



IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of appeals under clause 14 of the
First Schedule to the Act

BETWEEN

**MANGAWHAI RATEPAYERS
AND RESIDENTS
ASSOCIATION
INCORPORATED
ENV-2011-AKL-000218**

AND

**FEDERATED FARMERS OF
NEW ZEALAND
(INCORPORATED)
ENV-2011-AKL-000221**

AND

**DIRECTOR-GENERAL OF
CONSERVATION
ENV-2011-AKL-000231**

AND

**ANNE AND RICHARD HENRY
ENV-2011-AKL-000237**

AND

**TRUSTEES OF THE POUTU
TOPU A TRUST, FARMERS OF
NEW ZEALAND AND KAIPARA
CITIZENS AND RATEPAYERS
ASSOCIATION
INCORPORATED
ENV-2011-AKL-000238**

AND

**ADAM BOOTH, SHANE
CULLEN, KEN DUGDALE,
WILLIE HEWITT, CRAIG
JEPSON, CRAIG MATHESON,
OWEN McSHANE, TOM**



**PETERS AND SUSAN
ROWBOTHAM**
ENV-2011-AKL-000240

Appellants

AND

KAIPARA DISTRICT COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Acting Principal Environment Judge L J Newhook sitting alone under section 279 of the Act
IN CHAMBERS at Auckland

CONSENT ORDER

Introduction

1. These appeals relate to the Proposed Kaipara District Plan. This consent order resolves the relief sought in these appeals as it relates to topic ENV-2012-349-000013 subdivision.
2. In making this consent order the Court has read and considered the appeals and the memorandum of the parties dated 10 July 2013.
3. Director-General Of Conservation, Horticulture New Zealand and Federated Farmers of New Zealand (Incorporated) have given notice of an intention to become parties to the appeals under section 274 and have signed the memorandum setting out the relief sought.
4. The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:
 - (a) All parties with an interest in these proceedings have executed the memorandum requesting this order.



- (b) All parties with an interest in these proceedings are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

Order

5. Therefore the Court orders, by consent, that the appeals are allowed to the extent that the Kaipara District Council is directed to amend the following sections of the Proposed Kaipara District Plan as shown in Annexure A to this Order:

- Figures 12-3a: User Guide to Subdivision – not in an Overlay and 12-3b: User Guide to Subdivision – in an Overlay;
- Rural Objective 12.5.10;
- Rural Policies 12.6.3(a) to (c);
- Controlled Rural Subdivision rules 12.12.1 to 12.12.3;
- Restricted Discretionary Rural Subdivision rules 12.13.1 to 12.13.4;
- Discretionary Rural Subdivision rules 12.14.1 and 12.14.2;
- Figure 13-2: How to Use this Chapter: Subdivision;
- Controlled Residential Subdivision rules 13.11.1 to 13.11.3;
- Restricted Discretionary Residential Subdivision rule 13.12.1;
- Discretionary Residential Subdivision rule 13.13.1;
- 13.14 Performance Standards for All Residential Subdivision;
- Controlled Business Subdivision rules 14.11.1 and 14.11.2;
- Restricted Discretionary Business Subdivision rule 14.12.1;
- Figure 15B-2: How to Use this Chapter: Subdivisions;
- Treaty Settlement Objective 15B.5.13;
- Treaty Settlement Rural Policies 15B.6.11(a), 15B.6.3(b) and (c);
- Controlled Treaty Settlement Land Subdivision rules 15B.11.1 to 15B.11.3;
- Restricted Discretionary Treaty Settlement Land Subdivision rules 15B.12.1 to 15B.12.4; and
- Discretionary Treaty Settlement Land Subdivision rules 15B.13.1 and 15B.13.2.

This consent order resolves the six appeals by Mangawhai Ratepayers and Residents Association Incorporated, Federated Farmers of New Zealand



(Incorporated), the Director-General of Conservation, Henry, Poutu Topu A Trust & Others, and Booth & Others on this topic ENV-2012-349-000013 subdivision in their entirety.

