

PART 13 - SUBDIVISION

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Plan modification annotations - key



Indicates where content is affected by proposed plan modification x.
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SUBDIVISION

13.1 INTRODUCTION

In relation to subdivision, the Plan recognises that the principal feature of the process is to produce a suitable framework for land ownership to facilitate appropriate development and activities.

The Plan also recognises that subdivision is, in itself, a procedural and legal function which is neutral in environmental terms but, depending on the type of subdivision, it creates opportunities and constraints for subsequent development. This, coupled with the demand on resources and the engineering works necessary to make the land suitable for development which can arise from some subdivisions, can have an impact that may substantially affect the environment and the community. Other forms of subdivision, such as leases of buildings or of parts of buildings where a cross lease, company lease or unit title is not involved, are considered to have no, or no minimal, effects on the environment and are appropriate forms of subdivision to be provided as permitted activities in this Plan.

Accordingly, the Plan adopts controls to avoid and mitigate significant adverse effects which inappropriate subdivision may generate.

13.2 RESOURCE MANAGEMENT ISSUES

The resource management issues of the Central Area which relate to the subdivision of land are:

- a) The need for a secure and effective land tenure framework that recognises the demands of the Central Area.
- b) The need to ensure that subdivision takes into account the potential use and development of land and the constraints.
- c) The need for flexibility to accommodate a multiplicity of land tenure methods, while securing the intent of the Plan.
- d) The need to ensure attention to the potential impact on infrastructure and reserve demands.
- e) The need to recognise and provide for the particular problems associated with developing land in the built up environment of the Central Area.

- f) The need to adopt measures which facilitate the creation of special sites for activities of public value.
- g) The need to enable subdivision without undue environmental effects to occur without requiring consents, so as to assist the function of the Central Area and to meet the needs of those working and living in the Central Area.

13.3 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES

13.3.1 OBJECTIVE

To provide for the subdivision of land in a manner which is appropriate to achieving the integrated management of the use, development and protection of the land and associated natural and physical resources of the district.

Policies

- a) By applying provisions which reflect the intent of the Plan's various Strategic Management Areas.
- b) By requiring suitable provision for reserves as a condition of subdivision consent
- c) By applying provisions to avoid or mitigate natural hazards.
- d) By requiring provision for the servicing of additional land use and development opportunities created by or facilitated by subdivision.
- e) By providing for subdivisions including leases of buildings or parts of buildings where a cross lease, company lease or unit title is not involved as permitted activities.



13.4 RESOURCE MANAGEMENT STRATEGY

13.4.1 SITE SUITABILITY

The strategy in this Part is designed to ensure that the allotments created by a subdivision are suitable for land use or building and to ensure that the land is serviceable, can be developed and is not subject to any significant hazard, natural or otherwise.

13.4.2 FLEXIBILITY

The subdivision rules distinguish between vacant and developed sites. Developed sites have fewer constraints because site development and layout is committed. Vacant sites must allow for greater flexibility. The rules also distinguish between leases of buildings or parts of buildings which are defined as subdivisions under the Act, and other forms of subdivision. It is considered that leases of buildings and parts of buildings where a cross lease, company lease or unit title is not involved do not raise sufficient environmental effects to warrant requiring resource consent application and they are permitted in the Central Area. The rules applying to those forms of subdivision that do require resource consents allow a range of subdivision types including freehold, cross-lease, company lease and unit title with most rules applying to each types.

13.4.3 MARGINAL LAND

Where land, or any structure on that land, is likely to be subject to material damage by erosion, subsidence, slippage or inundation from any source, the Act provides that the Council shall not grant a subdivision consent unless the effects can be avoided, remedied or mitigated.

13.4.4 ENVIRONMENTAL CONSIDERATIONS

Where appropriate, the Council will secure the retention of environmentally important land, sites of importance for public access or sites of cultural or heritage significance, by way of reserve contributions, esplanade reserves or conservation covenants, bonds, caveats or other such methods.

