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<b>PART 4</b>	<b>Subdivision in the Rural Zones</b>
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#### **4.1 INTRODUCTION**

Table 1 below sets out the activity status for different types of subdivision in the Rural Zones of the Papakura District. Any subdivision which is not provided for in Table 1 is a non-complying activity.

All subdivision (with the exception of Subdivision for Network Utilities) must meet the General Performance Standards set out in Section 2, Part 4, Rule 2, as well as the specific performance standards set out for the applicable subdivision type. Subdivision for Network Utilities is dealt with separately under Section 2, Part 4, Rule 11.

To determine which provisions are relevant, reference must be made to the appropriate zone in Table 1 to determine the activity status of the proposed subdivision. The proposed subdivision must also be considered against the relevant zone rules to determine the standards for the subdivision, as well as the General Performance Standards set out in Section 2, Part 4, Rule 2.

The relevant assessment criteria for each type of subdivision (except boundary adjustments and network utility subdivision) are set out in Section 2, Part 4, Rule 3. Refer to Rules 10 and 11 for the assessment criteria relating to boundary adjustments and network utilities.

A range of subdivision is provided for within the Rural Zones of the District.

##### *Countryside Living Subdivision*

Countryside Living subdivision is only provided for within the Countryside Living Zone and enables the creation of 1 hectare lots. Parent lots are therefore required to have an area of at least 2 hectares to be eligible for this type of subdivision.

##### *Natural Feature Protection Lot Subdivision*

Where a lot within the Rural Plains Zone, Countryside Living Zone, Future Urban Zone, or Hunua Hills Zone contains all or part of a Significant Natural Area (SNA), Natural Feature Protection Lot subdivision provides for the creation of a 0.25ha lot provided that the entirety of the SNA on the parent lot is protected.

It is recognised that there may be significant natural features in the rural zones of the District that are not identified as SNAs. If it can be demonstrated that a natural feature meets the significance criteria set out in clause 13.2, then the Natural Feature Lot subdivision provisions will also apply.

##### *Riparian Lot Subdivision*

Similar to Natural Feature Lot subdivision, Riparian Lot subdivision provides for the creation of a 0.25ha lot where the parent lot is bounded by, or bisected by, a Priority Riparian Linkage. That part of the parent lot contained inside a parallel line measured 20m from the bank of the watercourse forming the Priority Riparian Linkage must be protected in order to be eligible for the creation of a Riparian Lot.

##### *Network Utility Subdivision*

It is recognised that the subdivision of land may be necessary to specifically provide for network utilities. Separate rules for subdivision for network utility purposes are set out in Rule 11.

#### 4.1.1 Activities – Subdivision

Table 1 below sets out the activity status of various subdivision types in the Rural Zones of the District.

In the table below:

**C** = Controlled Activity

**D** = Discretionary Activity

**NC** = Non-complying Activity

**Table 1 - Activity Status - Subdivision**

	Rural Plains Zone	Countryside Living Zone	Hunua Hills Zone	Karaka Centre Zone	Future Urban Zone
Boundary Adjustments that comply with Performance Standards in Rule 10 and the General Performance Standards set out in Rule 2 of this part of the Plan.	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>
Boundary Adjustments that do not comply with either the Performance Standards in Rule 10 or the General Performance Standards set out in Rule 2 of this part of the Plan.	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>
Boundary Adjustments where the common boundary proposed to be relocated is within the Aggregate Resource Protection Area.		<b>D</b>	<b>D</b>		
Natural Feature Protection Lot Subdivision that complies with the Performance Standards set out in Rule 13 of this part of the Plan.	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>
Natural Feature Protection Lot Subdivision that does not comply with the Performance Standards set out in Rule 13 of this part of the Plan.	<b>NC</b>	<b>NC</b>	<b>NC</b>	<b>NC</b>	<b>NC</b>

	Rural Plains Zone	Countryside Living Zone	Hunua Hills Zone	Karaka Centre Zone	Future Urban Zone
Countryside Living Subdivision that complies with the Performance Standards set out in Rule 6 and the General Performance Standards set out in Rule 2 of this part of the Plan.		D			
Countryside Living Subdivision that does not comply with either the Performance Standards set out in Rule 6 or the General Performance Standards set out in Rule 2 of this part of the Plan.		NC			
Riparian Lot Subdivision that complies with the Performance Standards set out in Rule 12 of this part of the Plan.	D	D	D	D	D
Riparian Lot Subdivision that does not comply with the Performance Standards set out in Rule 12 of this part of the Plan.	NC	NC	NC	NC	NC
Network Utility Subdivision that complies with the Performance Standards set out in Rule 11 of this part of the Plan.	C	C	C	C	C
Network Utility Subdivision that does not comply with the Performance Standards set out in Rule 11 of this part of the Plan.	D	D	D	D	D
Any subdivision not provided for in this table.	NC	NC	NC	NC	NC

	<b>Rural Plains Zone</b>	<b>Countryside Living Zone</b>	<b>Hunua Hills Zone</b>	<b>Karaka Centre Zone</b>	<b>Future Urban Zone</b>
Subdivision in relation to land use activities that have been granted resource consent at 10 Quarry Road	<b>D</b>				

## **4.2 GENERAL SUBDIVISION PERFORMANCE STANDARDS**

The following standards shall apply to all subdivision (except network utility subdivision and subdivision at 10 Quarry Road, Drury) in the following zones of the Papakura District:

- Rural Plains Zone
- Countryside Living Zone
- Future Urban Zone
- Karaka Centre Zone
- Hunua Hills Zone

### **1. Access**

- a. All lots created by a subdivision shall be provided with physical and legal access to a formed legal road.
- b. Any access required by Rule 2.1(a) above shall be in accordance with the standards set out in Section 2, Part 3, Rule 12 – Transportation.

