

PART 11 - SUBDIVISION

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Plan change annotations - key



Indicates where content is affected by proposed plan modification x.
Refer to plan modification folder or website for details.



Indicates where the content is part of plan modification x, which is
subject to appeal.

Underlined content to be inserted.

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PART 11 - SUBDIVISION

11.1 CONTENT AND STRUCTURE

The Plan recognises that:

- The principal feature of the subdivision process is to produce a suitable framework for land ownership to facilitate appropriate development and activities.
- Subdivision itself is a procedural and legal function which is neutral in environmental terms but it creates constraints and opportunities for subsequent development. This coupled with the demand on resources and the engineering works necessary to make the land suitable for development, can have an impact that may substantially affect the environment and the community.

Accordingly, the Plan adopts controls to avoid and mitigate possible future adverse effects which inappropriate subdivision may generate. Section 11 of the Act provides that land cannot be subdivided unless a subdivision consent or rules in the Plan expressly authorises it and a survey plan has been deposited. This section provides for specific exemptions.

This Part is presented as follows -

- **Resource Management Issues**

This outlines the significant resource management issues which relate to the subdivision of land.

- **Resource Management Objectives and Policies**

This sets out the Plan's objectives and policies to deal with the identified subdivision issues.

- **Resource Management Strategy**

This outlines the strategy for managing subdivision, and explains the reasons for the management approach.

- **Subdivision Rules**

This specifies rules required to give effect to the subdivision resource management policies.

Note: Rules in respect to reserve contributions are contained in [PART 9 - OPEN SPACE AND RECREATION ACTIVITY](#). Rules in respect to esplanade reserves are contained in [PART 5B - COASTAL](#). Rules in respect to tree protection, heritage buildings, archaeological sites and conservations areas are contained in [PART 5C - HERITAGE](#).

11.2 RESOURCE MANAGEMENT ISSUES

The significant resource management issues of the Isthmus which relate to the subdivision of land are:

- The need for a secure and effective land tenure framework;
- The need to ensure that subdivision takes into account the potential use, development and constraints of land;
- The need for flexibility to accommodate a multiplicity of land tenure methods, while securing the intent of the Plan;
- The need to ensure that the potential impact on infrastructure and reserve demands through subdivision is attended to;
- The need to recognise and provide for the particular problems associated with developing difficult land in a built up environment;
- The need to adopt measures which take account of the effects of the intensification of subdivision patterns on the natural and physical resources of the Isthmus;
- The need to adopt measures which facilitate the creation of special lots for activities of public value.
- The need to protect natural heritage, cultural heritage and amenity values by avoiding inappropriate subdivision.

11.3 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES

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 land and associated natural and physical resources of the district.

Policies

- By applying provisions which reflect the intent of the Plan's various activity areas.
- By requiring suitable provision for reserves as a condition of subdivision consent.
- By applying provisions to avoid or mitigate natural hazards.



- By requiring provision for the servicing of additional use and development opportunities created by or facilitated by subdivision.
- By requiring appropriate financial contributions towards the cost of improving network utility services and roads to meet additional demands.
- By applying provisions to protect the natural heritage, cultural heritage and amenity values of land and associated natural and physical resources.

11.4 RESOURCE MANAGEMENT STRATEGY

Subdivision measures have a significant influence by assisting in achieving the purposes of the Plan. They provide a basic framework around which the rules and expected outcomes can be formulated.

11.4.1 SITE SUITABILITY

The strategy in this Part is designed to ensure that the allotments created by a subdivision are suitable for the anticipated land use, and to ensure that the land is serviceable, developable and is not subject to any unacceptable man-made or natural hazard. In addition there is available a high level of flexibility within the constraints of the various activity zones throughout the City. This gives a choice of lifestyles and living and business environments.

11.4.2 FLEXIBILITY

The subdivision rules distinguish between the creation of vacant and developed sites. Developed sites have fewer constraints since site development and layout is committed. Vacant sites require greater flexibility. The rules allow a range of subdivision types including freehold, cross lease, company lease and unit title with most rules applying to each type and enable a range of lot sizes to suit a variety of developments to take into account the position of mature trees, areas of bush, watercourses and other landscape features. The Plan does not favour a particular subdivision type.

11.4.3 INFRASTRUCTURE IMPACT

It is recognised that development facilitated by subdivision adds incrementally to demands on the infrastructure of the district. So, the Plan's rules are designed to require each new development to contribute a fair and reasonable sum towards the cost of that demand unless:

- i) it is replacing an existing development; or

- ii) the payment has been made on a subdivision prior to the development within the previous ten years.

11.4.4 MARGINAL LAND

As the Isthmus is largely developed there is now increased pressure to subdivide and develop marginal land which may require significant engineering works. These works will not necessarily constrain subdivision but the Council will not approve a subdivision or any development which may give rise to significant detrimental environmental effects which cannot be mitigated. 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.