13.4.5 SPECIAL SITES

Provision is made for special sites, for example network utility services sites, road requirements, access lots to landlocked land, land with no practical access, or land for public open space. The area of these sites may be less than the minimum otherwise permitted.

13.5 ANTICIPATED ENVIRONMENTAL RESULTS

Implementation of the subdivision policies will result in a secure and well-serviced framework of land ownership that will form a sound basis for economic development and social well-being. It will also provide a framework where the reasonable costs of the incremental increase in demand on the district's infrastructure and services are met and attention given to the environmental considerations.

13.6 RULES - GENERAL REQUIREMENTS

- A. No person may subdivide land unless the subdivision is expressly allowed by a rule in this Plan and meets the provisions of Part X of the Act. Under this Plan leases of buildings or parts of buildings where a cross lease, company lease or unit title is not involved is a permitted activity. A resource consent is required prior to any other form of subdivision of land.
- B. The Council will not grant consent to a subdivision application where:
 - a) any of the land that is the subject of the application or any structure on that land likely to be subject to material damage by erosion, subsidence, slippage or inundation from any source; or any use subsequent to the subdivision is likely to accelerate, worsen, or result in material damage to that land or other land from these causes, or the land is subject to hazards such as pollutants from industrial activities, that may be hazardous to future occupiers of the land (refer Part 11 with regard to known contaminated sites).

This rule may not apply where:

- i) the application is for a boundary adjustment between allotments that are already built on and will not create additional building sites or change the use of the sites; or



ii) any proposed allotment has an adequate building platform, whether constructed or not, that will not be affected by any erosion, subsidence, slippage or inundation. Use will be made of consent notices under Section 221 of the Resource Management Act 1991 or other instruments to limit building to those parts of the site which are free from such effects; or

iii) adequate works or other innovative solutions can be undertaken to avoid, remedy or mitigate significant hazardous effects.

Where specific limits for forms of construction may be required to ensure the continuing stability of any of the lots within a subdivision, consent notices in terms of Section 221 of the Act may be used to warn present and future owners of the specific limits or forms of construction that may be required to ensure the continuing stability of those particular lots.

b) The land in Council's opinion is not suitable to be subdivided in the manner proposed because of the potential adverse effects the proposal would have on the environment or on public health and safety or because of inadequate means of stormwater and sewage disposal.

c) The proposal is inappropriate in relation to the requirements of sections 5, 6 and 7 of the Act.

d) The proposal is for a staged unit development, and the proposal depicted in the application has not been granted a resource consent or a Certificate of Compliance has not been issued.

C. The Council will not approve a survey plan under section 223 of the Act unless a subdivision consent or Certificate of Compliance has been obtained for the subdivision to which the survey plan relates and the survey plan is in accordance with that consent or Certificate of Compliance. In the case of applications for cross leases, company leases or unit titles (other than those being staged) the Council must be satisfied that the buildings, the subject of the leases, have been constructed in accordance with their building consent or otherwise lawfully erected especially as to bulk, level and location.

D. Where a subdivision other than for cross lease and unit title is likely to be carried out in stages, the developer must signify this to the Council at the time of the application for subdivision consent and indicate the time period over which the development is likely to take place. Approvals in terms of sections 223 and 224 of the Act for each stage will only be given when the Council is satisfied that the conditions that apply to that stage have been met, and the balance of the area being subdivided is an allotment that complies with the provisions of this Plan.

E. All buildings subject to a cross lease, unit title or company lease application must:

- a) have existing use rights, or
- b) comply with the relevant provisions of the plan, or
- c) have a resource consent and comply with all conditions imposed.

Where any building fails to comply, a subdivision consent will not be granted until the appropriate land use consent has been granted.

F. Where work is required on any application for a subdivision by way of cross lease, unit title or company lease to meet the requirements of section 224(f) of the Act, the requirements may be applied as conditions to the subdivision consent.

13.7 RULES ACTIVITIES

13.7.1 PERMITTED ACTIVITY

The following subdivision in the Central Area is a permitted activity.

