extent to which the development effectively utilizes the public access right of ways and protects the reserve values governed by the Te Uru o Hau Deed of Settlement 2000 or the Te Rau Deed of Settlement 2005; - Whether and the extent to which the subdivision meets the Outcomes of Chapter 3 or a Council adopted Structure Plan; ²¹ - Whether and the extent to which the subdivision meets the Objectives and Outcomes of Chapter 4 for the relevant Overlay; - Whether and the extent to which the Integrated Development is consistent with any Council adopted Design Guidelines; ²²	



Discretionary Treaty Settlement Land Subdivision

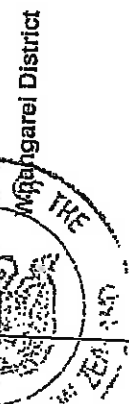
Type of Subdivision	Terms for Subdivision	Matters for Discretion
Integrated Development (for more than 10 lots)	If more than 10 lots are being created, integrated development subdivision is a Discretionary Activity where it complies with the following: (1) Rural (excluding overlay areas) a) The number of total lots obtainable shall be one lot per four hectares or the parent title in the Rural Zone, with a minimum net site area of 4,000m² per lot. OR (2) Coastal (East and West) and Kai Iwi Lakes Overlay Areas a) The number of total lots obtainable shall be one lot per 12 hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m² per lot. OR (3) Kaibara Harbour Overlay a) The number of total lots obtainable shall be one lot per six hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m² per lot. OR (4) Mangawhal Harbour Overlay a) The number of total lots obtainable shall be one lot per six hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m² per lot. b) The total number of lots obtainable shall be one lot per two hectares of the parent title, with a "minimum" net site area of 4,000m² per lot, where there has been a comprehensive mapping and identification by a suitably qualified ecologist of the valued natural environments on the whole of the site, including: - Coastal dune systems and coastal edges; - Estuarine wetland and saltmarsh systems; - Terrestrial wetland systems and associated riparian corridors; - Significant areas of contiguous bush remnants and regenerating bush shrubland areas; - Significant wildlife habitats and corridors; and - The Brudenwyn Range, and these features and areas are protected and excluded from the above averaging calculations. Note 1: this is to give effect to the Rural Residential Policy Areas and the Conservation Policy Areas within the Mangawhal Structure Plan. Note 2: It is recognised that to achieve the protection of the valued natural environments some sites will not be able to be subdivided to an average lot size of 1/10 per zha. Note 3: The intent of this Rule is to focus the use and development on the parts of the site that do not contain valued natural environments, achieving the conservation policy outcomes of the Mangawhal Structure Plan. AND (5) For all integrated development subdivision the following terms of subdivision must be met: a) The application must include the information required by Appendix 25B; and b) Only one Consent in terms of an Integrated Development may be granted in respect of a site or any specified portion of a site and the averaging provisions contained within this rule can be used only once for each specified portion of the site; and	Where an activity is a Discretionary Activity under this Rule, Council will exercise its discretion over (but not limited to) the following matters when considering and determining an application for Resource Consent: General Subdivision: - The matters for control listed in Rule 15B.11.1; - In respect of the site(s) design and location, the extent to which: - The subdivision is in accordance with relevant Council adopted Design Guidelines; - The subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance i.e. Mangawhal Structure Plan and Reserves and Open Space Strategy;²⁵ - The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 15B and, if the subdivision is in an Overlay area, Chapter 4; Integrated Development: Council will have regard to the following additional matters for discretion when assessing an application for Consent under this rule: - In respect of the subdivision design and location, the extent to which: - There is a range of lot sizes and their configuration maintains the natural character of the coastal environment and the rural amenity values and responds appropriately to the mapped natural environments, natural hazards, and site specific features; - The proposed development (including any associated earthworks or vegetation clearance) addresses adverse effects on, and will be visible from public roads, or from neighbouring properties, from public land, and from the coastal marine area; - The proposed development is designed and/or intended to be centred in an integrated manner taking into account the topography of the site, the size and configuration of the property being developed, the extent and nature of existing or proposed development on adjoining or adjacent properties, and the opportunities for shared access and/or shared amenities; - The proposed development utilises existing topography or vegetation to integrate the development into the landscape and reduce its visibility, including opportunities to cluster development within areas where there is an opportunity to avoid or reduce impacts on natural character, indigenous vegetation, landform, and coherent natural patterns; - Revegetation using eco-sourcing of native plants is proposed as part of the development; - The change in land use promotes sustainable management of natural and physical resources; - In respect of potential effects of development of sites within the subdivision, the extent to which: - The proposed development maintains the naturalness and rural quality of the landscape with appropriate landscaping, earthworks and planting; - Building setbacks and/or earthworks and/or landscaping that can create buffers to avoid or mitigate the potential effects of development on natural hazards and on adjoining properties, public roads or public places; - In respect of the environmental benefits proposed, the extent to which the development: - Addresses those matters for discretion identified for Environmental Benefit Subdivision (Rule 12.13.1), for ecological and landscape benefits; - Incorporates measures to provide new and enhance existing opportunities for open space and public access to the Coastal Marine Area, lakes, rivers and the existing reserve network; - Maintains and/or enhances historic or cultural patterns or heritage features identified in Appendix 17.1 and 17.2;