### **2. Defined Curtilage Area**

- a. Any lot created for residential purposes in the Rural Plains Zone and the Karaka Centre Zone shall be provided with a defined curtilage area not exceeding 2000m<sup>2</sup>. The defined curtilage area shall comply with the relevant requirements of the development standards for the Rural Plains Zone and the Karaka Centre Zone as applicable.

### **3. Building Platform**

- a. Any lot created by a subdivision for residential purposes shall be provided with a building platform in accordance with the following:
  - i. The building platform shall not be located within an overland flow path or a flood hazard area.
  - ii. The building platform shall not be located on land which is subject to instability.
  - iii. The building platform shall not be located in that part of the site which is any of the following:
    1. A Priority Riparian Linkage;
    2. A Significant Natural Area;
    3. A natural feature that meets the criteria set out in Rule 13.2 of this part of the Plan;
    4. That part of the site delineated by a line running 40 metres parallel to MHWS;
    5. That part of the site delineated by a line running 30 metres parallel to the bank of any watercourse;
    6. A high voltage transmission line corridor 'No-Build Zone' (12 metres either side of the centreline of a high voltage transmission line).



- iv. The building platform shall be located to comply with all relevant yard and separation distance standards specified for the relevant zone.
  - b. The building platform for each residential lot shall be specified on the scheme plan for the proposed subdivision.
- 4. Water Supply**
  - a. Provision must be made for the supply of potable water to any lot created by a subdivision.
- 5. Wastewater**
  - a. Any lot created by the subdivision shall be provided with either:
    - i. Connection to a reticulated sewerage system; or
    - ii. Where a reticulated sewerage connection is not available provision shall be made for the on-site collection and disposal of wastewater generated from activities on the lot.
  - b. Where an on-site wastewater disposal system is proposed, the applicant must demonstrate to the Council that each lot has sufficient area to adequately dispose of domestic wastewater<sup>7</sup>. This includes sufficient area for the treatment plant, disposal area and reserve area that comply with the separation distances specified in the ARC Technical Publication 58: *'On-site Wastewater Systems: Design and Management Manual'*
- Note:** The Proposed Auckland Regional Plan: Air Land and Water contains rules relating to the discharges of contaminants from wastewater systems. Plan users are advised to refer to this document (including any subsequent operative version).
- 6. Stormwater**
  - a. Provision shall be made for the collection and discharge of stormwater from any lot created by subdivision. Where connection to a reticulated stormwater system is not available, provision for the collection and discharge shall be in accordance with the ARC Technical Publication 10 *'Stormwater Treatment Devices Design Guideline Manual'*.
- Note:** The Proposed Auckland Regional Plan: Air Land and Water contains rules relating to the discharges of contaminants from stormwater systems and consents may be required under this document. Plan users are advised to refer to this document (including any subsequent operative version).
- 7. Riparian Margins**
  - a. Upon the subdivision of any lot in the Rural Plains Zone, Hunua Hills Zone, Future Urban Zone or Countryside Living Zone that is bounded by

or contains one or more watercourses, protection of the riparian margins of these watercourses shall be achieved in accordance with the following:

- i. A stock proof fence shall be erected a minimum distance of 10 metres from the top of the bank of the watercourse along the entire length of that part of the watercourse that forms the boundary of, or is within, the parent lot; and
- ii. An area with a minimum width of 10m from the top of the bank of the watercourse shall be planted with native vegetation in accordance with the native planting standards set out in Section 2, Part 4, Appendix A.

**8. Non- Complying Activities**

No subdivision proposal should render any activity or development non-complying on the subject site without obtaining prior consent to that non-complying aspect or seeking consent at time of subdivision.

#### **4.3 GENERAL ASSESSMENT CRITERIA**

The following assessment criteria will be used in assessing applications for subdivision in the Rural Plains Zone, the Countryside Living Zone, the Future Urban Zone, the Hunua Hills Zone, and the Karaka Centre Zone.

Please note that applications for Network Utility Subdivision as a Controlled Activity will be subject to the assessment criteria contained in Rule 11 of this part of the Plan and where deemed a Discretionary Activity, will also be subject to the Assessment Criteria in 3.2.4.

Assessment criteria for the waiver of Esplanade Reserves or Strips are set out in Rule 15.3 of this part of the Plan.

Assessment criteria for boundary adjustments as a Controlled Activity will be subject to the assessment criteria contained in Rule 10 of this part of the Plan and where deemed a Discretionary Activity will also be subject to the Assessment Criteria in 3.1.

##### **4.3.1 Assessment Criteria – Discretionary Activities**

In determining an application for subdivision for a discretionary activity, the Council shall consider the following general assessment criteria, as well as any relevant specific assessment criteria set out in Rule 3.2 of this part of the Plan.