13.7.1.1 Lease of a Building or part of a Building where a Cross Lease, Company Lease or Unit Title is not involved

- a) Before issuing a Certificate of Compliance the Council shall be satisfied that the subject building has been lawfully erected.
- b) The new allotments depicted in the subdivision must meet the requirements of Section 46(4) of the Building Act 1991.
- c) No minimum area for each allotment is required, but the boundaries of the allotments created by these provisions shall follow existing or proposed walls, ceilings and floors, and the plan shall show the allotment in relation to the exterior of the building and shall give upper and lower elevations in terms of a datum to be established.
- d) Frontage to legal road is not required provided the lease allows for access through common areas from a legal road.



13.7.2 RESTRICTED DISCRETIONARY ACTIVITIES

The following subdivisions in the Central Area are restricted discretionary activities.

13.7.2.1 Subdivision Requirements for Unit Title and Cross Lease

- a) Where an application for subdivision consent affects a building or any part thereof, compliance with the provisions of this Plan and Section 46(4) of the Building Act 1991 is required.
- b) Where an existing building, included in an application for subdivision consent, has obtained a resource consent or is a permitted activity, any proposed covenant, unit or accessory unit boundary shall take into account all relevant development controls for the zone.
- c) Where any building included in the application for subdivision consent has not been constructed or is under construction at the time of granting the consent, the Council will not approve the survey plan under section 223 of the Act (unless it is a proposed Unit Development Plan), until the building is completely framed up to and including the roof level and the Council is satisfied that it has been built in accordance with the Plan or any resource consent granted. The Council may require the height of the building and its position in relation to the boundaries of the site to be confirmed by a certificate from a registered surveyor.
- d) Before granting consent to a staged cross lease subdivision the Council shall be satisfied that the site has sufficient area for further complying development that is clear of trees listed in Appendix 2 and that such development will be free from inundation and slippage and capable of adequate servicing.
- e) Where car parking spaces are permitted in association with a development or required as part of a development for which land use consent has been obtained and any such development is subdivided under the Unit Titles Act, the car parking spaces must be shown as accessory units on the survey plan.

13.7.2.2 Subdivision Requirements for New Vacant Sites

a) Staging

Subdivision considered under this clause may be completed in stages provided that each stage meets all the conditions of consent appropriate to that stage, including the meeting of any financial contributions and an indication that the area of the site remaining,

after the completion of each stage, is an allotment that complies with the provisions of this Plan.

Note: For possible limitation on development potential on sites under this clause see General Rules under Part 15.

b) Minimum site area

The minimum area of a front, corner or through-site, or the minimum net site area of a rear site shall be 200m².

c) Shape factor

The dimensions of each proposed site shall be such as to enable a rectangle, the area of which equals half the area of the proposed site and the longer side of which does not exceed double the length of the shorter side, to be located within the site and clear of any yard requirements, except that this rule shall not apply to sites over 2,000m².

d) Frontage

There is no minimum frontage requirement except that rear sites shall comply with the access requirement in 13.8.1 and front sites over 2,000m² shall have a minimum frontage of 10m.

13.7.2.3 Subdivision Requirements for Existing or Approved Development

Minimum site area

Where any subdivision creates a site which is occupied by an existing building or to be occupied by a new building which has obtained a resource consent or is a permitted activity, such sites shall be of sufficient size and dimension and any new boundary shall be so located that any existing or approved development on any newly created site either complies with the development controls for the zone or has a resource consent.

There are two exceptions:

- a) where any part of the land to be subdivided is to be permanently set aside as an area of common use as open space, parking or similar, such area shall be taken into account proportionate to the number of sites which it serves, in assessing compliance with the site intensity and building coverage controls (except in the case of an access lot).
- b) any rear site shall comply with the access provisions in 13.8.1.

Note: For possible limitation on development potential on sites created under this clause see General Rules under Part 15. In this context "buildings" includes an accessory building or buildings on the newly created site.