7. There is no order as to costs in relation to this consent order.

DATED at Auckland this 25th day of July 2013



L J Newhook
Acting Principal Environment Judge



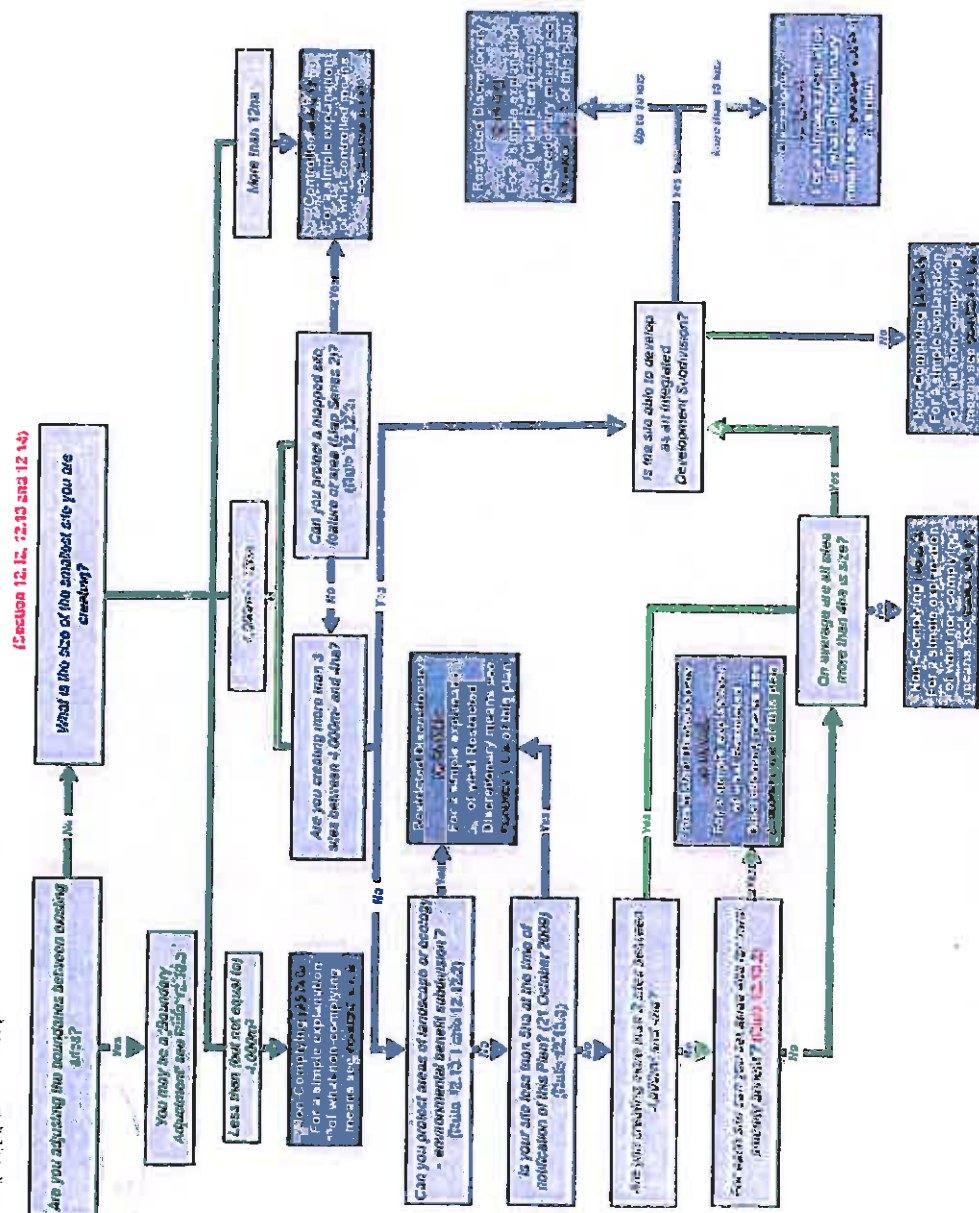
ANNEXURE A



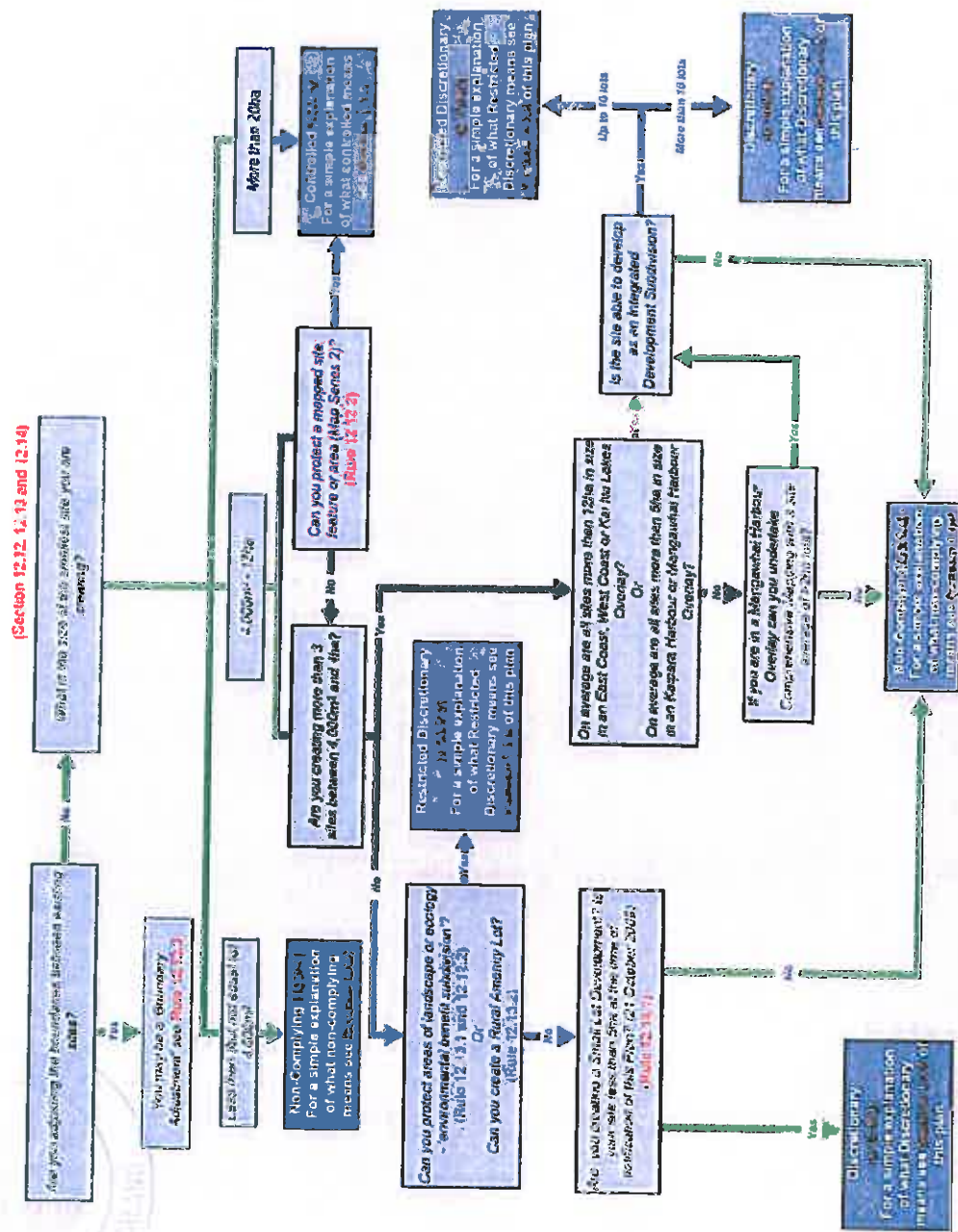
12 Rural Chapter

User Guide to Subdivision 7 What Lot Sizes are you considering?

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



User Guide to Subdivision – What Lot Sizes are you considering?
Figure 12-3b: User Guide to Subdivision - in an Overlay



• There are no prohibited subdivisions. Refer to chapter 24: Definitions for an explanation of prohibited activities.
• This Flow Chart has been prepared to assist users of the Plan to determine the consent process they may need to follow for subdivisions (by size and lot size). It is not a rule in the plan and if there is any discrepancy or doubt between this flow chart and the Rules, the Rules in Section 12.10 take precedence. It is also noted that this chart assumes compliance with the subdivision performance standards (Section 12.15)

12.5 Rural Objectives

Issue 12.4.11

12.5.10 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.

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 as-well-as 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 value. It is important to give permanent protection to features which significantly contribute to natural environment values, natural character of the coastal environment, and as-well-as 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 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 12). 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.

Objectives 12.5.2, 12.5.3, and 12.5.5 and 12.5.10

12.12 Controlled Rural Subdivision

Note: All subdivision will require consent as either Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity (see Figure 12.2)

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
12.12.1	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 Mandawhai Harbour (Mangawhai and Kaipara Harbour Overlays)) 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 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 12.15; ii) <u>That site(s) is adequately serviced and/or services on-site are managed, in particular the extent to which:</u> <u>ii) 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;</u> <u>iii) Whether and the extent to which the subdivision incorporates the principles of Low Impact Stormwater Design;</u> <u>iv) Whether and the extent to which revegetation using eco-sourcing of native plants is proposed as part of the development;</u> <u>v) Whether <i>theoretical</i> 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.</u> iii) <u>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;</u> iv) <u>That appropriate development within the site(s) is proposed, in particular the extent to which:</u> <u>vi) The ability of the proposed lots to be proposed lots are able to comply with the Land Use Performance Standards in Section 12.10;</u> <u>vii) The location of building areas or site accesses can avoid dominating the natural landscape or detracting from visual amenity values in the area;</u> <u>viii) Whether the building area or site access is on a prominent ridge, knoll or skyline where the erection of buildings or driveways would detract from the natural landscape or detract from the visual amenity values in the area, and whether this could be avoided;</u> <u>ix) Any building areas or earthworks required for building areas or site accesses will avoid or minimise impacts from natural hazards;</u> <u>x) Whether and to 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, including the avoidance of reverse sensitivity effects;</u> <u>xi) 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.</u> v) <u>That there is safe and efficient access to and from the site(s), in particular the extent to which:</u> <u>xii) 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;</u> <u>xiii) 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.</u> vi) <u>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);</u> vii) <u>The extent to which other instruments are required to manage or mitigate the effects of the subdivision, including:</u> <u>xiv) Whether there are sufficient financial Financial contributions provided to mitigate adverse effects generated by the subdivision (refer to Chapter 22: Financial Contributions);</u> <u>xv) Whether bonds Bonds or covenants, or both, are required to ensure performance or compliance with any conditions imposed;</u> <u>xvi) Requirements for amalgamation of land, holding parcels in the same ownership, and creation or extinguishing of easements;</u> <u>Provision for Esplanade Reserves and Strips;</u>

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
			xi) 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 xii) Whether and the extent to which the subdivision meets the Outcomes of Chapter 7, or a Council-adapted Structure Plan or the Outcomes of Chapter 12 or where the subdivision is in an Overlay area, the Outcomes of Chapter 4; Overlay; ix) Whether the subdivision will initiate or exacerbate natural hazards, through earthworks or access provisions, or result in building areas being subject to natural hazards; xvi) 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; xix) The matters on which conditions can be imposed under Section 220 of the Resource Management Act 1991. These include: easements, reserves and other covenants, filling and compacting of land, and creation or extinguishing of easements, protection against natural hazards, filling and compacting 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 Discretionary Activity. 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	Subdivision within the Rural Zone (including Overlays) is a Controlled Activity if it meets the following terms for subdivision: 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 balances 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 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 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 95E 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.
OR			

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
12.12.3	Boundary Adjustment	Subdivision within the Rural Zone (including Overlays) is a <i>Controlled Activity</i> if it meets the following terms for subdivision: - The <u>size and/or</u> boundaries of two or more adjacent <i>allotments</i> are adjusted; and - No additional allotments will be created; and <u>One of the following are met:</u> - The <u>net site area</u> of any proposed allotment created by the <i>boundary adjustment</i> is the same as, or does not differ by more than <u>4013%</u> of, the net site area of that allotment as it existed prior to the boundary adjustment; <u>or</u> - 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 already non-complying, then the degree of non-compliance shall not be increased as a result of the boundary adjustment; and - 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 12.10 and 12.18 of this Chapter. Any existing building or activities on the created lots comply with the Performance Standards of Section 12.10 of this Chapter - Access from the public road for each of the lots is not affected; and - 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 - The matters for control listed in Rule 12.12.1; and - The extent to which a proposed <i>boundary</i> will provide for compliance with the performance standards in Section 12.10 in relation to the existing <i>buildings, structures and services on site</i>.