1. The extent to which the proposed building platform(s) will be at risk from natural hazards such as flooding, inundation, instability and rising sea levels.
2. Where the land being subdivided is contaminated land, the extent to which the land will be, or has been remediated to an acceptable level (if necessary) for the intended use of the land following subdivision.
3. The proximity and design of the proposed subdivision to any existing or approved network utility services, Ardmore Airfield, Ardmore Military Training Area or quarries; and the extent to which the proximity of any proposed lot(s) and subdivision design will result in adverse effects or reverse sensitivity effects on those operations and network utilities.
  - a) Relevant assessment matters in regards to transmission line infrastructure include:
    - The extent of compliance with NZECP 34:2001 and the potential effects on users or occupiers of land.
    - Location of building platforms and whether there are alternative building platforms available.
    - The nature and location of any proposed earthworks and/or vegetation to be planted in the vicinity of transmission lines.
    - The ability of the line owner to retain access to the high voltage transmission line including for inspections and maintenance and emergency purposes.
    - The outcome of any consultation with the high voltage transmission line owner.
    - The extent to which the proposal would constrain the ongoing operational needs of the National Grid.

**Explanation:**

A 32m separation distance from the centre line of high voltage transmission lines creates a buffer corridor that will achieve the intent of Policies 10 and 11 of the National Policy Statement on Electricity Transmission. Those policies seek to manage activities in close proximity to transmission lines in order to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading and development of the electricity transmission network is not compromised.

Within that corridor, any subdivision or development is to ensure that there are no new, or additions to existing, buildings located within a 'no build area' located 12 metres either side of the centre line of a high voltage electricity transmission line. Further, any subdivision or development within a 20 metre corridor either side of the 'no-build area' buffer corridor should be undertaken in accordance with Transpower's Corridor Management Policy and ensure compliance with the New Zealand Electrical Code of Practice (NZECP) 34: 2001, which also contains restrictions on the location of structures, earthworks and operation of machinery in relation to lines. Additional guidance is provided by the Transpower document entitled 'Guide For Development Near High Voltage Transmission Lines'.

**Advice Note 1:**

No vegetation should be planted within the transmission corridor that will grow into the growth limit zones specified in the Electricity (Hazard from Trees) Regulations 2003. Such vegetation may interfere with a line and result in an outage or the vegetation becoming live and therefore a health and safety risk. The Electricity (Hazards from Trees) Regulations 2003 provide a process for the line operator to require vegetation within the growth limit zones to be removed or trimmed.

**Advice Note 2:**

Applicants are advised of the importance of consulting with the high voltage electricity transmission line network utility operator when considering planting, earthworks, the construction of new, or additions to existing, buildings within 32 metres either side of the centre line of high voltage electricity transmission lines, and prior to a resource consent or building consent being lodged with Council. Any such consultation will be confined to the effects of any proposal upon the high voltage electricity transmission lines, and have regard to both the importance of the lines in the wider public interest, and the expectations and aspirations of the respective landowner involved.

- b) In considering an application for subdivision in the proximity of Ardmore Aerodrome Ardmore Military Training Area or quarrying operations, Council will assess the application against the following matters:-
  - i. The likelihood of the subdivision and development bringing more residences into potential conflict with the existing rural based operation.

- ii. The manner in which it is proposed to avoid reverse sensitivity issues.
4. Where the subdivision of any lot that gains access from a State Highway creates either additional access point(s) or creates additional lot(s) gaining access from an existing access point, the proposal will be assessed against the following matters:
- a. Whether the specific proposal will materially compromise traffic safety.
  - b. The status and effect of existing access arrangements, including whether there are opportunities to rationalise access and the cumulative effect of an additional access.
  - c. The nature and extent of any infringements of other rules contained in this Plan, and the relevance of any such infringements to traffic, transport and integration issues.
  - d. How the subdivision will integrate with the existing and any future land transport systems, with specific consideration of:
    - i. The capacity of the existing and future land transport systems;
    - ii. Cumulative effects on the existing state highway network and any relevant precedent considerations or future cumulative effects;
    - iii. Where any new road(s) are proposed, consistency and connectivity with the district roading hierarchy;
  - e. Whether the proposal will result in any significant social, environmental and/or economic benefits or dis-benefits.
  - f. Consideration of any available information on community views, including those of local authorities.
  - g. Consideration of alternatives including:
    - i. Whether an adequate assessment of alternative sites and locations has been undertaken; and
    - ii. Alternative access arrangements.
5. Whether the land subject to the subdivision is designated land.
6. Whether, and the extent to which the proposed subdivision complies with the General Subdivision Performance Standards set out in Rule 2 of this part of the Plan.
7. Whether, and the extent to which the proposed subdivision complies with the specific performance standards for that type of subdivision set out in this part of the Plan.
8. Whether the proposed subdivision will have an adverse effect on any archaeological sites or scheduled heritage items on the subject site.
10. Whether the proposed subdivision will have an adverse effect on any SNA or other natural feature meeting the criteria in Rule 13.2 of this part of the Plan.
11. Whether opportunities to encourage and enhance the linking of riparian areas with other riparian areas, wetlands and bush remnants both on the subject site and on neighbouring properties have been maximised.
12. Whether the native planting buffer is wide enough to achieve a sustainable riparian zone with respect to the width of the stream and the reference to the

ARC Technical Publications (TP) 148 “Riparian Zone Management Strategy Guideline and Planting Guide”.

