



**Kaipara
District
Plan Review**

AUGUST 2021



Kaipara District Plan Review
Discussion Document

Subdivision

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BACKGROUND

Subdivision is the process of dividing a site or building into one or more additional sites or units or changing an existing boundary. The way in which land is subdivided is important as it determines the character of development and can have impacts on neighbouring sites. It also determines the future use of the land.

In the urban context, it is critically important to ensure land zoned for subdivision development is supported by infrastructure, and that environmental impacts and natural hazard risks are managed prior to development occurring. In the rural context it is important to ensure the productive potential of the rural environment is given primacy and is protected. Issues regarding zoning provisions are also discussed in the Strategic Direction and Zoning Discussion Document.



KEY ISSUES

- The current rules framework, both in the rural area as well as in the towns and settlements is complex and confusing.
- The new District Plan needs to include subdivision design outcomes to achieve the purpose and function of the relevant zone. This may include urban design guidance and infrastructure requirements, particularly in the urban zones.
- Subdivision densities need to reflect the desired outcomes for towns and settlements (as identified in Council's Spatial Plan).
- In the urban context, infrastructure needs to be planned for in an integrated way to ensure connectivity occurs between different land parcels.
- In the rural context, non-reticulated areas require detailed consideration to ensure primacy is given to the productive potential of the land (especially on high class soils), as well as site suitability for building platforms and sites for non-residential development.
- Provisions are needed in the District Plan to create esplanade reserves and strips where subdivision occurs on properties with frontages to waterways and the coastline. Esplanade Reserves and strips are also discussed in the Public Access discussion document.

IWI INTERESTS AND IWI MANAGEMENT PLANS

Subdivision is a matter of interest to Iwi, as it has impacts on the way in which land is developed. There are two Iwi Management Plans that Kaipara's District Plan must take into account:

- Nga Ture mo Te Taiao o Te Roroa 2009
- Te Uri o Hau Kaitiakitanga o Te Taiao 2011

Both documents refer to subdivision and development and aim to ensure that any adverse effects from subdivision are managed and mitigated to protect the environment.

SUMMARY OF OPERATIVE DISTRICT PLAN PROVISIONS

While subdivision is addressed in various parts of the Operative District Plan, the main rules around subdivision are provided in Chapters 12, 13 and 14.

In general, the minimum site area for residential subdivision is 600m² where it is connected to reticulated wastewater infrastructure and 3,000m² where it is not connected to reticulated wastewater infrastructure. In general, the minimum site area for rural subdivision is 12ha (outside of Overlay areas) and 20ha in the overlay areas. Further details on these provisions can be found in Appendix 1.

NEXT STEPS

Urban Zones

The development and adoption of the **'Kaipara District Spatial Plan Ngā Wawata 2050 – Our Aspirations'**, includes significant direction on suitable subdivision densities and this will inform the drafting of the relevant chapters. Further work needs to be undertaken to determine lot sizes in conjunction with the availability of services and infrastructure, and to ensure that the land to be zoned for smaller lots is suitable for the recommended sizes.

Rural Zones

Additional work is needed to define the required rural zones. These zones need to provide for general rural land, rural production and horticulture (Kaipara Kai) as well as rural residential or lifestyle lots. This work will be undertaken by planning experts who will use various sources of information, including available soil classifications and key land use activities to support their recommendations. Once this definition stage is completed, further analysis will be required to determine subdivision options for these zones.

Further research is required to ensure the zoning for rural residential or lifestyle properties achieves the right balance between allowing for such development in appropriate locations, not undermining existing rural activities and jeopardising future urban development.

THINGS TO THINK ABOUT

The content of a district plan ranges from fulfilling legal requirements made by Central Government and regional councils to proposing specific provisions that meet the needs of our District and its communities. This list includes any changes required to meet legal obligations as well as some ideas Council wants to explore further with our communities.