11.4.5 ENVIRONMENTAL CONSIDERATIONS

Where appropriate, the Council will secure the retention of environmentally sensitive sites or sites of cultural significance, by way of reserve contributions, esplanade reserves or conservation covenants, bonds, caveats or other such effective techniques.

The strategy also enables environmentally sensitive land to be retained in its current state and ownership, protected by way of a conservation covenant or other agreed instrument. This would enable a landowner to benefit from any reduced rates which the Council may wish to levy in recognition of the frozen development potential of part of the land. This technique may also be used to define hazardous land and to limit the subdivision of land subject to flooding or slippage or land which has marginal stability.

11.4.6 SPECIAL SITES

Provision is also made for special sites for example transformer sites, pumping station sites, road requirements, access lots to landlocked land, land with no practical access, or recreation land. The area of these lots may be less than the minimum otherwise permitted.

Expected Outcomes

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. A framework where the reasonable costs of the incremental increase in demand on the infrastructure of the district are met and environmental considerations are attended to.



11.5 RULES : SUBDIVISION

11.5.1 GENERAL RULES

- 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 a resource consent is required prior to any subdivision of land.
- Financial contributions for reserves are required at the time of subdivision as per the provisions of [PART 4B - FINANCIAL CONTRIBUTIONS](#) and [PART 9 - OPEN SPACE AND RECREATION ACTIVITY](#).
- The Council will not approve a subdivision where -
 - (a) any of the land the subject of the application or any structure on that land is 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 man-made hazards such as pollutants from industrial activities, that may be hazardous to future occupiers of the land. (Refer [PART 5E - HAZARDOUS FACILITIES](#) in respect to known contaminated sites).

Provided however, 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 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 these 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 and 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 and especially the protection of the natural character of the coastal environment and natural features and landscapes as required by Section 6 of the Act and [PART 5A - NATURAL RESOURCES](#) and [PART 5B - COASTAL](#) of this Plan.
- (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.
- The Council will not approve a survey plan under Section 223 of the Act unless a subdivision consent has been obtained for the subdivision to which the survey plan relates and the survey plan is in accordance with that consent. 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 especially as to bulk, level and location.
- 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 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.
- All buildings subject to a cross lease, unit title or company lease application must have:
 - existing use rights; or
 - comply with the relevant provisions of the Plan; or
 - a resource consent.
- Where any building fails to comply a subdivision consent will not be granted until the appropriate land use consent has been granted.
- Where work is required on any application for a subdivision by the 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.
- Where a subdivision application for residential sites is made under either 11.5.2.6 or 11.5.2.7 or a combination of these, the consent may be subject to a consent notice



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pursuant to Section 221 of the Act to ensure that the total density achieved on the new sites does not exceed the density limitations on the original site.

11.5.2 SUBDIVISION ACTIVITY RULES

Those activities marked * are restricted discretionary activities and applications may be considered without need for notification. (refer Clause 4.3.2.6 Restricted Discretionary activities).

For the purpose of the activities listed below

C = Controlled Activity

D = Discretionary Activity

11.5.2.1 ALL ZONES

ACTIVITY	
Lease of a building or part of a building where a cross lease, company lease or unit title is not involved	D
Special sites	D

11.5.2.2 RESIDENTIAL AND BUSINESS ZONES AND THE MIXED USE ZONE

ACTIVITY	
Existing or approved development	D
Company leases	C
Cross leases in all zones except Residential 1, 3a and 4	
- on-site potential for further development	D
- on sites containing 2 or more buildings and there is no potential for further on-site development.	C
Cross leases and unit titles in zones Residential 1, 3a and 4 on sites where more than one residential unit exists.	C
Unit titles (except in zones Residential 1, 3a and 4)	
- development not being staged	C
- staged development	D
New vacant sites	D
All subdivisions in Residential 4 zone	D

All subdivisions in Business 7, 8 and 9 zones	D
All subdivisions in the Mixed Use Zone: Orakei Point, including the adjacent Open Space 2 zoned land, where the boundaries of the subdivision accord with the boundaries of the precincts identified on Overlay Plan 2.	D*
All subdivisions in the Mixed Use Zone: Orakei Point, including the adjacent Open Space 2 zoned land, where the boundaries of the subdivision do not accord with the boundaries of the precincts identified on Overlay Plan 2.	D

11.5.2.3 OPEN SPACE AND SPECIAL PURPOSE ACTIVITY ZONES

ACTIVITY	
All subdivisions	D

11.5.2.4 LEASE OF A BUILDING OR PART OF A BUILDING IN ALL ACTIVITY ZONES WHERE A CROSS LEASE, COMPANY LEASE OR UNIT TITLE IS NOT INVOLVED

- Before granting a subdivision consent the Council shall be satisfied that the subject building has been lawfully erected.
- The new allotments depicted in the subdivision must meet the requirements of Section 46(4) of the Building Act 1991.
- No minimum areas 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.
- Compliance is required with Section 321 of the Local Government Act.