12.13 Restricted Discretionary Rural Subdivision

Rule	Type of Subdivision	Terms for Subdivision	Matters for Council Discretion
12.13.1	Environmental Benefit	Subdivision within the Rural Zone (including Overlays) is a <i>Restricted Discretionary Activity</i> 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 <i>Environmental Benefit</i> meets the minimum size requirements relevant to the type of <i>Environmental Benefit</i> proposed listed below: - An 'Ecological' <i>Environmental Benefit</i> shall be a minimum of 0.5ha; or - A 'Landscape' <i>Environmental Benefit</i> 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 <i>Environmental Benefit</i> lots can be obtained; and - No more than three <i>Environmental Benefit</i> 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 <i>Environmental Benefit</i> Lot shall have a minimum <i>net site area</i> 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 <i>Restricted Discretionary (subdivision)</i> Activity in terms of an <i>Environmental Benefit</i> 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 <i>Environmental Benefit</i> 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 <i>environmental benefit</i> 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 1991. 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' <i>Environmental Benefit</i> with two developable sites (one being the parent lot and one the new lot), a minimum parent site area of 9,400m²-1.3ha 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 c(ii) above.	Where an activity is a <i>Restricted Discretionary Activity</i> 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 consent 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 <i>subdivision</i> 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 <i>subdivision</i> is in accordance with any relevant adopted Structure Plans or Policy Guidance i.e. 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; - In respect of services and/or management of on-site services, the extent to which: - Whether and the extent to which the <i>subdivision</i> and development avoids cumulative effects on the environment and on the provision of infrastructure and services; and - Whether and the extent to which the <i>subdivision</i> 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. - 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 <i>subdivision</i> and development avoids cumulative effects on the environment for the provision of servicing, the location of building platforms, parking, manoeuvring and access are minimised; - Whether and the extent to which the <i>subdivision</i> 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 co-sourcing of native plants is proposed as part of the development; whether and the extent provision has been made for the exercise of nuisance, noise and fire. 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 <i>environmental benefit</i> 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 25G); - The location of the feature and its surrounding environment e.g. whether it forms part of an outstanding landscape or adjoins / buffers 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; - 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

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control Discretion
			Matters for Control Discretion which on-going management plans are in place for the foreseeable future. (It is noted that Council has undertaken limited mapping of such values and that this is expected as part of the above mentioned assessment) <u>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:</u> - 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 are established and contribute an environmental benefit - iv) 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 <u>v) iv) The type of permanent protection and management proposed, in particular:</u> - iv) 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; and - The extent to which on-going management plans are in place, including any weed and or pest control / eradication and their duration. iv) The need for any enhancement of the features, for example by riparian planting, re-vegetation, fencing, weed/pest control or eradication; vi) Whether the site (or site) 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 to the vicinity of the site; vi) Effects including reverse sensitivity effects, due to the location and/or size of the allotments proposed to be created; vi) 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)	Provided that the site is not within an Overlay Area, any e-Subdivision to create a Rural Amenity Lot is a Restricted Discretionary Activity it: 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) 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. d) If two Rural Amenity lots are being created, and the site is in the Rural Zone (without an	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) <u>In respect of the site(s) design and location, the extent to which:</u> i) Whether and the extent to which the site subdivision is in accordance with relevant Council adopted Design Guidelines; ii) Whether and the extent to which the site subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance (i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy); iii) 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; iv) 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.

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control Discretion
		<u>Overlay</u> the balance lot created shall be a minimum net site area of 8 ha; a) 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-external; a) 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 a) 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".	Matters for Control Discretion iii) 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 avoids cumulative effects on the environment and on the provision of infrastructure and services; iii) 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/amenity), 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) Rehabilitation 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 sites 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 recreational right and-likanga;
OR 12.13.3	Small Lot Development (only for 5 hectares lots or less, existing at date of notification of the Plan)	Provided that the site is not within an Overlay Area, any subdivision for Small Lot Development is a <i>Restricted Discretionary Activity</i> 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 <u>additional</u> new lots are created per site in perpetuity. these can be created by either one of two 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 control 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; iii) 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 Strategy; iv) 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; v) 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 avoids cumulative effects on the environment and on the provision of infrastructure and services; iv) 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/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; c) Whether and the extent to which existing vegetation can be retained; and d) Rehabilitation using eco-sourcing of native plants is proposed as part of the development;

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control Discretion
12.13.4 42.44.1	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) Rural (excluding overlay areas) a) The number of total lots obtainable shall be one lot per four hectares of the parent title in the Rural Zone, with a minimum <i>net site area</i> of 4,000m² per lot. OR (2) Coast (East and West), Valued Natural Environments of Mangrove 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 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 title in the Rural Zone, 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 Rural Zone, with a minimum net site area of 4,000m² per lot. Note 4: this is to give effect to the Rural Residential Policy Areas within the Mangrove Structure Plan. OR (4) Mangawhai 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 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 Bryndenwyn Range. and these features and areas are protected and excluded from the above averaging	Matters for Control Discretion i) Whether and the extent to which the intensity of the subdivision and the arrangement of the sites results in the retention of a rural rather than urban character; ii) Whether and the extent to which the subdivision meets the Outcomes of Chapter 3 or a Council-adopted Structure Plan; iii) 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 house sites are clustered in nodes; iv) Whether maximum use is made of common services, driveways, buildings and shared driveways or access points for each cluster of housing sites; and v) Whether and to what extent provision has been made for the exercise of matauranga-māori and kaitiaki. 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) Whether and the extent to which the subdivision is in accordance 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; iii) 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 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: i) Whether and the extent to which the application for an Integrated Development meets the information requirements outlined in Appendix 25B and whether it 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 site specific features; iii) 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; iv) 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 shared access and/or shared amenities; v) Whether and the extent to which the proposed development integrates the proposed 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; vi) Whether and the extent to which the proposed development integrates the proposed 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; vii) The change in land use promotes sustainable management of natural and physical resources. iv) In respect of potential effects of development of sites within the subdivision, the extent to which: viii) Whether and the extent to which the proposed development is complementary or sympathetic to, or can be so ordered with, existing or proposed development on adjoining or adjacent properties in terms of landscaping, roof design, roof materials and/or colours; and other external materials and/or colours; v) The proposed development maintains the naturalness and rural quality of the landscape with appropriate landscaping, earthworks and planting; vi) The nature and extent of 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; vii) Whether and the extent to which the proposed development will adversely affect the naturalness and rural quality of the landscape through inappropriate landscaping including earthworks and planting as a result of any proposed mitigation or

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control Discretion
		<u>calculations.</u> <u>Note 1: this is to give effect to the Rural-Residential Policy Areas and the Conservation Policy Areas within the Mangawhai Structure Plan.</u> <u>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.</u> <u>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 Mangawhai Structure Plan.</u> AND <u>(5)(4) For all Integrated Development subdivision the following terms of subdivision must be met:</u> a) <u>The application must include the information required by a draft Integrated Development Plan as described in Appendix 25B; and</u> b) <u>Only one Consent for a Restricted-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</u> c) <u>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</u> d) <u>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</u> e) <u>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</u> f) <u>Environmental benefits can be provided and are shown in the Draft Integrated Development Management Plan; and</u> g) <u>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.</u> <u>Note 1: Any further subdivision of any lot contained within an approved Integrated Development Plan shall be a non-complying activity.</u> <u>Note 2: Note 4: 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 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.</u> <u>Note 3: The purpose of 12.13.4(5)(a) 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.</u>	<u>Increased domestication;</u> v) <u>In respect of the environmental benefits proposed, the extent to which the development:</u> - <u>Adds those matters for discretion identified for Environmental Benefit Subdivision (Rule 12.13.1), for ecological and landscape benefits;</u> - <u>x) 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;</u> - <u>xj) 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;</u> - <u>xk) Whether and the extent to which the development maintains, maintains and/or enhances historic or cultural patterns or heritage features identified in Appendix 17.1 and 17.2;</u> - <u>xl) 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;</u> - <u>xm) Whether and the extent to which the proposed subdivision provides for the creation of green networks – pedestrian and as appropriate cycle routes.</u> - <u>xn) Whether and the extent to which the subdivision meets the Outcomes of Chapter 3 or a Council adopted Structure Plan;</u> - <u>xo) 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;</u> - <u>xp) Whether and the extent to which the integrated development is consistent with any Council adopted Design Guidelines; and</u> - <u>xq) Whether and to what extent provisions have been made for the exercise of matauranga maori and tikanga.</u>