- Subdivision provisions included in the new District Plan could provide for boundary adjustments, general subdivision, environmental benefit subdivision and other types of subdivision.
- New provisions are needed to ensure subdivisions are designed and located to suit the role and function of the particular zone.
- Requirements for the management of earthworks associated with subdivision need to be provided.
- Subdivision design, particularly in the urban context, should achieve high levels of amenity.
- Connected and integrated infrastructure will need to be provided as part of subdivision design.
- Access to, and linkages between, open spaces and recreational areas need to be provided for in residential zones.
- Subdivision design and stormwater guidelines need to be developed.
- Consideration of a more restrictive subdivision regime in the rural zones to reduce the fragmentation of highly productive land.
- Subject to the National Policy Statement on Highly Productive Land (NPS-HPL) being finalised, the relevant provisions in the new District Plan are required to give effect to this.
- Higher density subdivision development within the urban and settlement areas may be promoted in accordance with the recommendation in Ngā Wawata 2050.

APPENDIX 1

RELEVANT LEGISLATION AND NATIONAL DIRECTION

Resource Management Act 1991	
Section 31(1)	Requirements for Council to control the effects of subdivision development and for ensuring there is sufficient capacity for housing and business land development.
Section 11	Restrictions on subdivision of land
Section 87	Resource consent for subdivision
Section 108 and 220	Conditions on consents generally and for subdivision consents
Section 218	Meaning of subdivision of land and includes definition of allotment.
Section 230	Includes requirements for esplanade reserves or esplanade strips to be vested in Council.
Section 406	Includes grounds of refusal of subdivision consent.
National Policy Statements	
National Policy Statement on Urban Development 2020 (NPS-UD)	If parts of the District are considered to be an urban environment, the NPS-UD would apply meaning that densification is required.
Proposed National Policy Statement for Highly Productive Land (NPS-HPL)	While still not enacted, the NPS-HPL will require all land Classified as Land Use Capability 1,2 and 3 to be preserved for primary production purposes.
New Zealand Coastal Policy Statement 2020 (NZCPS)	The NZCPS requires the protection of the coastal environment. As part of assessing subdivision within the coast, the NZCPS will apply.

REGIONAL GUIDANCE

Regional Policy Statement for Northland	
Policy 5.1.1 – Planned and co-ordinated development	Directs subdivision, use and development to be located, designed and built in a planned and co-ordinated manner using criteria (a) – (h).
Policy 5.1.2 – Development in the coastal environment	Directs how subdivision, use and development is to be carried out in the coastal environment.
Policy 5.1.3 – Avoiding the adverse effect of new use(s) and development	Directs the avoidance of effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on primary production activities, commercial and industrial activities, regional infrastructure and regionally significant mineral resources.
Policy 7.1.2 – New subdivision and land use within 10-year and 100 year flood hazard areas	Directs that new subdivision, built development and land use change may be appropriate provided criteria (a) – (g) are met.
Policy 7.1.3 New subdivision, use and development within areas potentially affected by coastal hazards (including high risk coastal hazard areas)	Ensures new subdivision, use and development within areas potentially affected by coastal hazards will be managed.
Policy 7.1.6 Climate change and development	Directs that when managing subdivision, use and development in Northland that the effects of climate change are taken into account.
Proposed Regional Plan for Northland	
C.8 Land use and disturbance activities	C.8.3 would apply to any large-scale earthworks required for subdivision.

OPERATIVE KAIPARA DISTRICT PLAN 2013 – RELEVANT PROVISIONS

Residential Zone			
Provision	Zone/Overlay	Summary of Rule	Activity Status
Rule 13.11.1 General Residential Subdivision	Residential Zone	<ul style="list-style-type: none"> Minimum net site area of 600m², where connected to reticulated wastewater infrastructure. Minimum net site area of 3,000m² where not connected to reticulated wastewater infrastructure. Needs to comply with Performance Standards. Not within an Outstanding Natural Landscape. 	Controlled
	Overlay Areas	<ul style="list-style-type: none"> Minimum net site area of 1,000m², where connected to reticulated wastewater infrastructure. Minimum net site area of 3,000m² where not connected to reticulated wastewater infrastructure. Needs to comply with Performance Standards. Not within an Outstanding Natural Landscape. 	Controlled
Rule 13.11.2 Boundary Adjustment	Residential Zone	<ul style="list-style-type: none"> The boundaries of two or more adjacent allotments are adjusted. No additional allotments will be created. Net site area of the boundary is the same as, or does not differ by more than 10% of, the net site area as it existed prior to the adjustment. 	Controlled
Rule 13.11.3 Preservation of Natural and Cultural Heritage	Residential Zone	<ul style="list-style-type: none"> Permanent physical and legal protection of the feature is achieved. Lot created must contain either an historic site; an area of significance to Māori or a heritage feature, or a Notable Tree. Minimum net site area of 375m², where reticulated wastewater infrastructure is available with the exception of the lot containing the mapped site or feature. Minimum net site area of 3,000m² where there is no connection to reticulated wastewater infrastructure. 	Controlled
	Overlay Areas	<ul style="list-style-type: none"> Permanent physical and legal protection of the feature is achieved. Lot created must contain either an historic site; an area of significance to Māori or a heritage feature, or a Notable Tree. Minimum net site area of 750m², where reticulated wastewater infrastructure is available with the exception of the lot containing the mapped site or feature. Minimum net site area of 3,000m² where there is no connection to reticulated wastewater infrastructure. 	Controlled