Name of Subdivision	Terms for Subdivision	Matters for Discretion
15B.13.2 ²⁷	Small Development (only for 5 hectare lots or less, existing at date of notification of the Plan) If the site is within an Overlay Area, any subdivision for Small Lot Development is a Discretionary Activity. a) The parent site must be five hectares or less and held in a separate Certificate of Title as of the date of notification of this District Plan (21 October 2009). b) The minimum net site area of 4,000 m² can be obtained, provided the minimum average lot size of one hectare can be achieved for the overall subdivision. c) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and 15B.14 of this Chapter, and d) No more than 2 additional lots are created per site in perpetuity.²⁸	Where an Integrated Development subdivision or development is created in respect of a specified portion of a site, a separate title shall be obtained or amalgamated with another adjoining lot not within the Integrated Development application for the portion of the site not subject to the Integrated Development.²⁹ The portion of a site that is not subject to the Integrated Development shall be no less than four hectares; and d) The development bonuses available under Rule 12.12 and 12.13 will not be available as part of the process of obtaining such a Consent. The proposed subdivision complies with the relevant Performance Standards in Section 12.10 and 12.15 of this Chapter; and e) Environmental benefits can be provided, and are shown in the Draft Integrated Development Management Plan; and f) That a no subdivision covenant is registered on the lots of an Integrated Development subdivision; and is to be worded such that any owners of the lots will not make a future application to the District Council for subdivision to create additional residential lots. Note 1: Any further subdivision of any lot contained within an approved Integrated Development Plan shall be a non-compulsory activity. Note 2: This type of subdivision allows for flexibility and is assessed based on a case by case basis. If environmental benefit cannot be demonstrated then resource consent under this rule may not be granted. Note 3: The purpose of 12.14(2)(b) is to ensure that no further subdivision occurs on the lots created by an integrated development subdivision. Any future application to cancel the rules, particularly in the event that the zone of the land changes to enable more intense subdivision than the rules allowed when the original consent was granted (e.g. Residential), will take into account the purpose for which the consent notice was applied and whether such restrictions are still necessary given the planning/subdivision regime now in place. Where an activity is a Discretionary Activity under this Rule, Council will consider the consent at its discretion including (but not limited to) consideration of the following matters when considering and determining an application for Resource Consent: General Subdivision i) The matters for control listed in Rule 15B.11.1; ii) In respect of the site(s) design and location, extent to which: - The subdivision is in accordance with relevant Council adopted Design Guidelines; - The subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance, i.e. Manawhiri Structure Plan and Reserves and Open Space Strategy; - Whether the arrangement and intensity of sites prevents or inhibits the ability of neighbouring sites to be used for rural productive purposes authorised by the District Plan;³⁰ - The subdivision meets the Objectives of the Plan, particularly those of Chapter 3, Chapter 15B and, if the subdivision is in an Overlay area, Chapter 4; iii) In respect of services and/or management of on-site services, whether and the extent to which: - The subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services; - The subdivision is located close to existing residential settlements and avoids the need for provision of new or requirement for increased capacity of Council owned infrastructure and services to meet the needs of the development. Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions;³¹ iv) In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which: - Earthworks required for the provision of services, the location of building platforms, parking, manoeuvring and access are minimised; including consideration of opportunities to maximise use of common services, and shared driveways or access points for any clusters of housing sites; - The density of the subdivision and development avoids adverse effects on rural amenity, (rather than urban character/amenity), landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal environment, including opportunities for the subdivision layout and building platform locations to respond to these effects; - Existing vegetation can be retained;

Annexure G
Amendments to maps from Map Series 1 to show the removal of the valued natural environments
of Mangawhai overlay