13.7.2.4 Subdivision requirements for Special Sites

Notwithstanding anything in this Part of the Plan, a special site as defined in Part 16 may be approved by the Council.

13.7.3 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

Except as provided for by section 95A(4) of the Act, an application for a subdivision consent which is for a restricted discretionary activity will be considered without public notification or the need to obtain the written approval of, or serve notice on affected persons. Applications will be subject to the standards and terms laid down in 13.6, Clause 13.7, 13.9, any other part of this Plan, the Building Code or Council bylaws as may be appropriate.

In addition applications will be assessed against the following:

- a) compliance with the appropriate subdivision requirements of 13.7 and 13.8
- b) adequate provision for the disposal of stormwater and sewage
- c) provision of satisfactory measures to attend to any increase in traffic volume generated by the subdivision.
- d) provision of adequate vehicle access to each of the proposed sites
- e) the extent to which any actual or potential significant adverse effect on the environment is mitigated including:
 - i) any effect on the neighbourhood and, where relevant, the wider community including any social, economic and cultural effects
 - ii) any effect on the locality, including to any landscape or heritage features
 - iii) any effect on ecosystems and any disturbance to habitats in the vicinity
 - iv) the effects of any proposed earthworks on the stability of the land and stormwater runoff
- f) the extent of any earthworks proposed and their effect on the environment
- g) the presence of archaeological sites
- h) The extent to which the subdivision of Non Permanent Accommodation will increase the likelihood of the

building, or area within the building being used for permanent accommodation.

13.7.3.1 Consent Conditions

Conditions relating to any of the following matters may be applied to ensure compliance with the Plan, Council bylaws or the Building Code and to avoid, reduce or mitigate any significant adverse effects the proposal may have on the environment both within and outside the site being subdivided.

- a) The upgrading of any existing private drain intended to be used as a common drain.
- b) The provision of separate foulwater and stormwater drainage to public drains or other approved outfalls, where an existing building is serviced by a combined drain.
- c) The provision of additional drains to the Council's public drainage standards and the realignment of any public or private drains to avoid proposed building sites.
- d) The provision of connections to the public foulwater and stormwater drainage system from within the proposed building area especially where the connection point is on another site.
- e) The provision of other network utility services which may reasonably be expected to be required as part of the future use of the site.
- f) The removal of buildings or objects (except as scheduled in Appendix 1, Schedules A and B of the Plan) to provide access to the proposed location and replacement elsewhere on the site if necessary.
- g) The granting or reserving of easements.
- h) Amalgamation conditions relating to non-complying lots to meet bylaw or Building Code requirements.

Any engineering work that may be required by any condition is to be designed to meet the performance standards laid down in 13.9.1.

13.8 RULES - ACCESS

13.8.1 ACCESS TO REAR SITES

13.8.1.1 Private Ways - General

- a) Access to a rear site may be by way of an entrance strip of the required width integral within the site, or by a right of way easement over adjoining land or by a combination of these provided the total width of the access complies with the rules. The granting or



reserving of any such right of way will be a condition of the subdivision consent. Where the right of way is outside the land being subdivided, the registration of the right-of-way contemporaneously with deposit of the subdivisional plan will be a condition of the subdivision consent.

Access may also be provided by means of an interest in an access lot as a tenancy in common, subject to:

- i) compliance with Clause 13.8.1.2
- ii) amalgamation of an individual share in the access lot with each site to be served
- iii) compliance with section 321 of the Local Government Act 1974.

13.8.1.2 Private Ways - Standards

All private ways shall meet the following requirements:

- a) Minimum legal width 6m
Minimum legal height 4m
Minimum width of formation 6m
No building or part of a building shall encroach on or over the required legal width at less than the legal height.
- b) Maximum gradient of a private way 1:8
- c) The alignment of a private way shall be so constructed as to allow a 99 percentile truck to turn without encroaching on abutting property.
- d) Fire hydrants shall be provided within the private way to comply with the requirements of the *Code of Practice for Fire Fighting Water Supplies Notice* (NZ Gazette 1992, P. 1368).