13. The extent to which the proposed wastewater land disposal area(s) will be at risk of flooding or inundation or instability and the potential for wastewater disposal to lead to surface or ground water contamination.
14. The consistency of the proposed activity with the Objectives and Policies of the Plan.
15. The impact of the proposed lot and likely development and land use on adjoining existing rural activities and any actual or potential reverse sensitivity effects that may be created or exacerbated.
16. The extent to which onsite and local amenity is retained and enhanced through the retention, protection and ongoing maintenance of existing trees and vegetation and any proposed planting.

#### **4.3.2 Specific Assessment Criteria**

##### **4.3.2.1 Natural Feature Protection Lot Subdivision**

In considering an application for a Natural Feature Protection Lot Council will assess the application against the following matters:

1. The General Assessment Criteria for subdivision set out in Rule 3.1 of this part of the Plan; and
2. The significance of the feature or area being protected;
3. The manner in which it is proposed to set aside or protect the feature;
4. The effectiveness of the proposed management plan for the feature;
5. The proposed location of the building platform in relation to the protected feature and the extent to which the proposed location will lead to any potential adverse effects on the feature.

##### **4.3.2.2 Riparian Lot Subdivision**

In considering an application for a Riparian Lot Subdivision, Council will assess the application against the following matters:

1. The General Assessment Criteria for subdivision set out in Rule 3.1 of this part of the Plan; and
2. The manner in which it is proposed to set aside or protect the feature;
3. The effectiveness of the proposed management plan for the feature, having regard to the intent of the Priority Riparian Linkage network;
4. The extent to which public access is appropriate and/or provided for through the Riparian Lot.

##### **4.3.2.3 Countryside Living Lot Subdivision**

In considering an application for a Countryside Living Lot Subdivision, Council will assess the application against the following matters:

1. How lot sizes, shape, placement and dimensions provide for topography, natural features, water bodies and access.
2. How lot sizes, shape, placement and dimensions address potential land use conflict between adjoining activities.
3. Existing and probable development and how this would support the achievement of the objectives and policies of the Countryside Living Zone.

#### **4.3.2.4 Network Utility Subdivision**

In considering an application for a network utility subdivision that is a discretionary activity, Council will have regard to the following matters:

1. The matters for control set out in Rule 11.2.
2. The extent to which the proposal complies with the Performance Standards set out in Rule 11.1.
3. Whether the creation of the site necessitates destruction or alteration of any Significant Natural Area(s), scheduled trees, generally protected trees, and the extent of any proposed mitigation measures.
4. Whether the creation of the site results in any adverse effects on a scheduled item, and the extent to which any such adverse effects will be mitigated.

#### **4.3.2.5 All Subdivision in the Aggregate Resource Protection Area**

1. Where a proposed lot is in the Aggregate Resource Protection Area, the extent to which reverse sensitivity issues may be experienced by the quarry and the extent to which potentially sensitive uses of the proposed lot have been designed so as to mitigate potential adverse effects that may be experienced.
2. In respect of a subdivision consent application the extent to which activities consequential upon subdivision would result in effects which unduly compromise existing or potential quarrying of aggregate on any land in the Aggregate Resource Protection Area and Quarry Zone. Factors which serve to mitigate effects, for example, topography or resource consent conditions, may be taken into account in determining the desirability of a buffer requiring the separation of likely consequential activities from the aggregate resource.

#### *Explanatory Note*

*For the guidance of the Council in determining whether these criteria are met in respect of any particular application, the Council will request the Quarry owner or operator to provide an assessment of the level of effects of quarrying activities received at proposed building sites. Except in exceptional circumstances, sites which are likely to receive noise, airblast and vibration levels in excess of the limits applying at notional boundaries in Rule 6.13.8.1 contained in Section Three of the*

*District Plan will be considered inappropriate in terms of these criteria unless adequate mitigation measures in respect of occupied dwellings can be implemented to reduce the effects of those similar to the standards set out in Rule 6.13.8.1. In the event that a resource consent is granted in reliance upon such mitigation measures, the Council will normally expect a memorandum of encumbrance to be registered on the title to record the terms of the consent.*

#### **4.3.2.6 Properties adjoining the Strategic Freight Network Roads**

Where a property adjoins a strategic Freight Network Road identified on District Plan Maps:

- The extent to which proposed vehicle access, potential traffic type, volume and frequency would conflict with the network safety and efficiency.
- The extent to which any potentially sensitive uses have been designed so as to mitigate potential adverse effects that may be experienced. Mitigation measures may include yard setbacks and acoustic control measures (e.g. bunding, fencing, insulation).



#### **4.4 INFORMATION REQUIREMENTS FOR RESOURCE CONSENT APPLICATIONS**

In addition to the requirements set out in Section 1 Part 9 of the Plan, any application for resource consent for subdivision must include the following information:

**1. An appropriately scaled plan showing the following:**

- a. The location of the property being subdivided.
- b. The whole of the property held by the subdividing owner.
- c. The legal description of the land being subdivided, its total area and certificate of title references.
- d. The location of all new lots, their boundary dimensions and areas.
- e. The location and areas of land to be set aside as new road including road widths and gradients.
- f. All existing and new rights of way and other easements.
- g. The location of all existing:
  - Buildings;
  - Fences;
  - Power, telephone and gas lines;
  - High Voltage Transmission Lines;
  - Known archaeological or heritage sites;
  - Watercourses, wetlands or drainage systems;
  - Stormwater and sanitary sewer lines and stormwater and effluent treatment systems and disposal fields;
  - Trees and Vegetation, names where known, approximate age, size and condition;
  - Significant Natural Areas or Priority Riparian Linkages;
  - Areas of instability;
  - Reserves (including esplanade reserves and strips).
- h. The location of all proposed:
  - Building platforms;
  - Areas for wastewater treatment tanks (for both primary and secondary treatment where required) and effluent disposal fields and reserve areas, including the predominant soil type in the proposed disposal area(s) and the relevant separation distances from surface and ground water, floodplain and water supply bore, as covered in Table 5.2 of ARC's TP58;
  - Vehicle access and on-site parking and manoeuvring areas;
  - Electric power, telephone and gas lines;
  - Cut and fill;
  - Vehicle access and on-site parking and manoeuvring areas (and gradients);