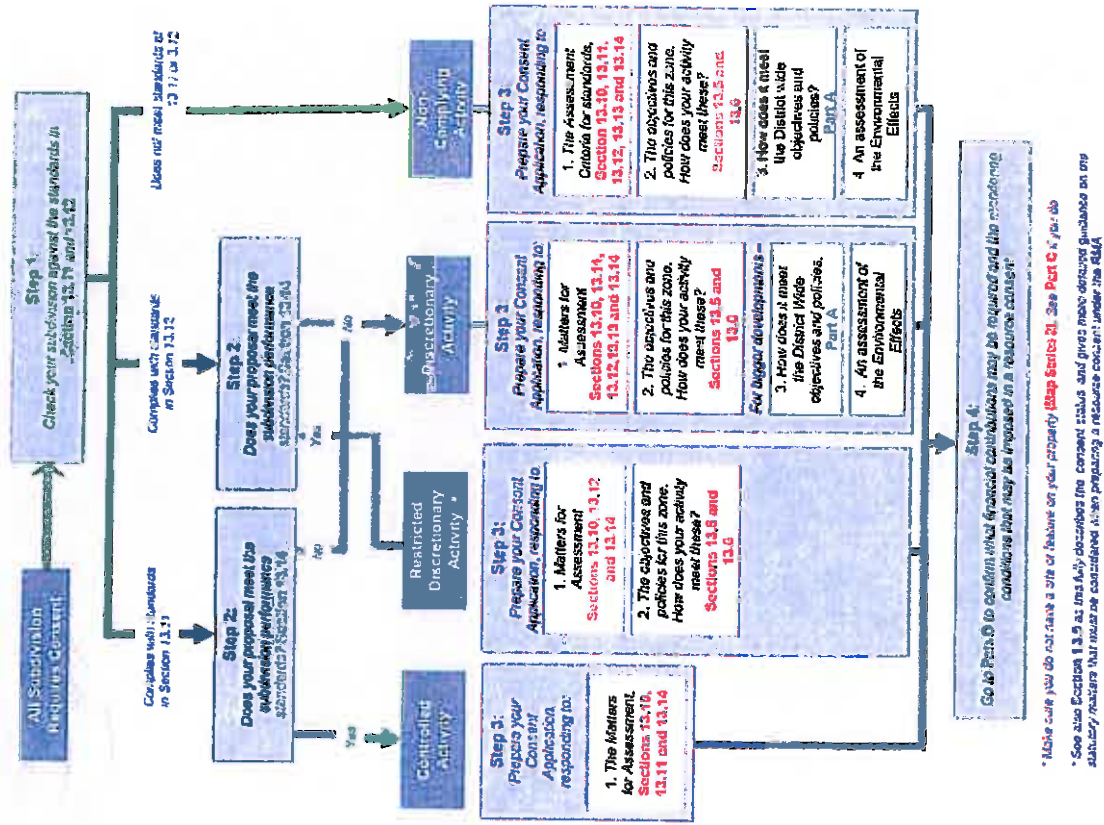
12.14 Restricted Discretionary Rural Subdivision

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
12.14.1	Small Lot 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 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 2 additional lots are created per site in perpetuity.	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 - The matters listed in Rule 12.12.1; - 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. 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; - 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. - 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, 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; - Revegetation using eco-sourcing of native plants is proposed as part of the development.
12.14.2	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: - Rural (excluding overlay areas) - The number of total lots obtainable shall be one lot per four hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m² per lot. - OR - Coast (East and West) and Kai Iwi Lakes Overlay Areas - 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 - Keipara Harbour Overlay - 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 - Mangawhai Harbour Overlay - 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	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; - 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. 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: - 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 marine

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
		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 Brydenwyn Range. 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 do not contain valued natural environments, achieving the conservation policy outcomes of the Mangawhai Structure Plan. AND (5) For all Integrated Development subdivision the following terms of subdivision must be met: - The application must include the information required by Appendix 25B; and - 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 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 - 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 - Environmental benefits can be provided and are shown in the Draft Integrated Development Management Plan; and - 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 12.14.2(5)(f) 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 intensive 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.	Matters for Discretion 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.

13 Residential Chapter

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



13.11 Controlled Residential Subdivision

Note: All subdivision will require consent as either Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity (see Figure 13.2)

Rule	Type of Subdivision	Terms for Subdivision	Matters of Control
13.11.1	General Residential Subdivision	Subdivision within the Residential zone is a Controlled Activity if it meets the following terms for subdivision: (1) Residential Zone - 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 - 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 - The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and 13.1443 of this Chapter. (2) All Overlays - 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 - 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 - 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-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 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 (meeting the terms of subdivision under this Rule), the following are the matters over which the Council reserves its Control: General Subdivision - Compliance with the Performance Standards for all subdivision contained in Section 13.1443; - That site(s) 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 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; - 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; - That future development on the site(s) is appropriate. In particular the extent to which: - The ability of the proposed lots to proposed lots including the location of building areas or site accesses are able to comply with the Land Use Performance Standards in Section 13.10; - 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 higher 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. - 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. - Whether and the extent to which provision has been made for the exercise of matauranga maori and kaitiaki or sites which contain mapped features or areas (see Chapter 17); - 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 amelioration of land holding parcels in same ownership, and creation or extinguishing of easements; - Provision for Easement Reserves and Sites; - Whether and the extent to which it is necessary to 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. - Administrative charges to be paid to the Council in respect of processing applications, administration, monitoring and supervisor of Resource Consents, and for the carrying out of the Council's functions under Section 35 of the Resource Management Act 1991. - extent to which revegetation using eco-sourcing of native plants is proposed as part of the development.

Rule	Type of Subdivision	Terms for Subdivision	Matters of Control
			vi) Whether the building area or site access is on a prominent edge, top, 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; vii) 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; x) Whether and the extent to which the subdivision meets the Outcomes of Chapter 3 or a Council adopted <i>Structure Plan</i> or the Outcomes of Chapter 13 or where the subdivision is in an Overlay area, the Outcomes of Chapter 4; Overlays; xvii) The matters on which conditions can be imposed under Section 220 of the Resource Management Act 1991. These include: easements, reserves and strips; amalgamation of land; holding parcels in same ownership; design of structures; protection against natural hazards; filling and compacting 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 <i>Discretionary Activity</i>. 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 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 13.14.1, for an activity that is a <i>Restricted Discretionary</i> or <i>Discretionary Activity</i>, 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.
OR			
13.11.2	Boundary Adjustment	<i>Subdivision</i> within the Residential zone is a <i>Controlled Activity</i> if it meets the following terms for subdivision: - The boundaries of two or more adjacent <i>allotments</i> are adjusted; and - No additional <i>allotments</i> will be created; and - The <i>net site area</i> of any proposed <i>allotment</i> created by the <i>boundary</i> adjustment is the same as, or does not differ by more than 10% of, the net site area of that <i>allotment</i> as it existed prior to the boundary adjustment; and - The minimum net site area of any proposed <i>allotment</i> created by the boundary adjustment is 600m² in the Residential Zone and 1,000m² in all Overlays; or 3,000m² where no connection to reticulated wastewater infrastructure is available; and - The proposed boundary adjustment complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter. Any existing <i>buildings</i> or activities on the created lots comply with the Performance Standards of Section 13.10 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 - The matters for control listed in 13.11.1; and - The extent to which a proposed <i>boundary</i> will provide for compliance with the performance Standards in Section 13.10 in relation to the existing <i>buildings</i>, <i>structures</i> and services on site; and vi) Whether and to what extent provision has been made for the exercise of <i>matauranga maori</i> and <i>kaitiaki</i>.
OR			
13.11.3	Preservation of Natural and Cultural Heritage	(1) Residential Zone <i>Subdivision</i> within the Residential zone, where it is not in an overlay area, is a <i>Controlled Activity</i> if it meets the following terms for subdivision: - Permanent physical and legal protection of the feature is achieved; and - The lot created for the preservation of heritage shall contain one or more of the following:- - Any historic <i>site</i> or feature listed in Chapter 17: <i>Historic Heritage</i>, 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 <i>Notable Tree</i> identified in Schedule 19.1.	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 - The matters for control listed in Rule 13.11.1; and - Preservation of Natural and Cultural Heritage - The method for the continued preservation of a historic <i>site</i>, <i>building</i> or object, or <i>archaeological site</i>; and - The effects of any <i>allotment</i> boundaries and/or identified building areas on the integrity of the heritage feature being protected; and - Where an application is made under this provision, the following are considered affected parties in terms of Section 95E of the Resource Management Act 1991: - For a historic <i>site</i>, <i>building</i> or object, or <i>archaeological site</i>, the New Zealand Historic Places Trust and the Department of Conservation; and