11.5.2.5 UNIT TITLE AND CROSS LEASE SUBDIVISION REQUIREMENTS FOR RESIDENTIAL AND BUSINESS ZONES AND THE MIXED USE ZONE

- 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 is required.
- 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.

- iii) 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, 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.
- iv) Before granting consent to a staged cross lease subdivision the Council shall be satisfied that the site has sufficient area for further complying development and that such development will be free from inundation and slippage and capable of adequate servicing.
- v) Consent to an application for a staged unit title subdivision is subject to the production of the unit development plan for the site approved in terms of the Plan.

11.5.2.6 NEW VACANT SITE SUBDIVISION REQUIREMENTS FOR RESIDENTIAL AND BUSINESS ZONES

A. Residential

i) **Minimum Site Area** - refer Figure 11.1

ii) **Shape Factor**

Within each site except those zoned Residential 1 or 7a, a square with sides measuring 15m must be able to be placed wholly within the site.

Sites in Residential 1 or 7a zones must be able to contain a rectangle measuring 10m x 15m.

Such a square or rectangle must be clear of any yard (including coastal protection yard) or right of way easement.

iii) **Staging**

Subdivision considered under this clause may be completed in stages provided that each stage meets all the conditions of approval appropriate to that stage including the meeting of any financial contribution, and an indication that the balance area of the site remaining, after the completion of each stage, is an allotment that complies with the provisions of this Plan.

Figure 11.1 Minimum Site Area

Residential Zone	Front Corner or Through Site (gross site area)	Rear Site complying with the shape factor above (net site area)	Site not in compliance with the shape factor above (net site area)
Residential 1	400m ²	400m ²	500m ²
Residential 2a, 2c	1,000m ²	1,000m ²	1,000m ²
Residential 2b	600m ²	600m ²	600m ²
Residential 3a	400m ²	400m ²	500m ²
Residential 3b*	600m ²	600m ²	600m ²
Residential 4	4,000m ²	4,000m ²	4,000m ²
Residential 5	500m ²	500m ²	600m ²
Residential 6a, 6b	400m ²	400m ²	500m ²
Residential 7a, 7b, 7c	400m ²	400m ²	500m ²
Residential 8a, 8b, 8c	400m ²	400m ²	400m ²

Note: for possible limitation on development potential on sites under this clause see General Rules.

(*) For any site identified in Figure 7.2A the minimum site area is 1000m².

(*) For any site identified in Figure 7.2C the minimum site area is 800m².



Additional Requirements for Residential 4 Zone

- (a) Any site created for this purpose shall contain a minimum of 4,000m² of land, subject to a memorandum of encumbrance or covenant in perpetuity (or similar appropriate measure) in terms of this clause.
- (b) A sufficient area of clear land for a residential unit outside the covenanted or encumbered area as defined in Clause (e) below may be included as part of each site.
- (c) Any proposal for a subdivision in terms of this clause shall be accompanied by an assessment of environmental effects which incorporates a Management Plan prepared by person(s) with recognised expertise in the field (such as a landscape architect or resource management consultant). The Management Plan shall include the following:
- A detailed description of the forest and habitat;
 - Details of management techniques to be used to protect the forest;
 - Identification of proposed building areas and vehicular space;
 - Identification of proposed lot boundaries, which shall where possible follow natural features such as catchments and watercourses.
- (d) Council approval shall be obtained to the Management Plan before development proceeds. Development shall at all times conform with the provisions of the Management Plan.
- (e) A consent notice or covenant in perpetuity (or similar appropriate measure) shall be placed on the certificate of title of any lot created to protect the forest and forest habitat, to the effect that the area of forest and forest habitat is to be protected in perpetuity and is to be fenced off.

Additional Requirements for the Residential 3a and 3b Zones

No subdivision will be approved which produces a vacant lot capable of having a residential unit erected on it in a position higher up the slope of the volcanic cone or coastal cliff, when assessed in plan view (with reference to contours), than the existing development on the abutting lots existing at the time of the proposed subdivision. Where one or both of the abutting sites do not contain buildings then no subdivision will be approved which produces a vacant lot capable of having a residential unit erected on it in a position higher up the slope of the volcanic cone or coastal cliff than the existing development on the nearest adjacent lots existing at the time of the proposed subdivision.

B. Business

Business 1 Zone

New vacant lots shall be consistent with a comprehensive redevelopment proposal, if any, for the redevelopment of the retail area. In the absence of such a proposal new vacant lots shall comply with the requirements of Clause [11.5.2.6A RESIDENTIAL](#) for the Residential 6a and 6b zones.