- Reserves (including esplanade reserves and strips);
  - Methods of stormwater disposal.
- i. The location and areas of any existing or new reserves or esplanade strips.
  - j. The location and areas of any land below mean high water springs or any part of the bed of a river or lake.
  - k. Any such information required to properly explain the subdivision proposal.

**2. Geotechnical Assessment**

- a. A Geotechnical Assessment shall be required for any subdivision (except boundary adjustments) in the Hunua Hills Zone and for any site which has a peat soil type. A geotechnical assessment may also be required for subdivisions in other zones should Council consider there to be a risk of instability or risk of water contamination from land disposal of wastewater. A Geotechnical Assessment shall also include details of the soil profile within all proposed/allocated land disposal area(s).

**3. Identification of Overland Flow Paths**

- a. The location of any overland flow paths affecting the land which is subject to the subdivision application shall be identified in the application plans for the proposed subdivision.

**4. Heritage/Cultural Assessment**

- a. An assessment of the effects the proposed subdivision will have on any heritage items. This assessment shall include the identification of any scheduled items, previously recorded items not scheduled, and previously unrecorded items on the subject site and the extent to which the proposed subdivision may impact on these items, as well as any proposed mitigation measures.
- b. An assessment of the effects the proposed subdivision will have on cultural heritage values and where necessary the submission of Cultural Impact Assessment prepared in consultation with Tangata Whenua will be required.

**5. Riparian Planting**

Where riparian planting is required or proposed on subdivision of any lot in any rural zone that is bounded by or contains one or more watercourses, the applicant shall provide information on the following:

- a. A pre-planting site assessment that covers:
  - i. The ecological district of the site and the area (in square metres) of the site to be planted.

- ii. The location and characteristics of the watercourse(s) on the subject site.
  - iii. The soil characteristics of the riparian margin area.
  - iv. Soil drainage.
  - v. Topography of the area to be planted.
  - vi. Aspect of the area to be planted.
  - vii. Exposure of the site to wind, sunlight and salt spray.
  - viii. Presence of animal pests and weeds.
  - ix. Extent of existing bush or native vegetation on the site and its species composition.
  - x. Distance from established bush and the state of the established bush.
  - xi. Any restrictions that may apply to planting, such as safety issues.
  - xii. The presence of any archaeological sites, and how the planting responds to those sites.
- b. A planting plan assessment that contains the following information:
- i. The location and extent of the planting, shown on a plan.
  - ii. Details of the site preparation for planting, including stock proof fencing, removal of weed species and animal pest control methods.
  - iii. Site planting, including species to be planted, size of plants, where they are to be planted, density of planting, and sourcing and fertilising of plants.
  - iv. Maintenance of planting, including fertilisation regimes, details of pest control and weed removal, and replacement of plants which do not survive.

## **6. Management Plan**

Where it is proposed to create a Natural Feature Protection Lot or a Riparian Lot, the applicant shall supply a management plan for the feature to be protected. This management plan shall address the following matters:

- a. Methods and schedule of weed control.
- b. Methods and schedule of animal pest control.
- c. Proposed enhancement techniques – e.g. planting programme, fencing.

## **7. Ecological Assessment**

Where it is proposed to create a Natural Feature Protection Lot and the natural feature being protected is not a Significant Natural Area, the applicant shall submit an ecological assessment of the feature to demonstrate that the feature meets the criteria set out in Rule 13.2 of this part of the Plan.

For any application that proposes subdivision in the Hunua Hills Zone, an ecological assessment of the potential effects on ecological values shall be

submitted with the application for subdivision consent. The ecological assessment shall be prepared by a suitably qualified person.

**8. Subdivision in the Aggregate Resource Protection Area**

Where an application for subdivision is lodged within the ARPA, the application must contain information provided by Winstone as to the activities' potential effects on ARPA values, and (where appropriate) the way in which such effects may be avoided, remedied or mitigated. If such information is not included with the application, Papakura District Council will immediately forward a copy of the application to Winstone and request the applicant under section 92(2) of the RMA to provide further information on the potential impact of the application on ARPA values.

**9. Reverse Sensitivity**

The identification and description of the existing and potential activities on the sites subject to the application and those on adjoining/adjacent properties (given the provisions of the applicable zone and characteristics of the locality).

An assessment of the relationship and potential conflicts of existing and potential activities on the sites subject to the application and those on adjoining/adjacent properties.

Methods proposed to avoid reverse sensitivity issues.

## **4.5 RURAL PLAINS ZONE**

This section sets out the subdivision provisions for the Rural Plains Zone. As outlined in other parts of this Plan, there are a range of ecological and riparian linkages in the District which Council is seeking to protect. One method of achieving protection of these features is by offering an incentive by way of the provision of additional subdivision rights to landowners where the features are set aside and protected in perpetuity, as well as appropriately managed.