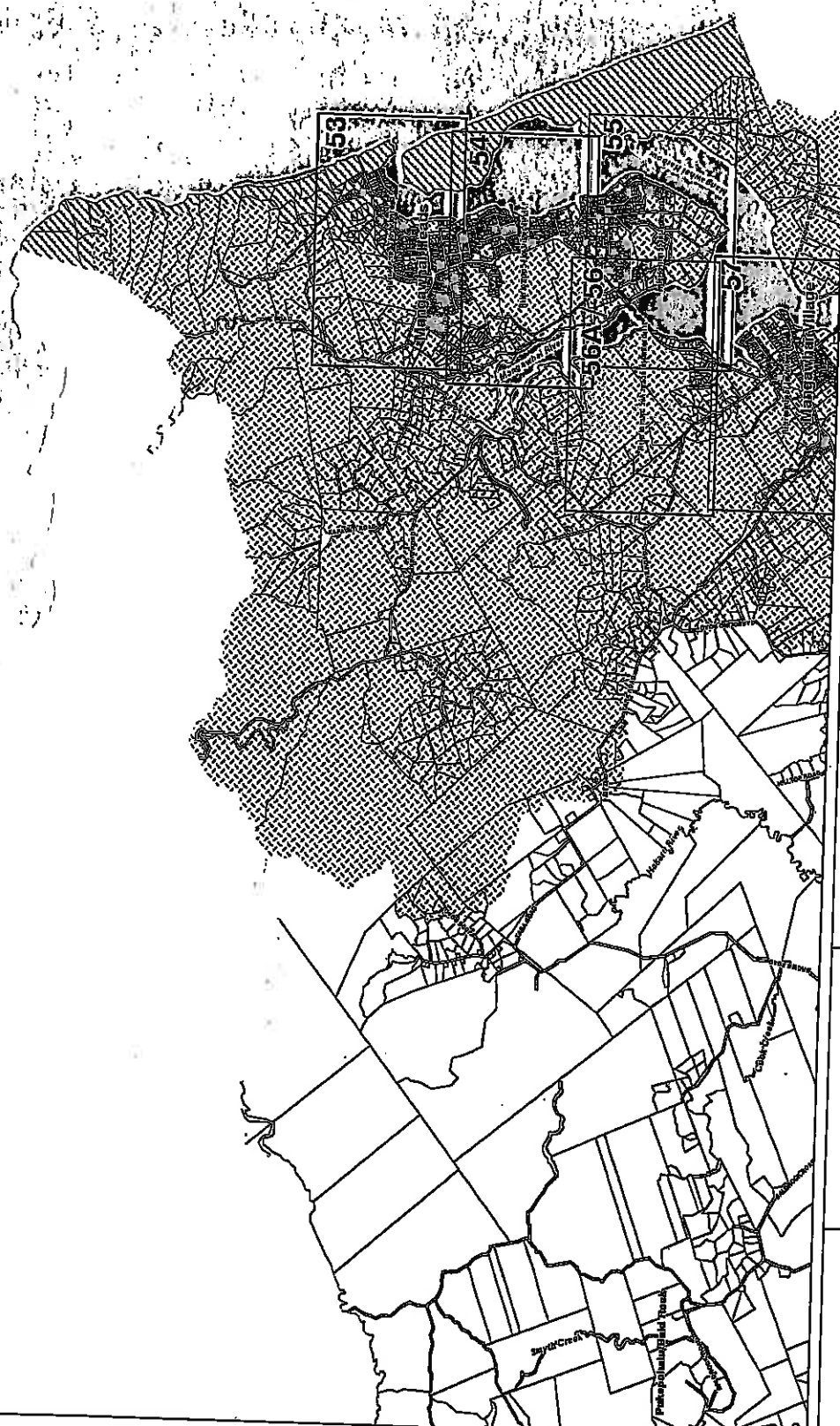




Maungarei District

Manukau Bay

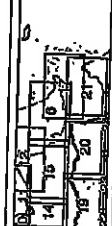
Pacific Ocean

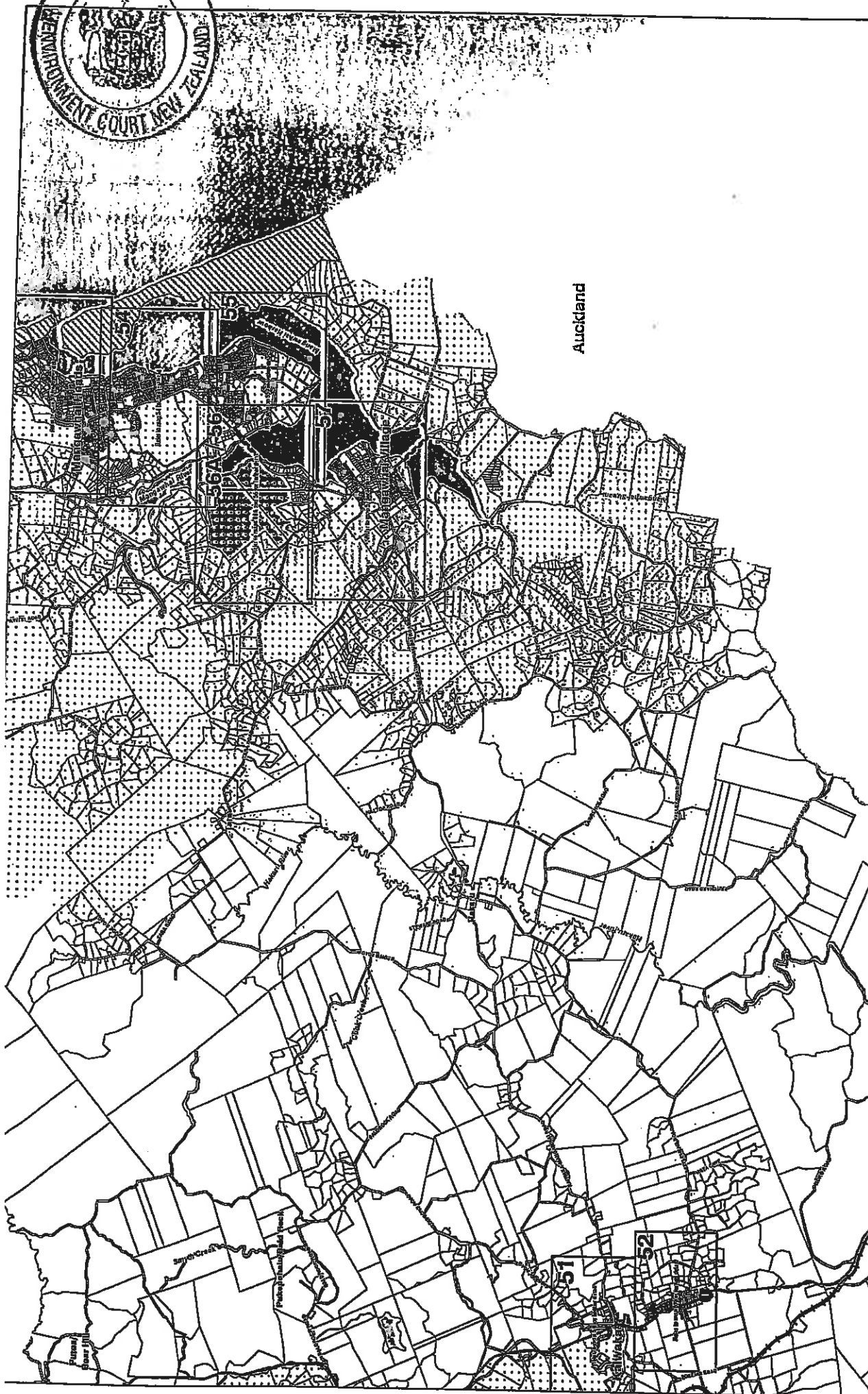


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KAIPARA DISTRICT PLAN - OPERATIVE VERSION - JULY 2013
Map Series One
Land Use