Business 2, 3, 4, 5 and 6 Zones and Mixed Use Zone

i) Minimum Site Area

Except as may be provided for in an approved Centre Plan the minimum area of a front, corner or through site, or minimum net area of a rear site, shall be 200m². The subdivision of sites forming part of an approved Centre Plan shall comply with any subdivision standards that are included in the Centre Plan.

ii) Shape Factor

The dimensions of each proposed site shall be proportional so 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 requirement. Except that this clause may not apply if the subdivision proposal is consistent with an approved Centre Plan.

iii) Frontage

There is no minimum frontage requirement but rear sites shall comply with the access requirement of Clause [11.5.3 SUBDIVISION ACCESS REQUIREMENTS TO REAR SITES](#).

Business 7 Zone

No land shall be subdivided whether for cross lease, company lease, unit title or freehold purposes, unless the subdivision will improve the utilisation of the land for its permitted or discretionary activities, and the proposal is in accordance with the quarry's Management Plan. Any such subdivision shall create lots that are compatible with the proposed use. If the proposed use is for a discretionary activity the subdivision consent will not be granted until the appropriate resource consents have been obtained. The provisions relating to unit titles, cross leasing and staging applying to other business zones will apply to applications under this clause.

Business 8 and 9 Zones

No land shall be subdivided, whether for cross lease, unit title, or freehold purposes except in accordance with an approved Concept Plan. The provisions relating to unit titles, cross leasing and staging applying to other business zones will apply under this clause.



11.5.2.7 EXISTING OR APPROVED DEVELOPMENT SUBDIVISION REQUIREMENTS IN RESIDENTIAL AND BUSINESS ZONES AND THE MIXED USE ZONE

Residential 1

Minimum Site Area

400m²

All other Residential and Business 1-6 Zones and the Mixed Use Zone

Minimum Site Area

Where any subdivision creates a site which is:

- (a) occupied by an existing building; or
- (b) to be occupied by a new building which has obtained a resource consent or is a permitted activity;

such sites shall be sufficient size and dimension and any new boundary shall be so located that any existing or approved development on any newly created sites complies with the development controls and parking controls for the zone or has a resource consent.

Except that:

- i) where any part of the land to be subdivided is 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 density, building coverage (except in the case of an access lot) and, if applicable, parking requirements for each of the sites;
- ii) any rear site shall comply with the access provisions of Clause [11.5.3 SUBDIVISION ACCESS REQUIREMENTS TO REAR SITES](#);
- iii) where subdivision of an allotment creates separate sites for existing residential units, compliance with the relevant zone's density controls for the buildings will be assessed on the aggregate area of the sites, subject to a consent notice in terms of Clause [11.5.5.2 DISCRETIONARY ACTIVITIES](#).

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

- (c) Staging of the subdivision

Refer Clause [11.5.2.6A\(iii\)](#).

11.5.2.8 SUBDIVISION REQUIREMENTS FOR OPEN SPACE AND SPECIAL PURPOSE ACTIVITY ZONES

Before any subdivision of land, zoned for open space or special purpose activity is approved, whether for cross lease, unit title or freehold purposes the applicant shall demonstrate that the proposed use of any new site or sites created is in accordance with the zone's permitted activities or with an application for a resource consent which has been granted.

In the Open Space 5 zone any subdivision proposal shall, in addition:

- (a) be consistent with any approved Concept Plan;
- (b) demonstrate that the operation and management of the dominant activity of the zone will not be adversely affected.

Conditions may be imposed to ensure this. No subdivision which, in the Council's opinion, is likely to lead to development unrelated to the dominant recreation activity, will be considered unless it forms part of an appropriate application for a change to the zoning of the land.

In the Special Purpose 1, 2 and 4 zones, any subdivision proposal shall:

- (a) be consistent with any approved Concept Plan;
- (b) demonstrate that the operation and management of the dominant activity of the zone will not be adversely affected.

11.5.2.9 SUBDIVISION REQUIREMENTS FOR SPECIAL SITES

Notwithstanding anything in this Part of the Plan, a special site as defined in [PART 13 - INTERPRETATIONS AND DEFINITIONS](#) may be approved by the Council. A special site unless amalgamated with another site shall be excluded from the definition of "Site" for the purpose of the residential and business zone provisions.

11.5.3 SUBDIVISION ACCESS REQUIREMENTS TO REAR SITES

11.5.3.1 RESIDENTIAL ZONES

A.(a) The following standards apply in respect of a private way which serves not more than either:

- (i) 3 rear sites; or
- (ii) 6 rear sites where each of such sites is limited to one residential unit in terms of the relevant zone provisions.