Rule	Type of Subdivision	Terms for Subdivision	Matters of Control
		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 13.14 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 13.14 of this Chapter.	Matters of Control - For a site of significance to Maori, the lwi; 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. 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 parent title (excluding area required for wastewater or access lots) in the Residential Zone, with a minimum net site area of 375m² per lot.	Assessment Criteria Matters for Discretion Where an activity is not permitted by 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 in accordance 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 i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy; - 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 Council will have regard to the following additional matters for discretion when assessing an application for Consent under this rule:

Rule	Parameter	Terms for Subdivision	Assessment Criteria Matters for Discretion
	OR (2) All Overlays <u>integrated-development-subdivision-is-a-Resitified-Discretionary-Activity-where-it-complies-with-the-following:</u>	a) Where a connection to reticulated wastewater infrastructure is available, the number of total 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 total 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 total lots obtainable shall be an average of at least one lot per 900m² of the parent title (excluding area required for wastewater or access lots) 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: <u>integrated-development-subdivision-is-a-Resitified-Discretionary-Activity-where-it-complies-with-the-following:</u> a) The application must include <u>the information required by a draft Integrated Development Plan as described in Appendix 25B</u>; and b) Only one Consent <u>for a Resitified-Discretionary (subdivision) Activity</u> in terms of an Integrated Development <u>may</u> 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; <u>and</u> c) The development bonuses available under Rule 13.11 will not be available as part of the process of obtaining such a Consent; <u>and</u> d) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and 13.143 of this Chapter; and e) The proposed subdivision results in the creation of 3 or more additional lots and <u>environmental benefits can be provided and are shown in the Draft Integrated Development Management Plan; and</u> f) <u>Environmental benefits can be provided and are shown in the Draft Integrated Development Management Plan.</u> g) 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. <u>Note 1: Any further subdivision of any lot contained within an approved Integrated Development Plan shall be a non-complying activity</u> <u>Applications for Integrated Development Subdivision will be considered against the assessment criteria of this rule and the ability of the proposed to meet the requirements of the Integrated Development Guidelines in Appendix 24b.</u> <u>Note 2: This type of subdivision allows for flexibility in the amount 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.</u> <u>Note 3: The purposes of 13.12.1(3)(c) 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.</u>	<u>i) Whether and the extent to which the application for an Integrated Development meets the information requirements outlined in Appendix 25B and whether it provides a sufficient level of detail for Council to determine the application;</u> <u>ii) In respect of the subdivision design and location, the extent to which:</u> <u>vi) Whether and the extent to which Residents will have convenient access to public parks, open space and community facilities;</u> <u>vii) Whether and the extent to which Any open spaces provided as part of the subdivision provides for a variety of recreational uses;</u> <u>viii) Whether and the extent to which the subdivision reinforces existing local focal points in the community, ensuring 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 or new roads and focal points within the movement network;</u> <u>ix) Whether and the extent to which the subdivision integrates with surrounding neighbourhoods through the subdivision integrates with surrounding neighbourhoods through the roading and open space networks and encourages pedestrian and cycle activity around convenient accesses and routes;</u> <u>It responds to site characteristics, the surrounding environment, notable features and views (to contribute to the local identity of the Kaipara District);</u> <u>x) Whether and the extent to which the subdivision provides for 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);</u> <u>Revegetation using eco-sourcing of native plants is proposed as part of the development;</u> <u>iv) In respect of the Environmental Benefits proposed, the extent to which the development:</u> <u>incorporates measures to provide new and enhance existing opportunities, for public access to the Coastal Marine Area, lakes, rivers and the existing reserve network;</u> <u>Maintains and/or enhances historic or cultural patterns or heritage features identified in Appendix 17.1 and 17.2;</u> <u>Provides for the creation of green networks – pedestrian and as appropriate cycle routes; and</u> <u>Maintains and/or enhances ecological features in accordance with the policies of Chapter 6.</u> <u>iii) Whether and the extent to which the layout contributes to the local identity of the Kaipara District, responding to site characteristics, the surrounding environment, notable features and views;</u> <u>x) Whether and the extent to which ecological and heritage features are protected and enhanced to add to the value and uniqueness of the subdivision;</u> <u>xii) Whether and the extent to which the proposal contributes to the Outcomes for the Growth Areas in Chapter 3 or an adopted Structure Plan;</u> <u>xiii) 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; and</u> <u>xiv) Whether and to what extent provision has been made for the exercise of matauranga maori and tikanga.</u>

13.13 Discretionary Residential Subdivision

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
13.13.1	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) <u>Residential (excluding overlay areas)</u> 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 parent title (excluding area required for wastewater or access lots) in the Residential Zone, with a minimum net site area of 375m² per lot. OR (2) <u>All Overlays</u> a) Where a connection to reticulated wastewater infrastructure is available, the number of total 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 total 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 total lots obtainable shall be an average of at least one lot per 900m² of the parent title (excluding area required for wastewater or access lots) in the Residential Zone, with a minimum net site area of 750m² per lot. AND (3) <u>For all Integrated Development subdivision the following terms of subdivision must be met:</u> 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 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) The development bonuses available under Rule 13.11 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	<u>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</u> <u>General Subdivision</u> i) <u>The matters for control listed in Rule 13.11.1;</u> ii) <u>In respect of the site(s) design and location, the extent to which:</u> <u>The subdivision is in accordance with relevant Council adopted Design Guidelines;</u> <u>The subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance (e.g. Manawhau Structure Plan and Reserves and Open Space Strategy);</u> <u>The subdivision meets the Objectives of the Plan, particularly those of Chapter 13 and, if the subdivision is in an Overlay area, Chapter 4;</u> <u>Integrated Development</u> <u>Council will have regard to the following additional matters for discretion when assessing an application for Consent under this Rule:</u> iii) <u>In respect of the subdivision design and location, the extent to which:</u> <u>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;</u> <u>The subdivision integrates with surrounding neighbourhoods, through the roading and open space networks and encourages pedestrian and cycle activity around convenient access and routes;</u> <u>The layout contributes to the local identity of the Kaipara District, responding to site characteristics, the surrounding environment, notable features and views;</u> <u>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;</u> <u>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);</u> <u>The proposed street network provides accessibility and choice in the local movement network, reducing travel distances;</u> <u>Residents have convenient access to public parks, open space and community facilities;</u> <u>Revegetation using eco-sourcing of native plants is proposed as part of the development;</u> <u>The change in land use promotes sustainable management of natural and physical resources;</u> iv) <u>In respect of the Environmental Benefits proposed, the extent to which the development:</u> <u>Provides open spaces as part of the subdivision that provide for a variety of recreational uses;</u> <u>Incorporates low impact environmental design through the development;</u> <u>Protects and enhances ecological and heritage features to add to the value and uniqueness of the subdivision;</u> <u>Provides for the creation of a connected roading network incorporating green networks that incorporate pedestrian and cycle routes;</u>

Rule	Type 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 allowed when the original consent was granted, 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.	

13.14+13.13 Performance Standards for All Residential Subdivision

Where activities do not comply with the Performance Standards in Section 13.14+13.13 the specific assessment criteria for the Standard infringed, contained within Section 13.14+13.13 will need to be considered, in addition to the relevant Assessment Criteria under Rule 13.10, 13.11 or 13.12.