Map 17 of 60





Auckland



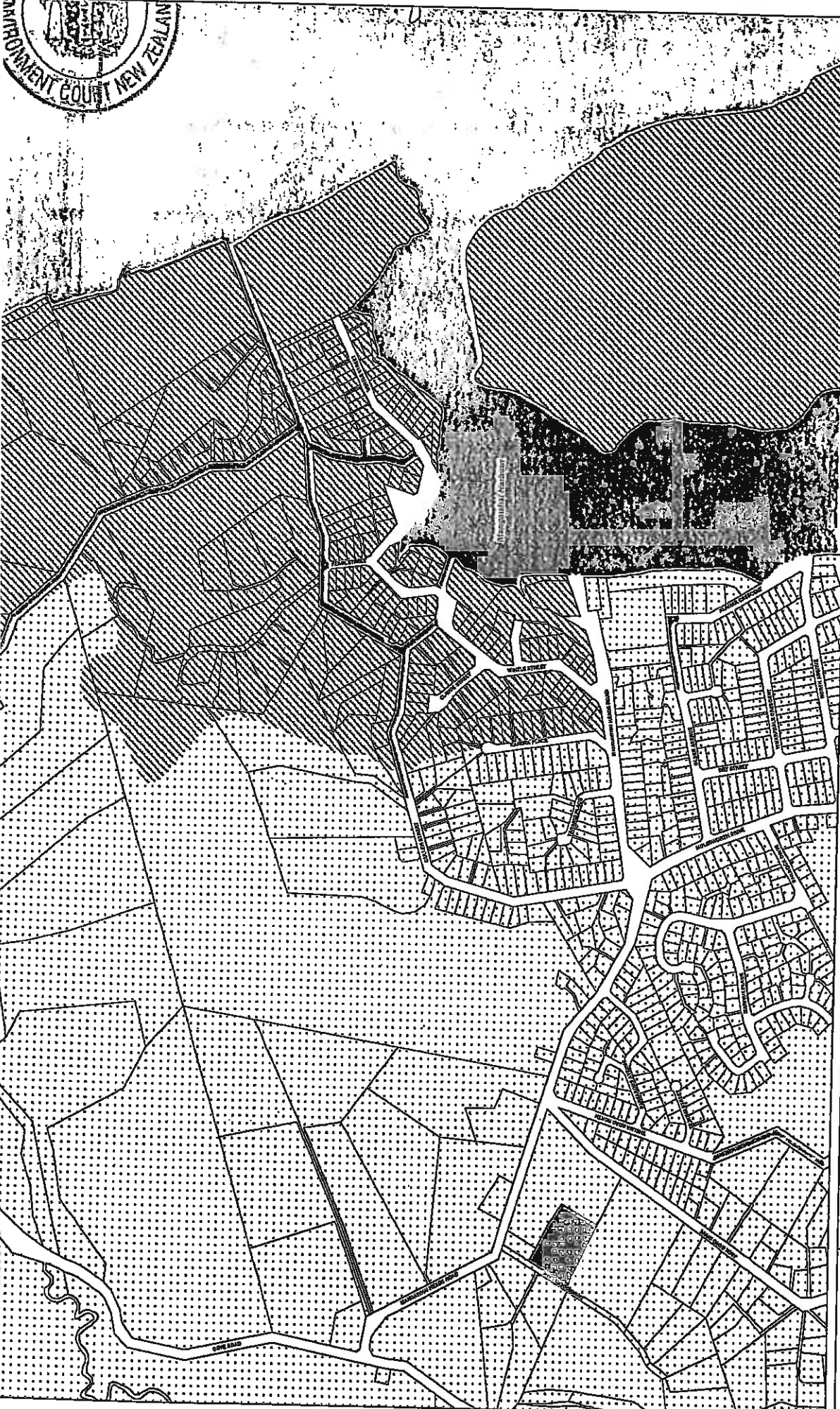
Map 21 of 60

KAIPARA DISTRICT PLAN - OPERATIVE VERSION - JULY 2013
Map Series One
Land Use

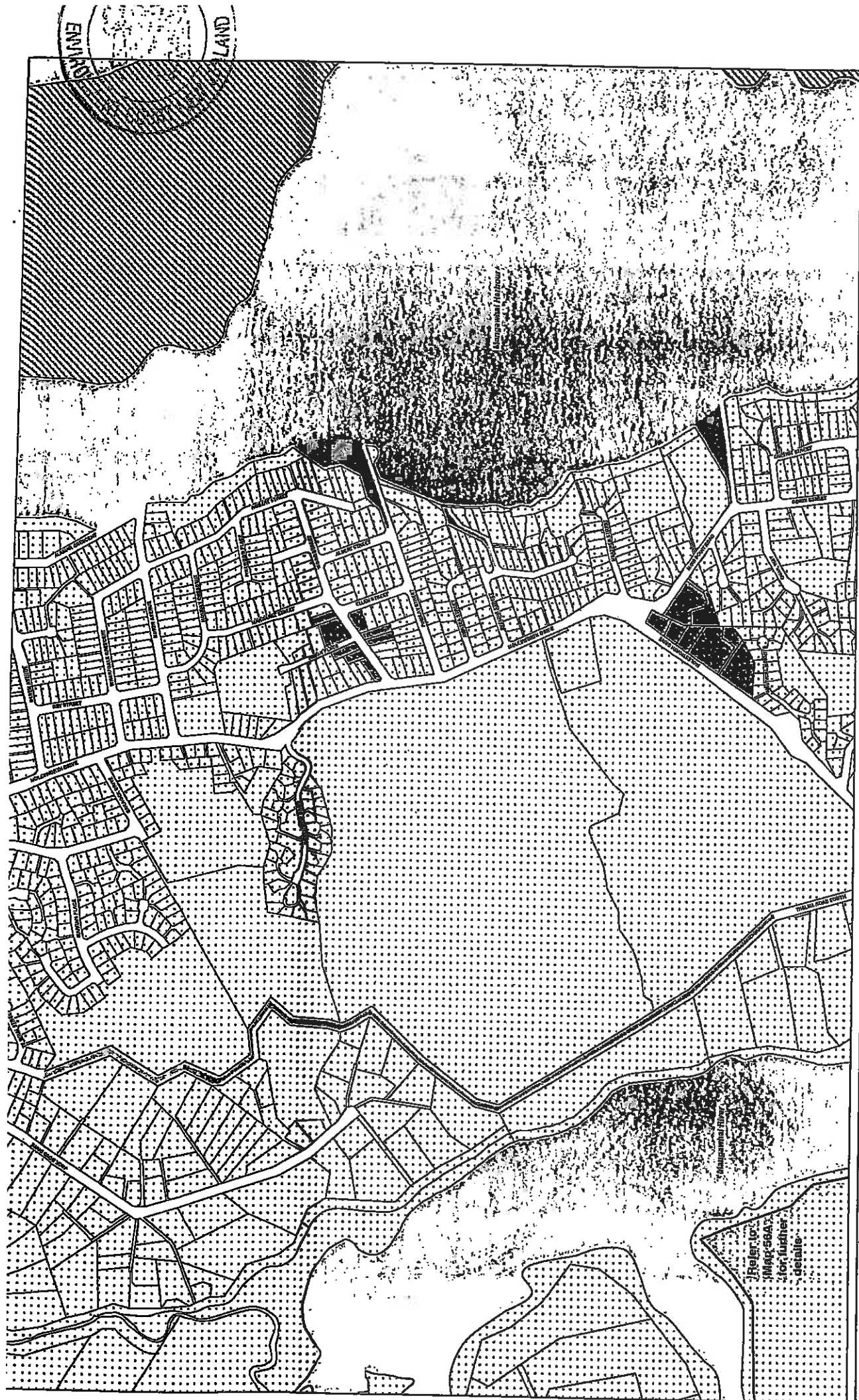
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 KAIPARA DISTRICT COUNCIL Established 1977	Scale: 1:7,500 @ A3 Courtesy Crown Copyright Data, Crown Copyright Reserved.	KAIPARA DISTRICT PLAN - OPERATIVE VERSION - JULY 2013 Map Series One Land Use : Mangawhai	Map 63 of 60	 18. 17. 20. 21.	
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Map 54 of 60