Refer to Clause 13.9.1.5 for design criteria for private ways.

13.9 RULES - SUBDIVISION DESIGN

In order to encourage a range of, and flexibility in, subdivision design throughout the Central Area while achieving adequate levels of environmental protection, amenity, safety and infrastructure provision, the Plan adopts a range of subdivision design performance criteria. Various methods may be employed to satisfy these criteria. However compliance with the Council's Code of Urban Subdivision and Development on a defined matter is deemed to satisfy the particular performance criteria applying to that matter.

13.9.1 SUBDIVISION DESIGN PERFORMANCE CRITERIA

When any condition of a subdivision consent requires the undertaking of works, the applicant shall demonstrate to the satisfaction of the Council, compliance with any of the following criteria, appropriate to the condition imposed. An application which complies with the requirements of the Council's Code of Urban Subdivision and Development on a defined matter will be deemed to comply with the relevant performance criteria.

13.9.1.1 Criteria for Pedestrian Footways and Cycleways

The design of a subdivision shall:

- a) Ensure that the needs of various sectors of the community, particularly the disabled, the old and the young are recognised in the design of roads, pedestrian footways, intersections and pedestrian crossings. In particular:
 - i) footpaths, footways and cycleways shall be aligned with other roads and open spaces so as to allow safe and convenient use by disabled people and to adequately and safely separate pedestrians from vehicle movements. Designs which take into account the requirements of NZS 4121:1985 "*Code of Practice for design for access and use of buildings and facilities by disabled persons*" will be deemed to meet the requirements for disabled persons
 - ii) footpaths and footways should have all-weather surfaces and should not detract from the amenity of an area
 - iii) footpaths shall be located on both sides of every road and shall be designed to provide for pedestrians, postal deliveries and other uses.

13.9.1.2 Criteria for Road Design

The design of a subdivision shall ensure that the design of a road and the elements within it reflect its intended function and allow its safe and efficient use. In particular:

- a) The design of a road must be undertaken by a suitably qualified person.
- b) The width of the legal road must be sufficient to cater for all its functions including the safe and efficient movement of vehicles, the provision for parked vehicles, the provision of utility services, landscaping and the provision of footpaths.
- c) The carriageway shall be designed to allow unobstructed access to individual sites, safe passing of cyclists, safe manoeuvring of vehicles, and adequate



primary drainage so as to function safely during and after a storm having an annual exceedance probability of 10%.

- d) The carriageway may be required in certain instances to be designed as a secondary flow path to transmit storm flows exceeding the 10% value, within the road boundary.

13.9.1.3 Criteria for Road Pavement Construction

The design of the road pavement shall ensure that any road pavement is constructed from materials which are appropriate to its function and the amenity of the area and which impose minimum costs on the community in terms of maintenance. In particular:

- Road pavements shall be of a design strength sufficient to carry wheel loads of travelling and parked vehicles and to withstand damage from construction vehicles or equipment.
- Road pavements and associated facilities shall be constructed to ensure the safe passage of vehicles, pedestrians and cyclists, the safe discharge of stormwater, the preservation of all-weather access, and the maintenance of a reasonably comfortable riding surface.
- Pavement edge treatment shall clearly delineate the carriageway edge, be of sufficient strength to prevent edge fretting and allow efficient and safe access to properties abutting the road.
- Pavement edge and drainage treatment shall be designed to facilitate infiltration of stormwater run-off where soil and topography permit or to provide an appropriate alternative disposal method.