Minimum legal width	3m
Minimum legal height	3m
Minimum width of formation	2.4m
Maximum gradient	1 : 5

Except that where a fire hydrant is required to be provided within the private way or driveway the portion of the private way or driveway eight metres either side of the hydrant shall be to the following standard -

Minimum legal width	5m
Minimum width of formation	4.5m

and the whole of the private way or driveway between the road and a point 8 metres past the hydrant shall have a minimum legal height of 4m.

Local widening of the formation shall be provided on bends to accommodate the tracking path of a 90 percentile truck without encroachment onto abutting property.

No building or part of a building shall encroach on or over the required legal width at less than the legal height.

(b) The following standards apply in respect of a private way which serves more than 3 rear sites:

Minimum legal width	6m
Minimum legal height	3m
Minimum width of formation	4.5m
Maximum gradient	1 : 5

Except that -

- i) Where a fire hydrant is required to be provided within the private way or driveway the portion of the private way or driveway between the road and a point 8 metres past the hydrant, shall have a minimum legal height clearance of 4m.
- ii) The length of any required 6m wide entrance strip may be limited to 12m where traffic conflict can be avoided, in which case the remainder of the entrance strip may be reduced to a minimum legal width of 3m with a minimum formation width of 2.4m.

For the purposes of this proviso, potential traffic conflict is deemed to exist at the junction of a private way with the road, on all bends and at all places where a driver's sight distance is less than 30m.

No building or part of a building shall encroach on or over the required legal width, at less than the legal height.

B. General

- (a) Where any residential unit or potential residential unit site is between 65m and 135m from an existing fire hydrant, a hydrant will be required to be placed on either side of the street opposite the entrance to the driveway or private way servicing such residential unit.
- (b) Where any residential unit or potential residential unit site is over 135 metres from an existing fire hydrant, a hydrant will be required within the private way or driveway so that every residential unit or potential residential unit is within 135m of that hydrant.
- (c) Where a hydrant is required to be installed in a private way or driveway, an easement in gross in favour of the Council will be required to provide access to the hydrant for servicing.
- (d) A catchpit will be required to be installed near the hydrant to permit flushing without causing water damage to property.

C. Legal Provisions for Access to Rear Lots

Access to a rear site may be by way of an entrance strip of the required width integral with 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 these rules. The granting or reserving of any such right of way will be a condition of the subdivision. Where the right of way is outside the land being subdivided, the right of way will need to be registered prior to the approval of the survey plan. Access may also be provided by means of an interest in an access lot as a tenancy in common, subject to:

- compliance as specified in this rule;
- amalgamation of an individual share in the access lot with each site to be served;
- approval of the access lot under Section 321 of the Local Government Act 1974.

Where access to a rear site is by way of easement or by way of an access lot, a service easement shall be provided to enable the provision of services such as electricity, gas, telecommunications and water to the rear site.

11.5.3.2 BUSINESS ZONES AND MIXED USE ZONE

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).
- (e) In Business 1, 2 and 3 zones and the Mixed Use Zone, the rules prescribed for access to rear lots in residential zones (Clause 11.5.3.1A) may be used provided the subdivider is able to demonstrate that any adverse effect on the amenities and inconvenience to users will be minor. 19/09/02

Legal Provisions for Access to Rear Lots

Refer to Clause 11.5.3.1C.

11.5.3.3 OPEN SPACE, RECREATION AND SPECIAL PURPOSE ACTIVITY ZONES

Access requirements shall comply with the provisions of Clause 11.5.3.1 RESIDENTIAL ZONES.

11.5.4 SUBDIVISION RESOURCE CONSENT APPLICATIONS

11.5.4.1 INFORMATION

The following information shall be submitted with any application for a subdivision consent.

A. Details

- (a) An application for a subdivision consent shall include:
 - A description of the activity for which consent is sought and its location; and
 - Any information required to be included in the application by this Plan and any regulations; and
 - 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; and
 - Where it is likely that the subdivision may result in any significant adverse effect on the environment, a description of any alternative method of undertaking the project and why such alternative was rejected; and
 - An indication of any heritage item(s) or place(s) scheduled in the Appendices to the Plan, on the

subject land or which may be potentially affected by the proposed activity; and

- 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 whether or not the applicant has applied for such consents; and
 - The prescribed administration charge; and
 - A current copy of the title(s) of the subject land.
- An application for a subdivision for cross lease, company lease or unit title, in addition to the foregoing, shall include:
- (i) Sufficient information to demonstrate that the buildings have existing use rights; or
 - (ii) A copy of the certificate of compliance for each building depicted on the application; or
 - (iii) Evidence of any required land use consent granted for the buildings the subject of the application; or
 - (iv) Sufficient information to demonstrate the buildings the subject of the application meet the relevant development controls.
- (b) The application shall be accompanied by adequate information to define:

- The position of all new boundaries;
 - Except in the case of a subdivision to be effected by the grant of a cross lease or company lease or by the deposit of a unit plan, the areas of all new allotments;
 - The location and areas 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, or of any part of the bed of a river or lake, 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 areas of land to be set aside as new road.
- (c) A report covering the requirements of Section 88 of the Act and on the following matters, where appropriate.