14.11 Controlled Business Subdivision

Note: All subdivision will require consent as either Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity (see Figure 14.2)

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
14.11.1	General Business Subdivision Serviced	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 (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 14.13; ii) <u>That site(s) is adequately serviced and/or services on-site are managed, in particular the extent to which:</u> <u>ia) 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;</u> <u>ib) 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 deems 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.</u> <u>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;</u> <u>iv) That appropriate development within the site(s) is proposed, in particular the extent to which:</u> <u>ia) The ability of the proposed lots to be able to comply with the Land Use Performance Standards in Section 14.10;</u> <u>ib) Any building areas or earthworks required for building areas or site accesses will avoid or minimise impacts from natural hazards;</u> <u>ic) 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;</u> <u>id) Whether and the extent to which the location of proposed allotment boundaries, building areas and driveways or right of ways avoids Maori heritage sites and features;</u> <u>ie) The extent to which vegetated areas and riparian margins are protected from buildings and storage areas in the Valued Natural Environment of Mangawhai Harbour Overlay; and</u> <u>if) Whether and the extent to which the subdivision meets the Outcomes of Chapter 3 of a Council-adopted Structural Plan;</u> <u>v) That there is safe and efficient access to and from the site(s), in particular the extent to which:</u> <u>ia) 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;</u> <u>ib) 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;</u> <u>ic) Whether and the extent provision has been made for the exercise of matauranga maori and tikanga on sites which contain mapped features or areas (see Chapter 17);</u> <u>vi) The extent to which other instruments are required to manage or mitigate the effects of the subdivision, including:</u> <u>ia) Whether there are sufficient financial contributions provided to mitigate adverse effects generated by the subdivision (refer to Chapter 22: Financial Contributions);</u> <u>ib) Whether bonds or covenants, or both, are required to ensure performance or compliance with any conditions imposed;</u> <u>ic) Requirements for amalgamation of land, holding parcels in the same ownership, and creation or extinguishing of easements;</u> <u>id) Provision for Esplanade Reserves and Slips;</u> <u>ie) 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;</u> <u>if) Whether and the extent to which the subdivision meets the outcomes of Chapter 3 of 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;</u> <u>ig) Whether the subdivision will initiate or exacerbate natural hazards through earthworks or access provision or result in</u>

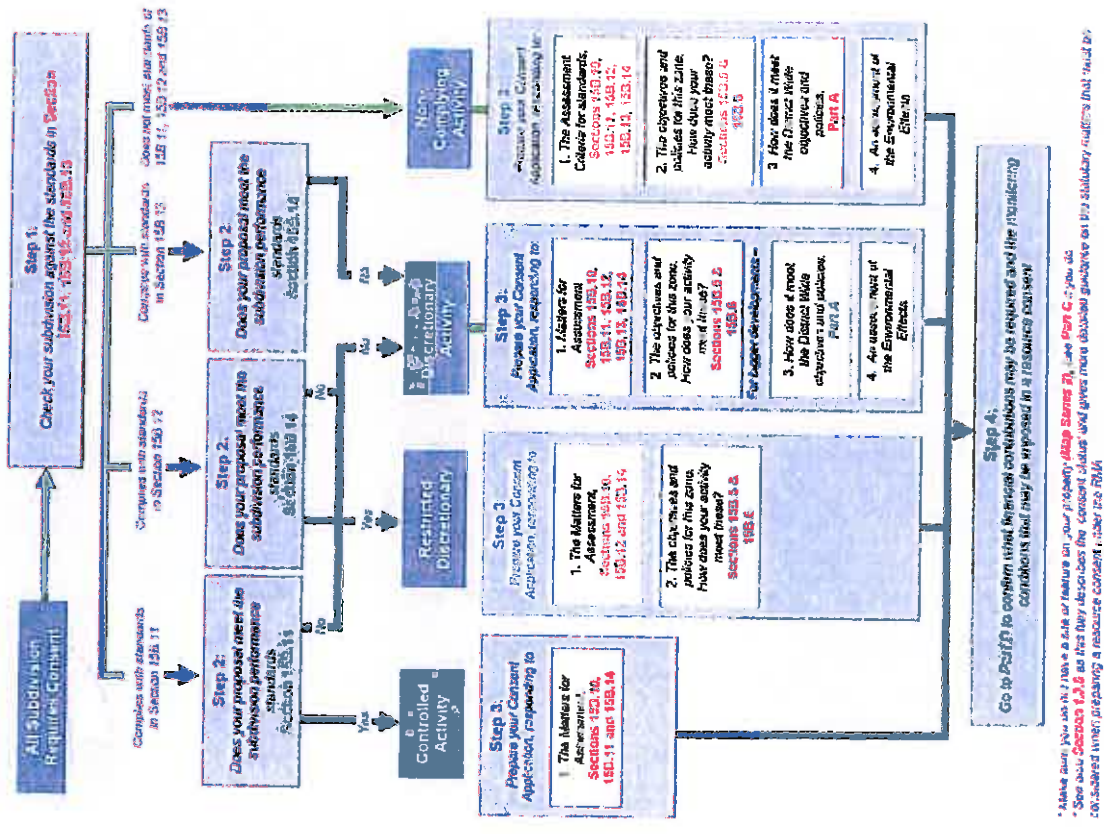
Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
			<u>building areas being subject to natural hazards;</u> <u>xi) Administrative charges to be paid to the Council in respect of processing applications, administration, monitoring and supervision of Resource Consents, and for the carrying out of the Council's functions under Section 35 of the Resource Management Act 1991;</u> <u>xv) The matters on which conditions can be imposed under Section 220 of the Resource Management Act 1991. These include: esplanade reserves and strips, amalgamation of land, holding parcels in same ownership, design of structures, protection against natural hazards, filling and compacting of land, and creation or extinguishing of easements;</u> Note 1: Where activities do not comply with the Performance Standards in Section 14.13, the specific assessment criteria for the Standard infringed 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. <u>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.</u> <u>Note 5: The above are matters on which conditions may be imposed under Section 220 of the Resource Management Act 1991.</u> <u>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.</u> 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) The matters for control listed in Rule 14.11.1; and ii) The extent to which a proposed <i>boundary</i> will provide for compliance with the Performance Standards in Section 14.10 in relation to the existing <i>buildings, structures and services on site</i>.
14.11.2	Boundary Adjustment	Subdivision is a Controlled Activity if it meets the following terms for subdivision: a) The minimum <i>net site area</i> of any proposed <i>allotments</i> created by the <i>boundary</i> adjustment is 250m² in the Commercial Zone or 500m² in the Industrial Zone, where <i>sites</i> can be connected to <i>reticulated wastewater infrastructure</i>; or b) The minimum <i>net site area</i> 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 <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 10% of, the <i>net site area</i> 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 <i>buildings</i> or activities on the created lots comply with the Performance Standards of Section 14.10 of this Chapter.	

14.12 Restricted Discretionary Business Subdivision

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
14.12.1	Subdivision Unserviced	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 Overlays) 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.	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), location and location, the extent to which: - ii) Whether and the extent to which the <u>The subdivision is in accordance with adopted Design Guidelines;</u> - ii) Whether and the extent to which the <u>The subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy;</u> - ii) Whether and the extent to which the <u>Whether and the extent to which the proposal contributes to the Outcomes for Growth Areas identified in Chapter 3</u> <u>The subdivision meets the Objectives of the Plan, particularly those of Chapter 3 and Chapter 14.12.1 and</u>

15B Maori Purposes: Treaty Settlement Land

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



15B.5 Treaty Settlement Objectives

15B.5.13 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.5.13

The District has a varied landscape, of which parts of it 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 natural environment values, natural character of the coastal environment, and as well as 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.

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 to and along waterways and the coast. Development can assist to achieve sustainable management because:

- a) With the input of capital, land management practices can change for positive environmental outcomes;
- b) Improved public access is more affordable through smaller subdivision lot sizes (e.g. less than 4ha) through the provision of esplanade reserves and strips;
- c) Improved access and management of natural resources can be gained through integrated and innovative subdivision design, especially on a catchment basis;
- d) 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.

15B.11 Controlled Treaty Settlement Land Subdivision

Note: All subdivision will require consent as either Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity (see Figure 15B.2)

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Control
15B.11.1	General Treaty Rural 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, Valued Natural Environments of Mangawhai, East Coast, and West Coast, and Mangawhai Harbour (Mangawhai and Kaipara Harbour) Overlays) 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 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 15B.14; ii) That site(s) is adequately serviced and/or services on-site are managed, in particular the extent to which: ii) 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; iii) Whether and the extent to which the subdivision incorporates the principles of Low Impact Stormwater Design; iv) Whether and the extent to which re-vegetation using eco-sourcing of native plants is proposed as part of the development; v) Whether <i>Betula</i> 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: v) 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; vi) 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; vii) 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; viii) 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: xi) 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; xii) 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: xiii) Whether there are sufficient financial contributions provided to mitigate adverse effects generated by the subdivision (refer to Chapter 22: Financial Contributions); xiv) Whether bonds, 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 Easements Reserves and Strips; xv) Whether and the extent to which it is necessary to Timing of consent, including consideration to extend the lapse