Provision	Zone/Overlay	Summary of Rule	Activity Status
Rule 13.12.1 Integrated Development (for up to 10 lots)	Residential Zone	<ul style="list-style-type: none"> Where connection to reticulated wastewater infrastructure is available the number of total lots shall be at least 1 lot per 500m² with a minimum net site area of 375m². Where connection to reticulated wastewater infrastructure is not available the number of lots shall be an average of at least 1 lot per 3,000m² with a minimum net site area of 2,000m² per lot. Where connection to reticulated wastewater infrastructure is not available but a private wastewater system is proposed to be established to service all lots in the subdivision, the number of lots shall be an average of at least 1 lot per 500m² with a minimum net site area of 375m² per lot. The site is not within an Outstanding Natural Landscape. 	Restricted Discretionary
	Overlay Areas	<ul style="list-style-type: none"> Where connection to reticulated wastewater infrastructure is available the number of total lots shall be at least 1 lot per 900m² with a minimum net site area of 750m². Where connection to reticulated wastewater infrastructure is not available the number of lots shall be an average of at least 1 lot per 3,000m² with a minimum net site area of 2,000m² per lot. Where connection to reticulated wastewater infrastructure is not available but a private wastewater system is proposed to be established to service all lots in the subdivision, the number of lots shall be an average of at least 1 lot per 900m² with a minimum net site area of 750m² per lot. The site is not within an Outstanding Natural Landscape. 	Restricted Discretionary
Rule 13.13.1 Integrated Development (for more than 10 lots)	Residential (excluding overlay areas)	<ul style="list-style-type: none"> Where connection to reticulated wastewater infrastructure is available the number of total lots shall be at least 1 lot per 500m² with a minimum net site area of 375m². Where connection to reticulated wastewater infrastructure is not available the number of lots shall be an average of at least 1 lot per 3,000m² with a minimum net site area of 2,000m² per lot. Where connection to reticulated wastewater infrastructure is not available but a private wastewater system is proposed to be established to service all lots in the subdivision, the number of lots shall be an average of at least 1 lot per 500m² with a minimum net site area of 375m² per lot. The site is not within an Outstanding Natural Landscape. 	Discretionary
	Overlays	<ul style="list-style-type: none"> Where connection to reticulated wastewater infrastructure is available the number of total lots shall be at least 1 lot per 900m² with a minimum net site area of 750m². Where connection to reticulated wastewater infrastructure is not available the number of lots shall be an average of at least 1 lot per 3,000m² with a minimum net site area of 2,000m² per lot. Where connection to reticulated wastewater infrastructure is not available but a private wastewater system is proposed to be established to service all lots in the subdivision, the number of lots shall be an average of at least 1 lot per 900m² with a minimum net site area of 750m² per lot. The site is not within an Outstanding Natural Landscape. 	Discretionary
Rule 13.13.2 Subdivision of a site within an Outstanding Natural Landscape	Residential Zone	<ul style="list-style-type: none"> Needs to meet Rules 13.11 or 13.12 but does not provide for the permanent physical and legal protection of Outstanding Natural Landscapes as stated in Rule 13.12.1. 	Discretionary