These features include the Priority Riparian Linkages and Significant Natural Areas which are identified on the Planning Maps. Where other natural features are not identified on the Planning Maps, but which meet the criteria set out in Rule 13.2 of this part of the Plan, additional subdivision rights may be available in respect of this section.

All subdivision in the Rural Plains Zone will be required to meet the General Performance Standards for Subdivision set out in Rule 2 of this part of the Plan.

### **4.5.1 Subdivision Requirements – Rural Plains Zone**

1. All subdivision in the Rural Plains Zone must comply with the relevant general subdivision performance standards set out in Rule 2 of this part of the Plan as well as the standards set out for the relevant type of subdivision set out in Rules 5.2 – 5.5. Furthermore, subdivision applications deemed Discretionary Activities are subject to the assessment criteria specified in Rule 3 of this part of the Plan.

### **4.5.2 Boundary Adjustments**

#### **1. Activity Status**

- a. Boundary adjustments in the Rural Plains Zone are Controlled Activities, subject to compliance with Rule 10.1.
- b. Boundary adjustments in the Rural Plains Zone which do not comply with the Performance Standards set out in Rule 10.1 are Discretionary Activities.

### **4.5.3 General Rural Lot Subdivision**

#### **4.5.3.1 Activity Status**

- a. Subdivision within the area of land located to the south of Papakura-Clevedon Road extending from Heard Road to Church Rd (being lots: Pt Lot 1 DP 16680, Lot 2 DP 158521, Lot 2 DP 331012, Lot 2 DP 374435, Lot 2 DP 197567, Lot 3 DP 197567) is a Discretionary Activity, subject to compliance with the Performance Standards set out in rule 5.3.2 below.
- b. Subdivision within the area located to the south of Papakura-Clevedon Road extending from Heard Road to Church Rd ((being lots: Pt Lot 1 DP 16680, Lot 2 DP 158521, Lot 2 DP 331012, Lot 2 DP 374435, Lot 2 DP 197567, Lot 3 DP

197567) which does not comply with one or more of the Performance Standards set out in Rule 5.3.2 below is a Non-complying activity.

**4.5.3.2. Performance Standards**

- a. Compliance with the General Subdivision Performance Standards set out in Rule 2 of this part of the Plan; and
- b. The Parent Lot shall have an area of at least 12 hectares; and
- c. The Parent Lot must have existed at or prior to 7 November 2007<sup>1</sup> and
- d. The new lots shall have an area of no less than 2 hectares; and
- e. The average area of the lots created shall be no less than 4 hectares; and
- f. Subdivision shall be undertaken in general accordance with the Subdivision Concept Plan prepared by LA4 Landscape Architects; Concept Plans 4A and 4B (revision C) dated 27 January 2011 as contained in Appendix B and C of Section Two, Part 4; and
- g. A Landscaping plan which specifies species and density of planting and a maintenance/management programme for planting required for riparian restoration or landscape enhancement in general accordance with Concept Plan 4A/4B is to be submitted with the subdivision application and implemented prior to the issue of a 224(c) certificate. Where the planting includes riparian planting a Consent Notice shall be registered on the Title of new lots created requiring that the riparian restoration area be:
  - i. Fenced with a stock proof fence to prevent access of stock to the protected area;
  - ii. Kept free of livestock and invasive weeds;
  - iii. Protected in perpetuity;
  - iv. Managed in accordance with an approved Management Plan (refer to Rule 14.2).
  - v. Managed in a manner which keeps animals and plant pest populations under control.
- h. For Lots 9,10,11 and 12 as referenced on the Subdivision Concept Plans 4A/4B the following additional performance standards apply<sup>3</sup> and shall be recorded by a Consent Notice on the titles of those lots at the time of subdivision.
  - i. Building Height and Form
    - A maximum rolling height of 7m shall apply to Lots ,9,10,11 and 12 below
    - Lots 11 and 12 shall be set below ridgelines so that a 7m high dwelling does not protrude above the ridge when viewed from Clevedon-Papakura Road.

- Dwellings shall have lower pitched roof forms to reflect the slope of landform with roof overhangs (eaves) of a minimum 600mm width
- ii. Accessory Buildings
  - One accessory building is allowed per site. The accessory building shall be designed and constructed to a similar quality as the principal dwelling using similar materials and finishes. Where practicable garages shall be integrated with the dwelling or accessory buildings connected to the dwelling by way of pergola, covered walkway, loggia or similar structure.
- i. Colour
  - The colour of rooves shall have a reflectance value of less than 25% and the colour of walls shall have a reflectance value of less than 40%.
- ii. Accessways and Driveways
  - Where practicable accessways/driveways shall follow natural contours or existing farm tracks.
  - Paved surfaces shall be constructed of either chip seal, asphalt or exposed aggregate concrete tinted dark brown, grey or black.
- iii. Lighting
  - All exterior lighting to be fitted with reflectors, louvres or similar devices to direct lighting downward and prevent glare and light spill into surrounding area.
- iv. Utilities, services and infrastructure
  - All utilities shall be located below ground and storage tanks/pumps shall be located within the building envelope or below ground
- v. Retaining Walls/Fencing
  - Retaining walls and fences are to be constructed of visually recessive material with height limited to 2m in association with the dwelling and 1.2m elsewhere with planting along the base.
- i. For Lots 3,4,5,6,7,8,9,10,11 and 12 as referenced on the Concept Plans 4A/4B the following additional performance standards apply:

- i. A consent notice shall be issued by the Auckland Council and shall be lodged for registration with the Registrar-General of Land on the computer freehold register for those lots at the time the survey plan is deposited under s.224 of the Resource Management Act 1991 (RMA) specifying that each dwelling shall be designed and constructed to achieve a minimum external sound insulation level of  $D_{N,T,w} + C_{tr} > 30$  dB.<sup>4</sup> Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard. If field testing of built structures is employed to verify predictions, these tests shall be carried out using ISO 140-5:1998 Acoustics –Measurement Of Sound Insulation In Buildings And Of Building Elements Part 5: Field Measurements Of Airborne Sound Insulation Of Façade Elements and Façades; and
- ii. A memorandum of covenant in perpetuity in favour of the New Zealand Defence Force shall be registered against the computer freehold register for those lots prohibiting the owner and occupier of each lot from:
  - Initiating or taking any type of enforcement action under the RMA for any lawful activities undertaken at the Ardmore Military Training Area;
  - Suing the New Zealand Defence Force for any nuisance caused from lawful activities;
  - Opposing any designation for “defence purposes” of the Ardmore Military training Area.

#### **4.5.4 Subdivision – 10 Quarry Road, Drury**

##### **1. Performance Standard**

Subdivision in relation to land use activities that have been granted resource consent at 10 Quarry Road, Drury shall be a Discretionary Activity.

##### **2. Assessment Criteria**

Applications for subdivision under this clause shall demonstrate that the proposed allotment boundaries and areas achieves allotments of a size, shape and configuration that enables the efficient use and operation of the existing or approved activities on each respective allotment, including providing for suitable vehicle access, and for onsite services including water, wastewater and stormwater.



**4.5.5 Riparian Lot Subdivision**

**1. Activity Status**

- a. Riparian Lot subdivision in the Rural Plains Zone is a Discretionary Activity, subject to compliance with the Performance Standards set out in Rule 12.1.
- b. Riparian Lot subdivision in the Rural Plains Zone which does not comply with one or more of the Performance Standards set out in Rule 12.1 is a Non-Complying Activity.

**4.5.6 Natural Feature Protection Lot Subdivision**

**1. Activity Status**

- a. Natural Feature Protection Lot subdivision in the Rural Plains Zone is a Discretionary Activity, subject to compliance with the Performance Standards set out in Rule 13.1.
- b. Natural Feature Protection subdivision in the Rural Plains Zone which does not comply with one or more of the Performance Standards set out in Rule 13.1 is a non-complying activity.

#### **4.6 COUNTRYSIDE LIVING ZONE**

The provisions set out in this section seek to provide for an established pattern of subdivision in the Countryside Living Zone. The minimum lot size in the Countryside Living Zone is 1 hectare, and provides for lifestyle living within the Papakura District.

As outlined in other parts of this Plan, there are a range of ecological and open space features in the District which Council is seeking to protect, and one method of achieving protection of these areas is by offering an incentive by way of the provision of additional subdivision rights to landowners where these features are set aside and protected in perpetuity, as well as appropriately managed.

These features include the Priority Riparian Linkages and Significant Natural Areas which are identified on the Planning Maps. Where other natural features are not identified on the Planning Maps, but which meet the criteria set out in Rule 13.2 of this part of the Plan, additional subdivision rights may be available in respect of this section.

Some areas of land in the Countryside Living Zone may be susceptible to instability so applications for subdivision of land in this zone may be required to be accompanied by a geotechnical assessment.

##### **4.6.1 Subdivision Requirements – Countryside Living Zone**

All subdivision in the Countryside Living Zone must comply with the relevant general subdivision performance standards set out in Rule 2 of this part of the Plan. Furthermore, subdivision applications deemed Discretionary Activities are subject to the assessment criteria specified in Rule 3 of this part of the Plan.

##### **4.6.2 Boundary Adjustments**

###### **1. Activity Status**

- a. Boundary adjustments in the Countryside Living Zone are a Controlled Activity, subject to compliance with the Performance Standards set out in Rule 10.1.
- b. Boundary adjustments in the Countryside Living Zone which do not comply with the Performance Standards set out in Rule 10.1 are Discretionary Activities.

##### **4.6.3 Countryside Living Subdivision**

###### **1. Activity Status**

- a. Countryside Living subdivision in the Countryside Living Zone is a Discretionary Activity, subject to compliance with the Performance Standards set out in Rule 6.3.2 below.

- b. Countryside Living subdivision in the Countryside Living Zone which does not comply with one or more of the Performance Standards set out in Rule 6.3.2 below is a Non Complying Activity.

**2. Performance Standards**

- a. Compliance with the General Subdivision Performance Standards set out in Rule 2 of this part of the Plan.
- b. The Parent Lot must have existed at or prior to the date of notification of this Plan.
- c. The minimum lot size of any lot created by Countryside Living subdivision shall be 1 hectare.
- d. The entirety of any Priority Riparian Linkage, Significant Natural Area or other natural feature that meets the significance criteria of Rule 13.2 shall be protected in accordance with Rule 14 with no additional lot entitlements available under any other rule in this Plan.