Stormwater Drainage

Where existing stormwater sewers are proposed to be used to service the subdivision, confirmation that adequate capacity is available. If stormwater is proposed to be discharged into a watercourse or the



sea, comment on the situation with respect to any other resource consents required and the result of any consultation held with the Regional Council. On site disposal of stormwater by soak pits may be permitted where the results of soakage tests are submitted and indicate adequate capacity to absorb the calculated runoff.

Open Watercourse and Overland Flow Paths

For sites which within their boundary 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.

Sanitary Drainage

Where existing sanitary sewers are proposed to be used to service the subdivision, confirmation that adequate capacity is available. In all other cases, the applicant must submit evidence that his proposed means of sewage 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 344 of the Act, an assessment 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 shall be made.

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 to be obtained.

- 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.

Refer also to [ANNEXURE 14](#) for silt and sediment control methods.

Designations

A statement identifying any designations applying to the land.

Other Consents

Details of any other consents required (including any works) and whether they have been applied for.

Cross Lease & Unit Titles (not being staged)

- Comment on any other buildings on the site not being included in the lease.
- Comment on whether any residential buildings being leased are subdivided into further residential units.
- For proposed buildings, what building consents have been applied for and whether they have been issued.
- For buildings under construction, the building consents' 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.

B. Application Plans

(a) Applications for all Freehold Subdivision, First Stage Cross Leases and Proposed Unit Title Subdivision

In addition to the above information, 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 size.

The following information is to be shown on the plan:

- all of the land in the title(s) being subdivided including balance areas;
- contours to show general topography of the site in terms of mean sea level;
- any existing buildings on the site, including any residential units within those buildings;



- the relationship of existing or proposed buildings to any proposed new site boundaries including their height in relation to that boundary;
- where an existing residential building is within 1 metre of a site or proposed site boundary, the distance to that boundary;
- where an existing commercial and industrial building is within 3 metres of a site or proposed site boundary the distance to that boundary and the percentage of the walls nearest to that boundary made up of openings formed by doors and windows;
- public sewers and private drains (if not readily ascertainable on the ground, information from Council records is to be shown provided it is annotated as such);
- other utility services, ARC sewers and watermain including the position of the nearest fire hydrant;
- all trees and bush including the spread of the canopy;
- the overall surveyed outline in plan, of any heritage item(s) identified in the Appendices to Plan;
- the statutory requirements of Section 219 of the Act;
- the proposed grade of any private way (including a driveway to a proposed building site) and any new road;
- any existing building line;
- any flood plains and any existing overland flowpaths;
- all roads, private roads, reserves, 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)

These fall into two categories:

i) Those with existing completed buildings;

Applications for this type may be made by using the survey plan as the application plan provided the following information is supplied and the requirements of Clause [11.5.4.1A DETAILS](#) are met.

- Where an existing residential building is within 1 metre of a site or proposed site boundary, the distance to that boundary.

- Where an existing commercial or industrial building is within 3 metres of a site or proposed site boundary the distance to that boundary and the percentage of the walls nearest to that boundary made up of openings formed by doors and windows.

ii) Those with proposed buildings or buildings under construction and which are to be cross leased or unit titled;

Applications for these 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 subject of the leases and that the requirements of Clause [11.5.4.1A DETAILS](#) are met.

11.5.5 ASSESSMENT CRITERIA FOR RESOURCE CONSENT

11.5.5.1 CONTROLLED ACTIVITY

An application for a controlled activity subdivision consent will be treated as a restricted controlled activity (refer Clause 4.3.2.5 for public notification and service requirements). In addition to the General Rules in Clause [11.5.1 GENERAL RULES](#), an application will be assessed against the following standards and terms.

- Compliance with the appropriate subdivision requirements of Clauses [11.5.1 GENERAL RULES](#) and [11.5.2 SUBDIVISION ACTIVITY RULES](#).
- Adequate provision for the disposal of stormwater and sewage to meet the requirements of Clauses [11.5.5.3 FINANCIAL CONTRIBUTIONS FOR INFRASTRUCTURE](#) and [11.5.6 SUBDIVISION DESIGN RULES](#).
- Compliance with Section 224(f) of the Act.
- Extent of any earthworks and their effect on the environment, particularly in the Coastal Management Area and on heritage sites. Refer also to [ANNEXURE 14](#) for silt and sediment control methods.

Conditions may be imposed to give effect to the above matters including, where appropriate, the use of consent notices.