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Control
OR 15B.11.2	Preservation of Natural and Cultural Heritage	Subdivision within the Maori Purposes: Treaty Settlement Zone is a Controlled Activity if it meets the following terms for subdivision: 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: <i>Historic Heritage</i>, Appendix 17.1; or - An 'Area of Significance to Maori' listed in Chapter 17: <i>Historic Heritage</i>, Appendix 17.2; or - A heritage feature registered under the <i>Historic Places</i> Trust or site of significance to Maori identified since the date the District Plan was notified; - A <i>Notable Tree</i> identified in Appendix 19.1; - An area of land covenanted by the Te Uri o Hau Deed of Settlement 2000 or the Te Roroa Deed of Settlement 2005 for the protection of natural and cultural heritage. 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 15B.10 of this Chapter); and e) Any balance lot created must be a minimum net site area of four hectares; and f) The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and 15B.14 of this Chapter. Note 1: Where an application is made under this provision, the following are considered affected parties in terms of Section 95E 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; and	period of a Resource Consent beyond five years, under Section 125 of the Resource Management Act 1991, and whether the subdivision will initiate or exacerbate natural hazards, through earthworks or access provision, or result in building areas being subject to natural hazard; Whether and the extent to which the subdivision meets the Outcome of Chapter 3 or a Council adopted Structure Plan or the outcome of Chapter 12 or where the subdivision is in an Overlay area, the outcomes of Chapter 4 Overlay; 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; The matters on which conditions can be imposed under Section 220 of the Resource Management Act 1991. These include: easements, 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; and Note 1: Where activities that do not comply with the Performance Standards in Section 15B.14 42-45 the specific assessment criteria for the Standard infringed contained within Section 15B.14 42-45 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 15B.10 42-49 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 15B.12.1, for an activity that is a <i>Restricted Discretionary or Discretionary Activity</i>, 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 <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; 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 95E 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; and - 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; 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 - <i>Conservation Covenants</i> (Conservation Act 1987); and v) Whether and to what extent the extent to which provision has been made for the exercise of <i>maioranga maori</i> and <i>tikanga</i> on sites which contain mapped features or areas (see Chapter 17). 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.

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Control
OR		For a site of significance to Maori, the iwi.	
15B.11.3	Boundary Adjustment	Subdivision within the Treaty Settlement Zone (including Overlay) is a Controlled Activity if it meets the following terms for subdivision: - The <u>size and/or</u> boundaries of two or more adjacent allotments are adjusted; and - No additional allotments will be created; and <u>One of the following are met:</u> - The <u>net site area</u> of any proposed allotment created by the boundary adjustment is the same as, or does not differ by more than <u>49.15%</u> of, the net site area of that allotment as it existed prior to the boundary adjustment; <u>or</u> - 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 already non-complying, then the degree of non-compliance shall not be increased as a result of the boundary adjustment; <u>and</u> - 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 15B.14 of this Chapter. Any existing buildings or activities on the created lots comply with the Performance Standards of Section 15B.10 of this Chapter - Access from the public road for each of the lots is not affected; and <u>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.</u>	Where an activity is a Controlled Activity under this Rule, the following are the matters over which the Council reserves its Control General Subdivision - The matters for control listed in Rule 15B.11.1; - 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 Whether and to what extent <u>The extent to which</u> provision has been made for the exercise of <i>matauranga maori</i> and <i>tikanga</i>.

15B.12 Restricted Discretionary Treaty Settlement Land Subdivision

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Discretion
15B.12.1	Environmental Benefit	Subdivision within the Treaty Settlement Zone (including Overlays) 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 <i>site</i> 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 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 - 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 - Each Environmental Benefit Lot shall have a minimum net site area of 4,000m² with an area of at least 2,500m² (exclusive of this area being permanently protected), to accommodate a dwelling 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 Sections 15B.10 and 15B.14 of this Chapter; and - 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 Uri o Hau Deed of Settlement 2000 or the Te Koroa 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 the 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 <i>development</i> 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 9,000m² 1.3ha is required. Note 5: For clarity, this rule intends that only one 'environmental benefit' lot is created <i>not</i> environmental benefit given, with the exception of that provided in Rule 6(bulleted three) 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 - The matters for control listed in Rule 15B.11.1; <u>In respect of the site(s) design and location, the extent to which:</u> whether and the extent to which the <u>The subdivision is in accordance with relevant Council adopted Design Guidelines;</u> <u>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.</u> <u>In respect of services and/or management of on-site services, the extent to which:</u> whether and the extent to which the <u>The subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services;</u> and whether and the extent to which the <u>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.</u> Council will give consideration to the ability of the applicant to provide for the required upgrades by way of development and/or financial contributions. <u>In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which:</u> whether and the extent to which the <u>Earthworks required for the provision of servicing, the location of building platforms, parking, manoeuvring and access are minimised;</u> whether and the extent to which the <u>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</u> <u>Revegetation using eco-sourcing of native plants is proposed as part of the development.</u> whether and the extent provision has been made for the exercise of matauranga maori and tikanga. Environmental Benefit Council will have regard to the following additional matters for discretion when assessing an application for Consent under this Rule: <u>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;</u> <u>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</u> <u>The quality of the feature proposed to be protected, in particular, and the opportunities for restoration or rehabilitation:</u> <u>The ecological significance (Appendix 25C);</u> <u>The location of the feature and its surrounding environment e.g. whether it forms part of an outstanding landscape or adjoins / buffers 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;</u> <u>The significance of the feature to the natural character of the District;</u> <u>The rarity of the feature;</u> <u>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</u> <u>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:</u> <u>The ability for the area to make a significant contribution to the ecology of an area;</u> <u>The length of time required before re-vegetated areas make a significant contribution to the ecology of an area are established and contribute an environmental benefit.</u> <u>The future management of the feature, once protected including any future on-going management and/or restoration</u>

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Discretion
			plans required to achieve the intent of the <i>Environmental Benefit</i>; and v) <u>with</u> The type of <i>permanent protection</i> and <i>management</i> proposed, in particular: • <u>with</u> The need for a type of bond or covenant proposed and any additional requirements to ensure performance or compliance with any conditions imposed; • <u>with</u> 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; • The extent to which on-going management plans are in place, including any weed and/or pest control / eradication and their duration; • <u>with</u> The need for any enhancement of the features, for example by riparian planting, re-vegetation, fencing, weed/pest control or eradication; • <u>with</u> 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; • <u>with</u> Whether the site (or site) 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; • <u>with</u> Effects, including reverse sensitivity effects, due to the location and/or size of the allotments proposed to be created; • <u>with</u> 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; • <u>with</u> 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 which on-going management plans are in place for the foreseeable future. (It is noted 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 of the following: • <i>Conservation Covenants</i> (Reserves Act 1977); • Protected Private Land (Reserves Act 1977); • Open Space Covenants (Queen Elizabeth II National Trust 1977); and • Conservation Covenants (Conservation Act 1987).
OR 15B.12.2	Rural Amenity Lot (for lots existing at date of notification of the Plan)	<u>Provided that the site is not within an Overlay Area, any subdivision, Subdivision to create a Rural Amenity Lot is a Restricted Discretionary Activity</u>; a) The parent lot existed at the date of notification of the Plan (21 October 2008); b) No more than two additional Rural Amenity lots are created per parent site in perpetuity; b)(2) 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 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 20ha; c)(2) If two Rural Amenity lots are 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 8 ha; e) Only one Consent for a Restricted Discretionary (subdivision) Activity in terms of a Rural	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 15B.11.1; ii) <u>In respect of the site(s) design and location, the extent to which:</u> • <u>with</u> Whether and the extent to which the subdivision is in accordance with relevant Council adopted Design Guidelines; • <u>with</u> 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 Strategy; • <u>with</u> 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; • <u>with</u> In respect of services and/or management of on-site services, the extent to which:

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Discretion
		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 <u>in this Treaty Settlement Zone, and this may be provided for by two separate Resource Consents relating to two different portions of the site</u>); <u>§9L</u> Where more than one Rural Amenity Lot from a parent site is created either: - An area of site least 0.5ha shall be revegetated to create a future 'Ecological Environmental Benefit', or - an equivalent financial contribution shall be made to the <u>Council Biodiversity Fund</u>; and <u>§9M</u> The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and 15B.14 of this Chapter. <u>Note 1: Refer to Chapter 24: Definitions for the definition of "Rural Amenity Lot."</u>	x) Whether and the extent to which the The subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services; iii) Whether and the extent to which the 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; <u>iv) In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which:</u> i) 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; ii) Whether and the extent to which the 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; iii) Whether and the extent to which existing vegetation can be retained; iv) Whether and the extent to which native plants is proposed as part of the development; v) 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;
OR 15B.12.3	Small Lot Development (only for 5 hectare lots or less, existing at date of notification of the Plan)	Provided that the site is not within an Overlay Area, any subdivision for Small Lot Development is a <u>Restricted Discretionary Activity</u> it: - 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; - 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 15B.10 and 15B.14 of this Chapter; and - No more than three <u>additional new</u> lots are created per site.	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 15B.11.1; <u>In respect of the site(s) design and location, the extent to which:</u> ii) Whether and the extent to which the The subdivision is in accordance with relevant Council adopted Design Guidelines; iii) Whether and the extent to which the The subdivision is in accordance with any <u>relevant</u> adopted <u>Structure Plans</u> or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy; iv) 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. <u>In respect of services and/or management of on-site services, the extent to which:</u> ii) Whether and the extent to which the The subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services; iii) Whether and the extent to which the 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; <u>iv) In respect of potential effects of development within the site(s) proposed by the subdivision, the extent to which:</u> ii) 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 <u>driveways</u> or access points for any clusters of housing sites; iii) Whether and the extent to which the 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; iv) Whether and the extent to which existing vegetation can be retained; and v) Whether and the extent to which native plants is proposed as part of the development; vi) 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; iii) Whether and the extent to which the subdivision meets the Outcomes of Chapter 3 or a Council adopted Structure Plan;

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Discretion
15B.12.1 15B.12.4	Integrated Development (for up to 10 lots)	<u>Provided that 10 or fewer lots are being created, an integrated Development subdivision is a Restricted Discretionary Activity where it complies with the following:</u> (1) <u>Maori Purposes: Treaty Settlement Zone (excluding Overlay areas)</u> a) <u>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.</u> OR (2) <u>Coast (East and West), Valued Natural Environments of Mangawhai and Kai Iwi Lakes Overlay Areas (excluding Harbour)</u> a) <u>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</u> b) <u>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 with a minimum net site area of 4,000m² per lot.</u> OR (3) <u>Kaipara Harbour Overlay</u> a) <u>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</u> b) <u>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.</u> OR AND (4) <u>Mangawhai Harbour Overlay</u> a) <u>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</u> b) <u>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:</u> • <u>Coastal dune systems and coastal edge;</u> • <u>Estuarine wetland and saltmarsh systems;</u> • <u>Terrestrial wetland systems and associated riparian corridors;</u> • <u>Significant areas of continuous bush remnants and regenerating bush shrubland areas;</u> • <u>Significant wildlife habitats and corridors; and</u> • <u>The Brydenwyn Rangeland, and these features and areas are protected and excluded from the above averaging calculations.</u> <u>Note 1: this is to give effect to the Rural-Residential Policy Areas and the Conservation Policy Areas within the Mangawhai Structure Plan.</u> <u>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.</u> <u>Note 3: The intent of this Rule is to focus the use and development on the parts of the site that</u>	xii) <u>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 house sites are clustered in nodes; and</u> xiii) <u>Whether maximum use is made of common services, access ways, buildings and shared driveways or access points for each cluster of housing sites;</u> 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) <u>The matters for control listed in Rule 15B.11.1;</u> ii) <u>Whether and the extent to which the subdivision is in accordance with adopted Design Guidelines; and in respect of the site(s) design and location, the extent to which:</u> - <u>The subdivision is in accordance with relevant Council adopted Design Guidelines;</u> - <u>The subdivision is in accordance with any relevant adopted Structure Plans or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy;</u> - <u>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;</u> - <u>Whether and the extent to which the subdivision is in accordance with any adopted Structure Plans or Policy Guidance i.e. Mangawhai Structure Plan and Reserves and Open Space Strategy;</u> - <u>Whether and to what extent provisions have been made for the exercise of matauranga maori and tikanga</u> Integrated Development Council will have regard to the following additional matters for discretion when assessing an application for Consent under this rule: i) <u>Whether and the extent to which the application for an integrated Development meets the information requirements outlined in Appendix 26B and whether it provides a sufficient level of detail for Council to determine the application;</u> ii) <u>In respect of the subdivision design and location, the extent to which:</u> - <u>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;</u> - <u>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;</u> - <u>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 shared access and/or shared amenities;</u> - <u>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 where there is an opportunity to avoid or reduce impacts on natural character, indigenous vegetation, landform, and coherent natural patterns;</u> - <u>Revegetation using eco-sourcing of native plants is proposed as part of the development;</u> - <u>The change in land use promotes sustainable management of natural and physical resources;</u> iv) <u>In respect of potential effects of development of sites within the subdivision, the extent to which:</u> - <u>Whether and the extent to which the proposed development is complementary or sympathetic to or can be co-ordinated with, existing or proposed development on adjoining or adjacent properties in terms of landscaping, road design, roof materials and/or colours, and other external materials and/or colours;</u> - <u>The proposed development maintains the naturalness and rural quality of the landscape with appropriate landscaping, earthworks and planting;</u> - <u>Whether and the extent of 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;</u>

Rule	Type of Subdivision	Terms for Subdivisions	Matters for Discretion
		<u>do not contain valued natural environments, achieving the conservation policy outcomes of the Manawatu Structure Plan.</u> AND <u>(5)(4) For all Integrated Development subdivision the following terms of subdivision must be met:</u> a) <u>The application must include the information required by a draft Integrated Development Plan as described in Appendix 2B5; and</u> b) <u>Only one Consent for a Rectified 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</u> c) <u>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</u> d) <u>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</u> e) <u>The proposed subdivision complies with the relevant Performance Standards in Section 15B.10 and 15B.14 of this Chapter; and</u> f) <u>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</u> g) <u>Environmental benefits can be provided and are shown in the Draft Integrated Development Management Plan; and</u> h) <u>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.</u> Note 1: Any further subdivision of any lot contained within an approved Integrated Development Plan shall be a non-combining activity. 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 24b. Note 2: This type of subdivision allows for flexibility in the amount 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.	Matters for Discretion i) <u>Whether and the extent to which the proposed development will adversely affect the naturalness and rural quality of the landscape through inappropriate landscaping including earthworks and planting as a result of any proposed mitigation or increased domestication;</u> j) <u>In respect of the environmental benefits proposed, the extent to which the development:</u> - <u>Adds those matters for discretion identified for Environmental Benefit Subdivision (Rule 15B.12.1), for ecological and landscape benefits;</u> - <u>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;</u> - <u>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;</u> - <u>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;</u> - <u>Whether and the extent to which the proposed subdivision provides for the creation of green networks – pedestrian and as appropriate cycle routes.</u> k) <u>Whether and the extent to which the development effectively utilises the public access right of ways and protects the reserve values covenanted by the Te Uri o Hau Deed of Settlement 2000 or the Te Roroa Deed of Settlement 2006.</u> l) <u>Whether and the extent to which the subdivision meets the Outcomes of Chapter 3 or a Council-adopted Structure Plan;</u> m) <u>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;</u> n) <u>Whether and the extent to which the integrated development is consistent with any Council-adopted Design Guidelines.</u>

15B.13 Restricted-Discretionary Treaty Settlement Land Subdivision

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
15B.13.1	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) <u>Rural (excluding overlay areas)</u> a) The number of total lots obtainable shall be one lot per four hectares of the parent title in the Rural Zone, with a minimum net site area of 4,000m² per lot. OR (2) <u>Coast (East and West) and Kai Iwi Lakes Overlay Areas</u> 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) <u>Kaipara Harbour Overlay</u> 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) <u>Mangawhai Harbour Overlay</u> 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 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 Brydenwyn 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 do not contain valued natural environments, achieving the conservation policy outcomes of the Mangawhai 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; 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: <u>General Subdivision</u> i) The matters for control listed in Rule 15B.11.1; 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 15B and, if the subdivision is in an Overlay area, Chapter 4; <u>Integrated Development</u> 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, or from neighbouring properties, from public land, and from the coastal marine 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; iv) 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; 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; - 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;

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
15B.13.2	Small Development (only for 5 hectare lots or less, existing at date of notification of the Plan)	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) 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 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 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. If the site is within an Overlay Area, any subdivision for Small Lot Development is a 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 15B.10 and 15B.14 of this Chapter; and - No more than 2 additional lots are created per site in perpetuity.	Matters for Discretion - 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. - The extent to which the development effectively utilises the public access right of ways and protects the reserve values governed by the Te Uri o Hau Deed of Settlement 2000 or the Te Roroa Deed of Settlement 2005. 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 - The matters for control listed in Rule 15B.11.1; - 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. 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; - 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. - 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, 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;

Rule	Type of Subdivision	Terms for Subdivision	Matters for Discretion
			Revegetation using eco-sourcing of native plants is proposed as part of the development. -