13.9.1.4 Criteria for Network Utility Services

The design of a subdivision shall ensure that adequate and appropriate network utility services are provided in a co-ordinated manner wherever practicable to minimise construction costs and land allocation.

a) Underground services

The design and provision to each site of electricity, telephone, gas or other network utility service shall be appropriate to the proposed use of the site, be underground and comply with the standards of the relevant servicing authority except for underground utility services already servicing existing buildings on the land being subdivided.

b) Public water supply

The design and provision of public water supply mains shall:

- be suitable for the intended duty and comply with recognised industry standards, and in particular,

AS 2280:1991 *Ductile iron pressure pipes and fittings*

BS 3601:1987 *Specification for carbon steel pipes and tubes with specific room temperature properties for pressure purposes*

BS 4772:1988 *Specification for ductile iron pipes and fittings*

BS 5163:1986 (1991) *Specification for predominantly key-operated cast iron gate valves for waterworks purposes*

BS 5154:1991 *Specification for copper alloy, globe stopper check, check and gate valves (PN20 or higher)*

NZS 3501:1976 *Specification for copper tubes for water, gas and sanitation*

NZS 4442:1988 *Welded steel pipes and fittings for water, sewage and medium pressure gas*

NZS 7648:1987 *Unplasticised PVC pipes and fittings for pressure.*

- be constructed of permanent materials of minimum standard Class D for public water mains
- be constructed so that water mains are laid in a separate trench clear of other services
- comply with the *Code of Practice for Fire Fighting Water Supplies* published by the New Zealand Fire Service with respect to hydrants and water pressure (refer to NZ Gazette 1992, P. 1368)
- be watertight to the extent that the leakage from the system in any 15-minute period does not exceed the amount calculated from the following formula.

No. of litres of leakage =

$$\frac{\text{Nominal int. diameter of pipe (mm)} \times \text{length of pipe (m)}}{25000}$$

Where the test pressure is as follows:

Class of Pipe	head	test pressure
Class C	140m	1400 kPa
Class D	180m	1800kPa
Class E	225m	2250kPa

c) Lighting

For lighting design and provision for roads and public places see the Council's "*Code of Urban Subdivision and Development*".



d) Access easements

Access easements in favour of the service owner shall be provided for lines, including electric and telecommunication lines, where such lines are or maybe located on private property and serve other properties or sites.

e) Stormwater drainage

The subdivider shall ensure that adequate and efficient provision is made for the disposal of stormwater so that flood damage, inundation of buildings, and significant adverse effects on the environment are avoided. In particular:

- i) design of stormwater drainage systems shall be undertaken by a suitably qualified person experienced in the use of hydrological, hydraulic and development parameters and design methodology
- ii) all stormwater drainage shall be designed in accordance with the Council stormwater design standards, design manuals and management plans which may be currently in use at that time, including the "Watercourse Guidelines" and "Model Rainstorms" manuals, and bylaws relating to stormwater and watercourse drainage
- iii) drainage reticulation shall be designed so as to be accessible for maintenance and efficient operation to minimise the potential for accumulation of silt and debris, to avoid the likelihood of leakage, and the entry of groundwater or the penetration of roots.

f) Foulwater drainage

The subdivider shall ensure the provision of a sewerage system which will serve development efficiently and effectively while maintaining public health and avoiding adverse effects on the environment. In particular:

- i) the design of foulwater sewerage systems shall be undertaken by a suitably qualified person and constructed in a manner which meets the requirements of the Regional Council, avoids the likelihood of leakage, and the entry of groundwater and the penetration of roots; sanitary sewers shall be located so as to maximise ease of access and site usage for buildings
- ii) all foulwater drainage shall be designed in accordance with the Council's sanitary design standards, design manuals and management plans which may be currently in use at that time, including the *Sanitary Sewer Design Manual* and bylaws relating to sanitary drainage.

13.9.1.5 Criteria for Private Ways

The design shall ensure that private ways provide all-weather access convenient to the potential use of the land they serve. In particular:

- a) The pavement of a private way shall be designed to carry wheel loads of all potential moving or parked vehicles, including fire engines where hydrants are to be installed within the private way.
- b) The pavement edge shall be of sufficient strength to prevent edge fretting.
- c) A private way shall incorporate a primary stormwater disposal system designed to adequately and safely transmit storm flows having an annual exceedance probability of 10%. In certain instances the private way may be required to be designed as a secondary flow path to transmit storm flows exceeding 10% value, within the private way boundary.
- d) All underground utility services and, where practical, ducting for future expansion, shall be installed prior to pavement construction in a manner which provides access for maintenance purposes.