11.5.5.2 DISCRETIONARY ACTIVITIES

An application for a discretionary activity subdivision consent will be treated as a restricted discretionary activity (refer Clause 4.3.2.6 for public notification and service requirements). Applications will be assessed against the following, subject to the standards and terms laid down in the



PART 11 - SUBDIVISION

General Rules (Clause [11.5.1 GENERAL RULES](#)), the financial contributions for infrastructure provision (Clause [11.5.5.3 FINANCIAL CONTRIBUTIONS FOR INFRASTRUCTURE](#)), the subdivision design rules (Clause [11.5.6 SUBDIVISION DESIGN RULES](#)), any other part of this Plan, the building code or [Council bylaws](#) as may be appropriate.

- Compliance with the appropriate subdivision requirements of Clause [11.5.1 GENERAL RULES](#) and [11.5.2 SUBDIVISION ACTIVITY RULES](#).
- Adequate provision for the disposal of stormwater and sewage.
- Provision of satisfactory measures to attend to any increase in traffic volume.
- The provision of adequate vehicle access to each of the proposed sites.
- Compliance with building code under the Building Act 1991 as it applies to protection of other property.
- Any actual or potential effect on the environment including:
 - Any effect on the neighbourhood and, where relevant, the wider community including any social economic and cultural effects;
 - Any physical effect on the locality, including any landscape and visual effect and effects on heritage features;
 - Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity;
 - The effects of any proposed earthworks on the stability of the land and stormwater runoff.
- 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 shall be given.
- Where it is likely that the subdivision may result in any significant adverse effect on the environment, a description of any alternative method of undertaking the project and why the alternative proposal was rejected.
- Extent of any earthworks proposed and their effect on the environment particularly in the Coastal Management Area and on heritage sites. Refer also to [ANNEXURE 14](#) for silt and sediment control methods.
- 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.
- Any effect on a heritage item or items scheduled in the Appendices to the Plan, including likely pressures for the relocation of, removal, or significant modification of the

item likely as a consequence of reasonable development responding to the subdivision pattern.

- The presence of archaeological sites.
- Details of any work to be undertaken, which will require a land use consent and is necessary to complete the subdivision.

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 adverse effects the proposal may have on the environment both within and outside the site being subdivided.

- The upgrading of any existing private drain intended to be used as a common drain.
- In the case where an existing building is serviced by a combined drain, the provision of separate foulwater and stormwater drainage to public drains or other approved outfalls.
- The provision of additional drains to the Council's public drainage standards and the realignment of any public or private drains to avoid the proposed building site.
- The provision of connections to the public foulwater and stormwater drainage system from within the proposed building area especially where the connection point is within another site.
- The provision of other network utility services which may reasonably be expected to be required as part of the future use of the site.
- The upgrading of any building to meet [Council bylaws](#) and the building code requirements particularly in relation to any new boundary being created and to meet the requirement of Section 224(f) of the Act.
- The removal of buildings (except for buildings scheduled in Appendix 1 of the Plan) to provide access to the proposed building location and their replacement elsewhere on the site if necessary to meet the provisions of this Plan.
- Financial contributions as may be required in terms of [PART 4B - FINANCIAL CONTRIBUTIONS](#) and [PART 5B - COASTAL](#) (esplanade reserves).
- The granting or reserving of easements.
- Amalgamation conditions relating to substandard lots to meet bylaw or building code requirements.
- Where the subject site does not have the potential in accordance with the provisions of this Plan for further residential units, the use of a consent notice recording the lack of further potential for additional residential units on the land.

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



down in Clause [11.5.6 SUBDIVISION DESIGN RULES](#).

11.5.5.2.1 Additional Assessment Criteria for subdivisions in the Mixed Use Zone: Orakei Point, including the adjacent Open Space 2 zoned land

In addition to the above assessment criteria conditions, the following assessment criteria will apply:

- The extent to which the subdivision provides for the establishment of roads, public open spaces, building platforms and precincts consistent with the overlay plans for the Mixed Use Zone: Orakei Point.
- Whether adequate provision has been made, including through the granting or reserving of easements, to satisfy the open space and public access objectives and policies of the Mixed Use Zone: Orakei Point, including to secure public access and use of public places and linkages consistent with the criteria set out in 8.7.8.3.2.
- The extent to which the staging of subdivision is consistent with the public facilities and infrastructure work required to fulfil the objectives and policies of the Mixed Use Zone: Orakei Point, including the requirements of rule 8.8.11.17.
- The extent to which the Link Road is designed to accommodate commercial passenger vehicles.

11.5.5.3 FINANCIAL CONTRIBUTIONS FOR INFRASTRUCTURE

Under Section 108 of the Act, the Council is permitted to take financial contributions for any purpose stated in the Plan. The Council intends, through the provisions of this Plan, to take such contributions for the purpose of upgrading the capacity of infrastructure serving a development or subdivision.