Business Zones (Commercial, Industrial)			
Provision	Zone/Overlay	Summary of Rule	Activity Status
Rule 14.11.1 General Business Subdivision	Commercial Zone (not in an overlay)	<ul style="list-style-type: none"> Where connected to reticulated wastewater infrastructure is available the minimum net site area 250m². Complies with Performance Standards in 14.10 and 14.13. 	Controlled
	Industrial Zone (not an overlay)	<ul style="list-style-type: none"> Where connected to reticulated wastewater infrastructure is available the minimum net site area 500m². Complies with Performance Standards in 14.10 and 14.13. 	
	Industrial and Commercial Zones in an Overlay	<ul style="list-style-type: none"> Where connected to reticulated wastewater infrastructure is available the minimum net site area 1,000m². Complies with Performance Standards in 14.10 and 14.13. 	
Rule 14.11.2 Boundary Adjustment	Commercial and Industrial Zone	<ul style="list-style-type: none"> Minimum net site area of any proposed allotments is 250m² in the Commercial Zone or 500m² in the Industrial Zone, where sites can be connected to reticulated wastewater infrastructure. Minimum net site area of any proposed allotments is 2,000m² where sites are not connected to reticulated wastewater infrastructure. No additional allotments will be created. Net site area of any proposed allotment created by the boundary adjustment is the same as or does not differ by more than 10% of the net site area of that allotment as it existed prior to the boundary adjustment. Complies with Performance Standards in 14.10 and 14.13. 	Controlled
Rule 14.12.1 Subdivision - unserviced	Commercial and Industrial (excluding overlays)	<ul style="list-style-type: none"> No minimum site area for sites with no connection to reticulated wastewater infrastructure. Performance Standard 14.13.6 applies. Complies with Performance Standards in section 14.10 and 14.13. 	Restricted Discretionary

Rural Zone			
Provision	Zone/Overlay	Summary of Rule	Activity Status
Rule 12.12.1 General Subdivision	Outside Overlay Areas	<ul style="list-style-type: none"> Minimum net site area of 12ha. Complies with Performance Standards in sections 12.10 and 12.15. Allotment is not within an Outstanding Natural Landscape. 	Controlled
	Inside Overlay Areas*	<ul style="list-style-type: none"> Minimum net site area of 20ha. Complies with Performance Standards in sections 12.10 and 12.15. Allotment is not within an Outstanding Natural Landscape. <p><i>*Kai iwi lakes, east coast, west coast, Mangawhai Harbour and Kaipara Harbour Overlays</i></p>	Controlled
Rule 12.12.2 Preservation of Natural and Cultural Heritage	All Rural Zone (including overlays)	<ul style="list-style-type: none"> Minimum net site area of 4,000m² and an area of at least 2,500m² exclusive of the heritage area being permanently protected. Balance lot must be a minimum net site area of 4 hectares. Complies with Performance Standards in sections 12.10 and 12.15. Allotment is not within an Outstanding Natural Landscape. 	Controlled
Rule 12.12.3 Boundary Adjustment	All Rural Zone (including overlays)	<ul style="list-style-type: none"> Between two or more adjacent allotments. No additional allotments will be created. Net site area is the same as or does not differ by more than 15% of the net site area. Resulting titles comply with the minimum lot size as a controlled activity, except where the existing lot size is already non-complying. Complies with Performance Standards in section 12.10. Allotment is not within an Outstanding Natural Landscape. 	Controlled
Rule 12.13.1 Environmental Benefit	All Rural Zone (including overlays)	<ul style="list-style-type: none"> Minimum net site area of 4,000m² with an area of at least 2,500m² exclusive of the area being protected. Balance lot shall be a minimum net site area of 4,000m². Complies with Performance Standards in sections 12.10 and 12.15. Allotment is not within an Outstanding Natural Landscape. 	Restricted Discretionary
Rule 12.13.2 Rural Amenity Lot (for lots existing at date of notification of the Plan)*	All Rural Zone	<ul style="list-style-type: none"> The parent lot existed at the date of notification (21 October 2009). No more than 2 Rural Amenity lots are created per parent site. Minimum net site area of 4,000m² and a maximum of 8,000m². If one Rural Amenity lot is being created in the Rural Zone (without an overlay), the balance shall be a minimum net site area of 4ha. If the site is in the Rural Zone with an overlay, the balance lot created shall be a minimum net site area of 20ha. If two Rural Amenity lots are being created and the site is in the Rural Zone (without an overlay) the balance lot shall be a minimum net site area of 8ha. Maximum of 2 lots. <p><i>*Rural Amenity Lot is a site of net site area of more than 4,000m² but less than 8,000m² within the Rural Zone for the purposes of countryside living within the rural area whilst maintaining the rural amenity of the Zone. Rural amenity lots will be located in such a way so as to provide for the continued rural activities and character of the Zone</i></p>	Restricted Discretionary