13.9.2 SUBDIVISION URBAN DESIGN CRITERIA

The design of a subdivision should ensure that any street alignments and widths achieve good integration with the existing urban fabric, having particular regard to the adjacent street pattern, location of public open spaces and the scale of the surrounding buildings. Subdivision design that seeks to enhance the physical and visual permeability of city blocks by incorporating street, lanes or other forms of public open space corridors will be encouraged. Public open space, including reserves, should be edged predominantly by public roads and/or the fronts of public or private development.

In addition to the above criteria clause 14.10.7.2.15 applies to subdivision within Victoria Quarter.

In addition to the above criteria clause 14.9.9.1.19 applies to subdivision in Wynyard Quarter.



13.10 RESOURCE CONSENT APPLICATIONS

13.10.1 DETAILS

- a) An application for a subdivision consent shall include:
- a description of the activity for which consent is sought and its location
 - any information required to be included in the application by this Plan and any regulations
 - details of any works required to develop each site from its existing state to a fully serviced and accessed site ready for its intended use
 - a description of any alternative method of undertaking the project and why such alternative was rejected, where it is likely that the subdivision may result in any significant adverse effect on the environment
 - an indication of any heritage item(s) or place(s) scheduled in the Appendices to the Plan on the subject land or nearby which may be potentially affected by the proposed activity
 - an identification of those persons including Maori likely to be affected by the proposal, the consultation undertaken with those persons and any response to the views of those consulted
 - a statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and stating whether or not the applicant has applied for such consents
 - the prescribed administration charge or deposit
 - a current copy of the title(s) of the subject land.
- b) An application for a subdivision for cross lease, company lease or unit title, in addition to the forgoing, shall include:
- sufficient information to demonstrate that the buildings have existing use rights, or
 - a copy of the certificate of compliance for each building depicted on the application or
 - evidence of any required land use consent granted for the buildings which are the subject of the application, or

- sufficient information to demonstrate that the buildings which are the subject of the application meet the relevant development controls.
- c) The application shall be accompanied by adequate information to define:
- the position of all new boundaries
 - the areas of all new allotments, except in the case of a subdivision to be effected by the grant of a cross lease or company lease or by deposit of a unit plan
 - the location and area of new reserves to be created, including any esplanade reserves to be set aside on a survey plan under section 230 of the Act
 - the location and areas of any land below mean high water springs of the sea which is required under section 235 of the Act to be shown on a survey plan as land to be vested in the Crown
 - the location and area of land to be set aside as new road.
- d) The application shall be accompanied by a report covering the requirements of section 88 of the Act and the following matters, where appropriate.

Stormwater drainage

Where existing stormwater sewers are proposed to be used to service the subdivision, confirmation is required that adequate capacity is available. If stormwater is proposed to be discharged into a watercourse or the sea, comment is needed on the situation with respect to any other resource consents required as a result of any consultation held with Auckland Regional Council.

Open watercourse and overland flow paths

For sites which have within their boundaries, or which border, an open watercourse or overland flow path, a hydrological report from a suitably qualified engineer is to be provided addressing the effect that a 100-year flood will have on the site and establishing, where necessary, minimum floor levels for future development.

Foulwater drainage

Where existing foulwater sewers are proposed to be used to service the subdivision, confirmation is required that adequate capacity is available. In all other cases, the applicant must submit evidence that the proposed means of foulwater disposal have had the prior approval of the Council.

Stability

A statement is required confirming that there is no uncontrolled fill on the site, that the Council's soil



register has been checked and that there is no sign of soil creep or slumping. Where the stability of the site or part of the site is suspect, a full report from a qualified civil engineer experienced in these matters must be submitted.