KAIPARA DISTRICT PLAN - OPERATIVE VERSION - JULY 2013

Map Series One

Land Use : Mangawhai

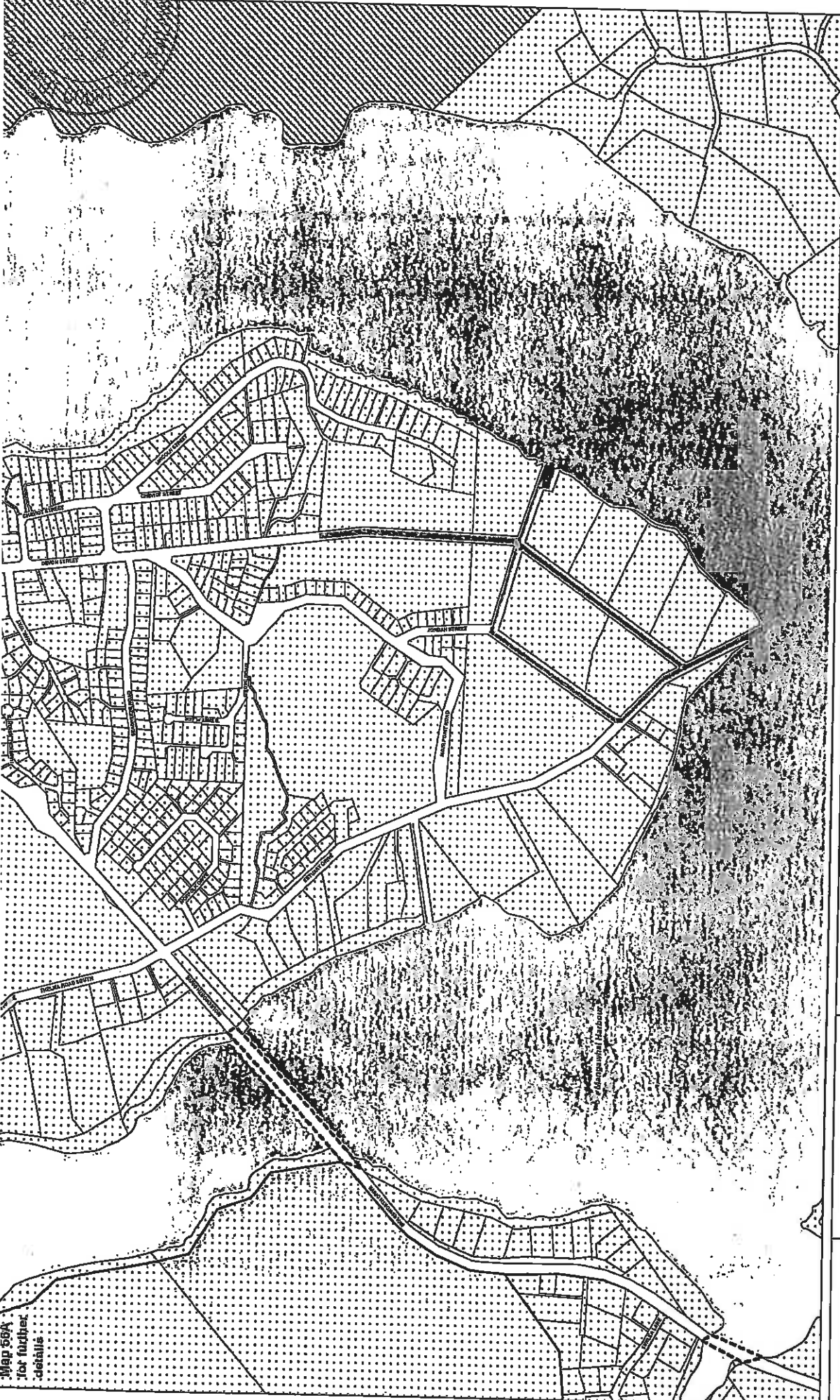
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Address: 111 Mangawhai Road, Mangawhai, New Zealand

Refer to
Map 54 of 60
for further
details



Map 59A
for further
details



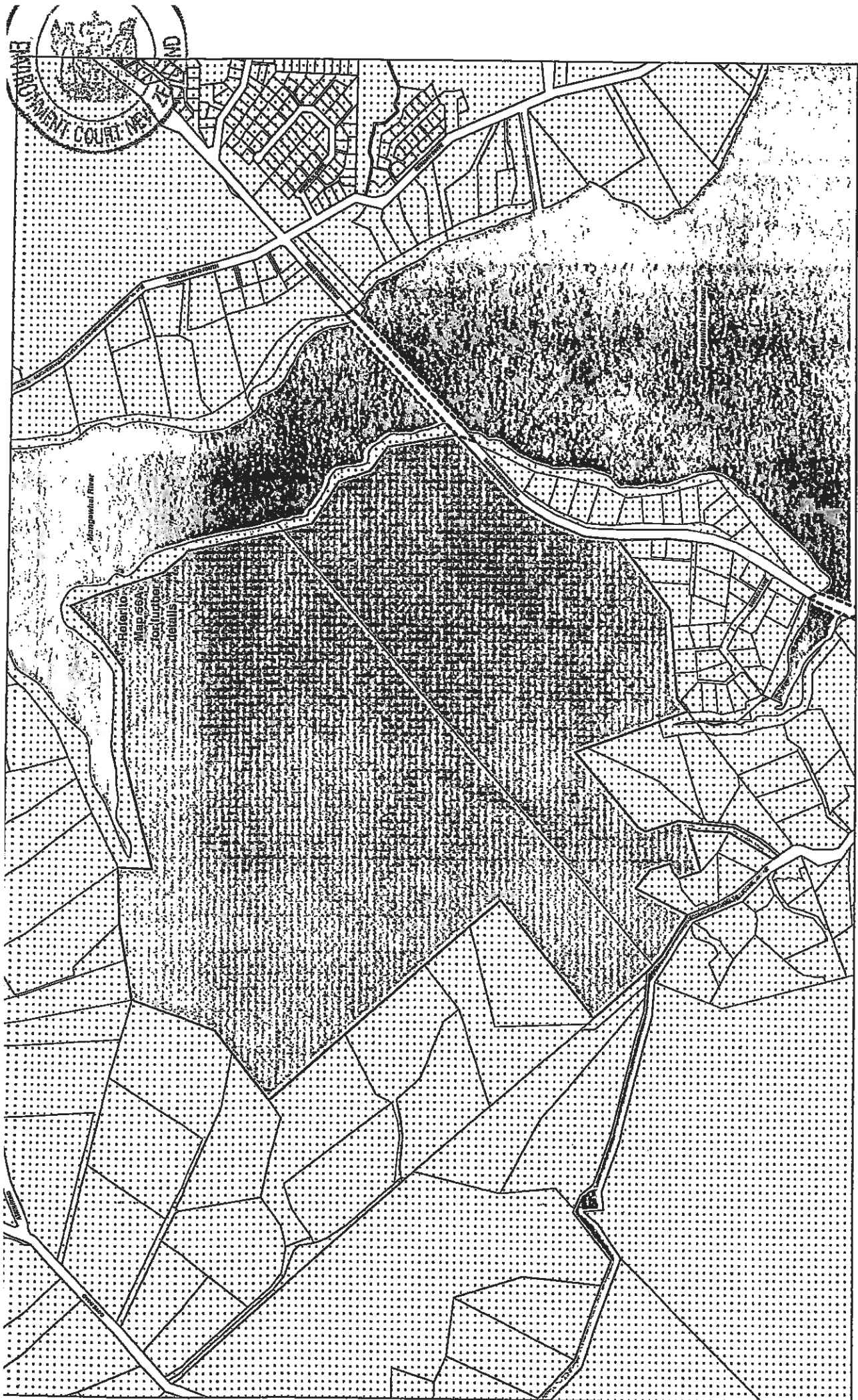
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KAIPARA DISTRICT PLAN - OPERATIVE VERSION - JULY 2013
Map Series One
Land Use : Mangawhai