The Act permits financial contributions to be taken in the form of land, cash, works and services or any combination of these. For the purpose of financial contributions for infrastructure, Council will require these contributions in cash and/or nominated works and services. A financial contribution for infrastructure purposes may be a condition of a subdivision consent.

In some circumstances where it is not feasible to provide the necessary utility services to a subdivision or development, either because of the high cost or the timing of the Council's work programme, consent for a subdivision may be declined.

For information on the requirements for financial contributions for infrastructure refer to [PART 4B - FINANCIAL CONTRIBUTIONS](#) of the Plan.

11.5.5.4 PARTICULAR CONDITIONS FOR OPEN SPACE ZONES AND FOR SPECIAL SITES

Open Space Zones

Conditions imposed will be appropriate for the proposed subdivision and the activity that will take place on the sites created. These may include alterations to the proposal to ensure the adequacy of the subdivision, the provision of private or public drainage, the supply of water and other utilities, the construction of roads or driveways, ensuring the stability of the land or protection against inundation, granting and reserving of easements and amalgamation of proposed sites with other sites as may be reasonable in the circumstances.

Special Sites

The Council may impose a condition requiring a special site to be amalgamated with an adjoining site. Unless amalgamated with another site such special sites other than heritage sites shall be deemed to be excluded from the definition of "site" for the purpose of the residential and business zones and the provisions of [9.9.3 FINANCIAL CONTRIBUTIONS FOR RESERVES](#) shall not apply.

11.5.6 SUBDIVISION DESIGN RULES

Explanation

In order to encourage a range of, and flexibility in, subdivision design throughout the Isthmus 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.

11.5.6.1 PERFORMANCE REQUIREMENT

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.

11.5.6.2 SUBDIVISION DESIGN PERFORMANCE CRITERIA

A. Criteria for Pedestrians and Cyclists

The design of a subdivision shall -

- 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, footways, intersections and pedestrian crossings. In particular:



- Footpaths, footways and cycleways shall be aligned so as to allow safe and convenient use by disabled persons with other roads and open space areas; 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;
- Footpaths and footways should have all weather surfaces and should not detract from the amenity of an area.
- Footpaths shall be located on both sides of every road and shall be designed so as to provide for pedestrian amenity, postal deliveries and likely use patterns. A footpath may be provided on only one side of the road where:
 - there are no sites with access to that part or side of the road; or
 - topography or vegetation precludes provision; or
 - vehicle volumes and speeds are low and use of the carriageways will be safe, pleasant and comfortable for pedestrian use;
 - postal delivery will not be significantly inconvenienced;
 - pedestrians will not be seriously inconvenienced by the lack of a footpath.

B. 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 in the roading hierarchy and allow the safe and efficient use of it. In particular:
 - The design of a road must be undertaken by a suitably qualified person;
 - 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;
 - 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%;

In certain instances the carriageway may be required to be designed as a secondary flow path

to transmit storm flows exceeding the 10% value, within the road boundary.

C. 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 quality;
 - Pavement edge treatment shall clearly delineate the carriageway edge, be of sufficient strength to prevent edge fretting and allow the efficient and safe access to properties abutting the road;
 - Pavement edge and drainage treatment shall be designed to facilitate infiltration of stormwater runoff where soil and topography permit or to provide an appropriate alternative disposal method.

D. 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.

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 undergrounded and comply with the standards of the relevant servicing authority except for underground utility services already servicing existing buildings within the land being subdivided.

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 watermains.
- Be constructed so that watermains 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).
- Provide a service connection to each residentially zoned site of an approved size.
- Meet the following standard:

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	1800 kPa
Class E	225m	2250 kPa

Lighting

For lighting design and provision in road and public places see the Council’s Code of Urban Subdivision and Development.

Access Easements

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

Maintenance

Service authorities shall maintain and regularly upkeep any above ground structures so as to preserve the amenity of the area.

Stormwater Drainage

Ensure that adequate and efficient provision is made for the disposal of stormwater so that flood damage, inundation of dwellings, and adverse effects on the environment are avoided. In particular -

- 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.
- All stormwater drainage shall be designed in accordance with the Council’s 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. (Refer Section [5D.2.2 FLOOD RISK](#)).
- Drainage networks shall be designed so as to be accessible for maintenance and efficient operation to reduce potential erosion from outfalls; 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.

Sanitary Drainage

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 -

- The design of sanitary 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. The location of sanitary sewers shall be so as to maximise ease of access and site usage for buildings.
- All sanitary 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.



E. Criteria for Private Ways

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

- The pavement of a private way shall be designed to carry wheel loads of all potential moving or parked vehicles using it, including fire engines where hydrants are to be installed within the private way.
- The pavement edge shall be of sufficient strength to prevent edge fretting.
- 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 the 10% value, within the private way boundary.
- All underground utility services, and where practical ducting for future augmentation, shall be installed prior to pavement construction in a manner which provides access for maintenance purposes.