Hazardous substances

Should the land being subdivided include an installation containing a hazardous substance within the meaning of section 2 of the Hazardous Substances and Non-organisms Act 1996, an assessment shall be made of the effect the subdivision will have on that installation and any change the subdivision will make to the nature or effect of the hazard including compliance with any bylaw or resource consent requirements and conditions.

Earthworks

Provided the following details related to earthworks are provided with an application for a subdivision consent, any consent given will be deemed to include a land use consent for earthworks. If this information is not supplied, a separate land use consent will be required.

- The area over which earthworks are to be carried out.
- The extent and depth of cuts and fills.
- Where excess fill is to be disposed of and any shortage to be borrowed.
- The position of any stockpiles.
- Any environmental assessment required by the Plan or the Act.

Designations

A statement is required identifying any designations applying to the land and the written approval of the designating authority under section 176 of the Act.

Cross lease and unit titles (not being staged)

- i) comment on any other buildings on the site not being included in the lease
- ii) comment on whether any residential buildings being leased are subdivided into further residential units
- iii) for proposed buildings, what building consents have been applied for and whether they have been issued
- iv) for buildings under construction, the building consent numbers and dates of issue if applicable.

Staging

In the case of freehold subdivisions, the applicant shall state whether the subdivision is to be staged and, if so,

over what period of time, to ensure the consent can be made current for the appropriate period.

13.10.2 APPLICATION PLANS

a) Applications for all freehold subdivision, first stage cross leases and proposed unit title subdivision

In addition to the information in 13.10.1, any application for subdivision consent shall include an application plan illustrating the proposed subdivision. The application plan must be drawn to a recognised scale and be on either A3 or A2 paper.

The following information is to be shown on the plan:

- i) all of the land in the title(s) being subdivided including balance areas
- ii) contours to show general topography of the site in terms of mean sea level
- iii) any existing buildings on the site, including any residential units within those buildings
- iv) the relationship of existing or proposed buildings to any proposed new site boundaries including compliance with building in relation to boundary controls
- v) the distance to the boundary and the percentage of the walls with doors and windows nearest to the boundary, where an existing building is within 3m of a site or proposed site boundary
- vi) public sewers and private drains (if not readily ascertainable on the ground, information from Council records may be shown provided it is annotated as such)
- vii) other utility services, ARC sewers and watermain including the position of the nearest fire hydrant
- viii) all trees and bush including the spread of the canopy
- ix) the overall surveyed outline in plan, of any heritage item(s) identified in the Appendices.
- x) the statutory requirements of section 16 of the Act
- xi) the proposed grade of any private way (including a driveway to a proposed building site) and any new road
- xii) any existing building line
- xiii) any flood plains and any existing overland flowpaths
- xiv) all roads, private roads, reserves and land to be vested in the Council in lieu of reserves and private ways.



b) Applications for cross lease, unit titles, and company leases (non-staged or second and subsequent stage cross leases)

- i) Applications where there are completed buildings may be made by using the survey plan as the application plan provided the requirements of 13.10.1 are met and the following information is supplied:
 - where an existing building is within 3m of a site or proposed site boundary the distance to the boundary and the percentage of the walls with doors and windows nearest to that boundary.
- ii) Applications where there are proposed buildings or buildings under construction and which are to be cross leased or unit titled may be made either by lodging the final survey plan as the application plan or lodging the site plan that accompanied the building consent application, provided it is to a recognised scale and is no larger than A2 in size, showing the whole site the subject of the cross lease, all the buildings that will be the subject of the leases, and that the requirements of 13.10.1 are met.

13.11 REFERENCES

Reference should also be made to the following parts of the Plan:

Part 4	Strategic Management Areas
Part 5	Activities
Part 6	Development Controls
Part 8	Financial Contributions
Part 9	Transportation
Part 10	Heritage
Part 11	Hazardous Facilities and Contaminated sites
Part 12	Network Utility Services
Part 14	Precincts and Quarters
Part 15	General Rules/Designations
Part 16	Definitions and Interpretations