Map 55 of 60





Map 56 of 60

KAIPARA DISTRICT PLAN - OPERATIVE VERSION - JULY 2013

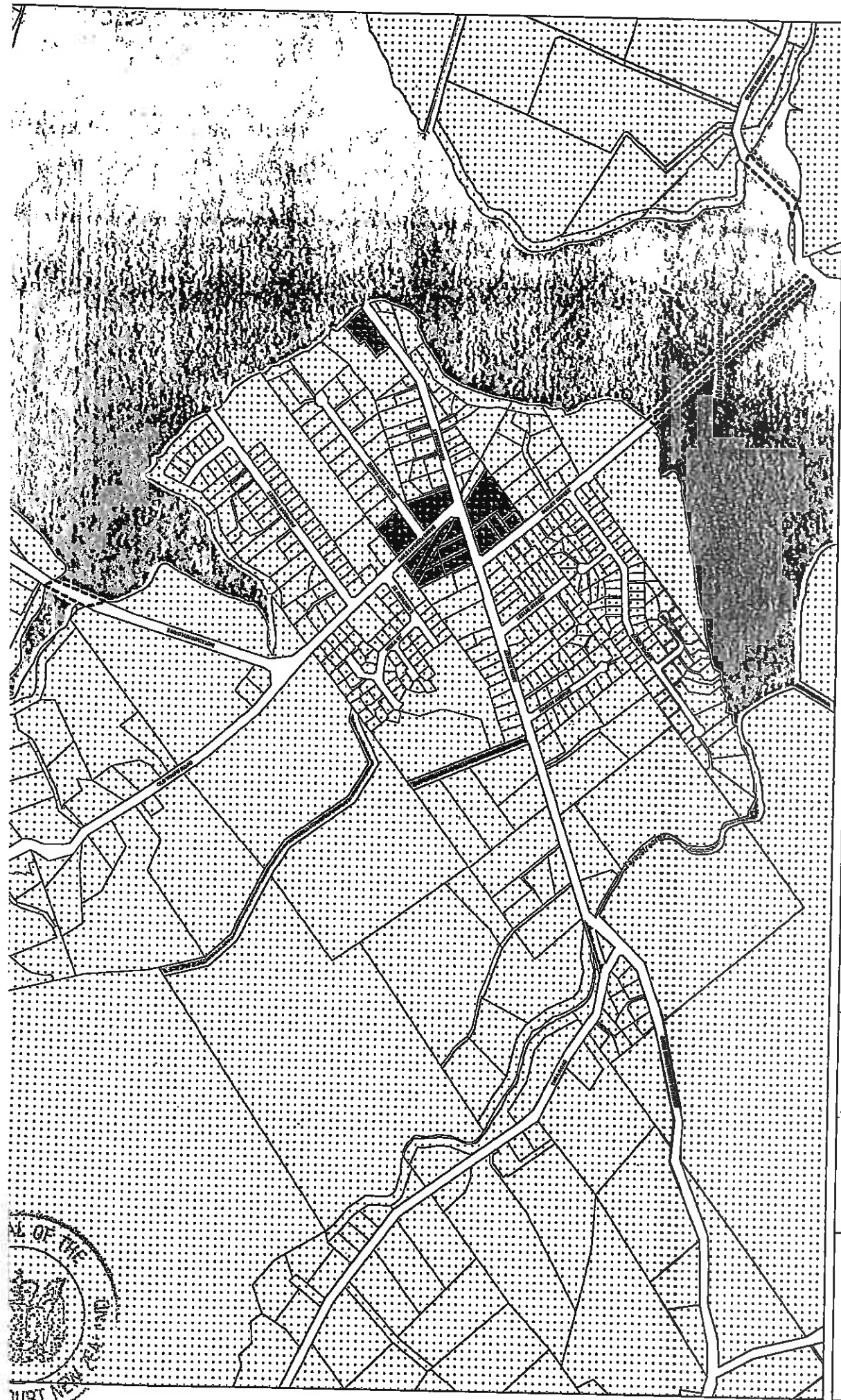
Map Series One

Land Use : Mangawhai

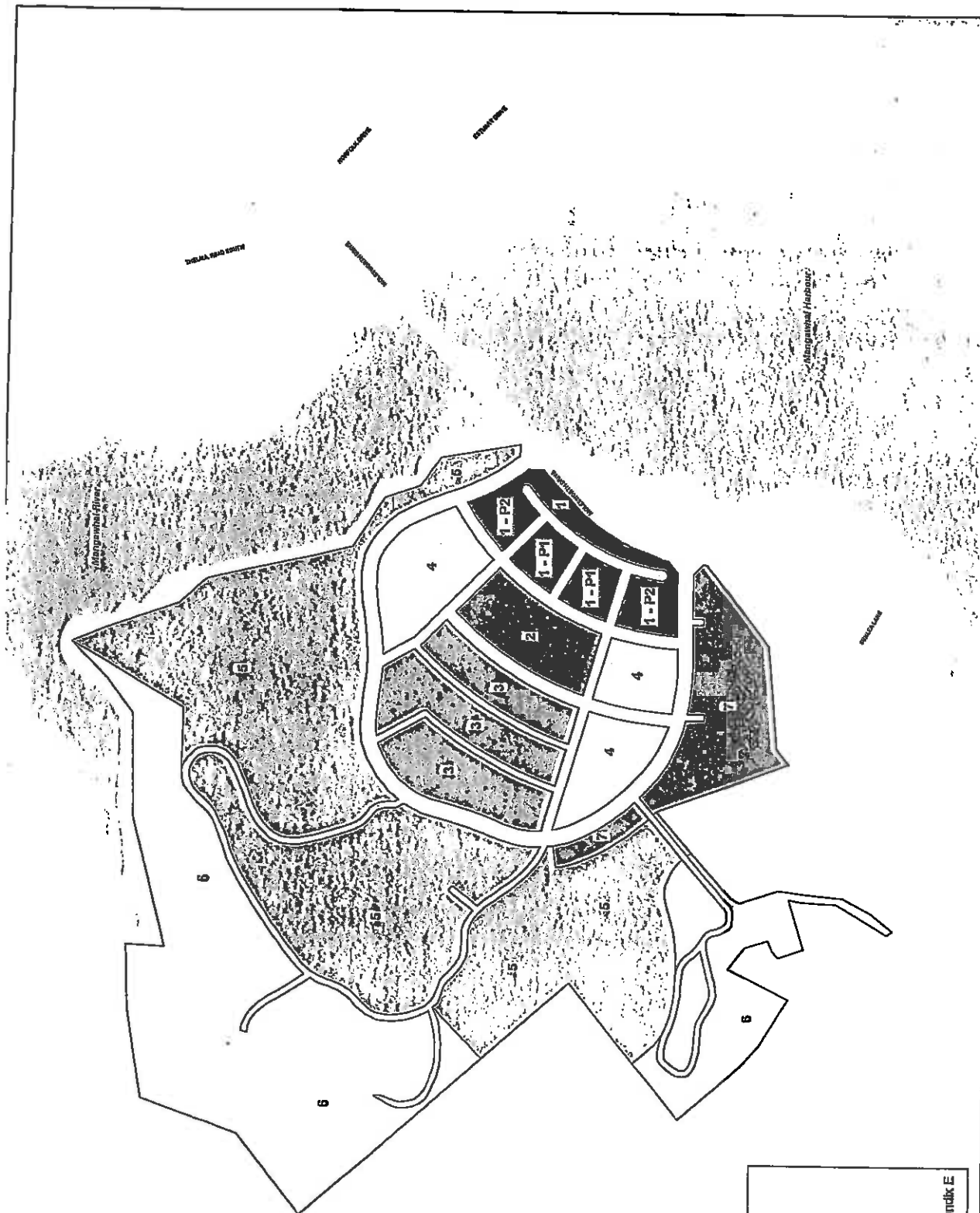
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 KAIPARA DISTRICT COUNCIL Kaipara & Mangawhai - Top of the World	Scale: 1:7,500 @ A3 Contains Crown Copyright Data. Crown Copyright Reserved.	KAIPARA DISTRICT PLAN - OPERATIVE VERSION - JULY 2013 Map Series One Land Use : Mangawhai	Map 57 of 60 	
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Legend

- 1 - P1 - Business Zone 1 - Precinct 1
- 1 - P2 - Business Zone 1 - Precinct 2
- 2 - Community Zone 2
- 3 - Residential Zone 3
- 4 - Parks Residential Zone 4
- 5 - Rural Cluster Zone 5
- 6 - Rural Residential Zone 6
- 7 - Service Zone 7

Note: For further details on Estuary Estates refer to Appendix E

		Map 56A of 60	KAIPARA DISTRICT PLAN - OPERATIVE VERSION - JULY 2013 Map Series One Land Use ; Estuary Estates Zoning Plan	Scale 1:7,500 @ A3 Copyright Crown Copyright Data. Crown Copyright Reserved.	
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