Provision	Zone/Overlay	Summary of Rule	Activity Status
Rule 12.13.3 Small Lot Development (only for 5 hectare lots or less, existing at the date of notification)	All Rural Zone (provided it is not within an overlay area)	<ul style="list-style-type: none"> Parent site must be 5 hectares or less and held in a separate Certificate of Title as at the date of notification (21 October 2009). Minimum net site area of 4,000m² can be obtained, provided the minimum average lot size of 1 hectare can be achieved for the overall subdivision. No more than 3 additional lots are created per site. 	Restricted Discretionary
Rule 12.13.4 Integrated Development (for up to 10 lots)	<p>Rural (excluding overlay areas)</p> <p>OR</p> <p>Coast (East and West) and Kai Iwi Lakes overlay areas</p> <p>OR</p> <p>Kaipara Harbour Overlay</p> <p>OR</p> <p>Mangawhai Harbour Overlay</p>	<ul style="list-style-type: none"> One lot per 4 hectares of the parent title with a minimum net site area of 4,000m² per lot. The site is not located within an Outstanding Natural Landscape. Total lots obtainable shall be one lot per 12 hectares of the parent title in the Rural Zone. Minimum net site area of 4,000m² per lot. The site is not located within an Outstanding Natural Landscape. Total lots obtainable shall be one lot per 6 hectares of the parent title. Minimum net site area of 4,000m² per lot. Site is not located within an Outstanding Natural Landscape. Total lots obtainable shall be one per 6 hectares of the parent title. Minimum net site area of 4,000m² per lot. Total lots obtainable shall be one lot per 2 hectares of the parent title. Minimum site area of 4,000m² per lot, where there has been comprehensive mapping and identification by a suitably qualified ecologist of the valued natural environments on the whole of the site. The site is not within an Outstanding Natural Landscape. 	Restricted Discretionary

Provision	Zone/Overlay	Summary of Rule	Activity Status
Rule 12.14.1 Small Lot Development (only for 5 hectare lots or less, existing at the date of notification of the Plan)	Within an overlay area	<ul style="list-style-type: none"> Parent site must be 5 hectares or less and held in a separate Certificate of Title as of the date of notification (21 October 2009). Minimum net site area of 4,000m² provided minimum average lot size of one hectare can be achieved for the overall subdivision. No more than 2 additional lots are created. Complies with Performance Standards in sections 12.10 and 12.15. 	Discretionary
Rule 12.14.2 Integrated Development (for more than 10 lots)	Rural (excluding overlay areas) OR Coast (East and West) and Kai Iwi Lakes overlay areas OR Kaipara Harbour Overlay OR Mangawhai Harbour Overlay	<ul style="list-style-type: none"> No more than one lot per four hectares with a minimum net site area of 4,000m². Site not within an Outstanding Natural Landscape. Total lots one per 12 hectares. Minimum net site area of 4,000m² per lot. The site is not within an Outstanding Natural Landscape. Total lots one per 6 hectares. Minimum net site area of 4,000m². Not within an Outstanding Natural Landscape. Total lots one per 6 hectares. Minimum net site area of 4,000m². Total lots one per 2 hectares of the parent title with a minimum net site area of 4,000m² per lot where there has been comprehensive mapping and identification of the valued natural environments on the site. <p>*All proposed subdivision must comply with the Performance Standards under Rules 12.12 and 12.13.</p>	Discretionary
Rule 14.14.3 Subdivision of a site within an Outstanding Natural Landscape	Rural Zone	<ul style="list-style-type: none"> Needs to meet Rules 12.12, 12.13 or 12.14 but does not provide for the permanent physical and legal protection of Outstanding Natural Landscapes as stated in Rule 12.13.1. 	Discretionary
Estuary Estates Table 16.10.5-1	Multiple Zones	<ul style="list-style-type: none"> Various Activities and Provisions – Refer to Table 16.10.5-1. 	Various



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