**3. Assessment Criteria**

In considering an application for a Countryside Living subdivision in the Countryside Living Zone, Council will assess the application against the General Assessment Criteria for Subdivision set out in Rule 3 of this part of the Plan.

**4.6.4 Riparian Lot Subdivision**

**1. Activity Status**

- a. Riparian Lot subdivision in the Countryside Living Zone is a Discretionary Activity, subject to compliance with the Performance Standards set out in Rule 12.1.
- b. Riparian Lot subdivision in the Countryside Living Zone which does not comply with one or more of the Performance Standards set out in Rule 12.1 is a non-complying activity.

**4.6.5 Natural Feature Protection Lot Subdivision**

**1. Activity Status**

- a. Natural Feature Protection Lot subdivision in the Countryside Living Zone is a Discretionary Activity, subject to compliance with the Performance Standards set out in Rule 13.1.
- b. Natural Feature Protection Lot subdivision in the Countryside Living Zone which does not comply with one or more of the Performance Standards set out in Rule 13.1 is a Non-Complying Activity.

#### **4.7 HUNUA HILLS ZONE**

The Hunua Hills Zone applies to areas of the foothills of the Hunua Ranges which are characterised by their ecological and landscape qualities. Inappropriate subdivision and development has the potential to compromise these ecological and landscape values so the provisions for subdivision in the Hunua Hills Zone provide for limited subdivision activity except where part of a Priority Riparian Linkage or a Significant Natural Area is protected. Provision is also made for boundary adjustments and subdivision for network utilities in the Hunua Hills Zone.

##### **4.7.1 Subdivision Requirements – Hunua Hills Zone**

1. All subdivision in the Hunua Hills Zone must comply with the relevant general subdivision performance standards set out in Rule 2 of this part of the Plan. Furthermore, subdivision applications deemed Discretionary Activities are subject to the assessment criteria specified in Rule 3 of this part of the Plan.

##### **4.7.2 Boundary Adjustments**

###### **1. Activity Status.**

- a. Boundary adjustments in the Hunua Hills Zone are Controlled Activities, subject to compliance with the Performance Standards set out in Rule 10.1.
- b. Boundary adjustments in the Hunua Hills Zone which do not comply with the Performance Standards set out in Rule 10.1 are Discretionary Activities.

##### **4.7.3 Riparian Lot Subdivision**

###### **1. Activity Status**

- a. Riparian Lot subdivision in the Hunua Hills Zone is a Discretionary Activity, subject to compliance with the Performance Standards set out in Rule 12.1.
- b. Riparian Lot subdivision in the Hunua Hills Zone which does not comply with one or more of the Performance Standards set out in Rule 12.1 is a Non-Complying activity.

##### **4.7.4 Natural Feature Protection Lot Subdivision**

###### **1. Activity Status**

- a. Natural Feature Protection Lot subdivision in the Hunua Hills Zone is a Discretionary Activity, subject to compliance with the Performance Standards set out in Rule 13.1.

- b. Natural Feature Protection Lot subdivision in the Hunua Hills Zone which does not comply with one or more of the Performance Standards set out in Rule 13.1 is a Non-Complying Activity.

**4.8 KARAKA CENTRE ZONE**

**4.8.1 Subdivision Requirements – Karaka Centre Zone**

1. Subdivision in the Karaka Centre Zone is subject to the same provisions set out in Rule 5 of this part of the Plan.

#### **4.9 FUTURE URBAN ZONE**

The Future Urban Zone applies to those areas of the District that have been identified as growth areas and for which Structure Plans have been prepared by the Council.

It is important that the subdivision of land in the Future Urban Zone is appropriately managed so that the integrity of the Structure Plans for those areas is not eroded and the viability of the likely future uses of these areas is not compromised. For that reason, limited subdivision is provided for within the Future Urban Zone, except where a Priority Riparian Linkage or Significant Natural Area is protected. The intent of this approach is to maintain a pattern of subdivision which will ultimately be able to be developed in a manner consistent with its intended future use as outlined in the relevant structure plan.

##### **4.9.1 Subdivision Requirements – Future Urban Zone**

1. All subdivision in the Future Urban Zone must comply with the relevant general subdivision performance standards set out in Rule 2 of this part of the Plan. Furthermore, subdivision applications deemed Discretionary Activities are subject to the assessment criteria specified in Rule 3 of this part of the Plan.

##### **4.9.2 Boundary Adjustments**

###### **1. Activity Status**

- a. Boundary adjustments in the Future Urban Zone are Controlled Activities, subject to compliance with the Performance Standards set out in Rule 10.1.
- b. Boundary adjustments in the Future Urban Zone that do not comply with the Performance Standards set out in Rule 10.1 are Discretionary Activities.

##### **4.9.3 Riparian Lot Subdivision**

###### **1. Activity Status**

- a. Riparian Lot subdivision in the Future Urban Zone is a Discretionary Activity, subject to compliance with the Performance Standards set out in Rule 12.1.
- b. Riparian Lot subdivision in the Future Urban Zone which does not comply with one or more of the Performance Standards set out in Rule 12.1 is a Non-Complying Activity.



#### **4.9.4 Natural Feature Protection Lot Subdivision**

##### **1. Activity Status**

- a. Natural Feature Protection Lot subdivision in the Future Urban Zone is a Discretionary Activity, subject to compliance with the Performance Standards set out in Rule 13.1.
- b. Natural Feature Protection Lot subdivision in the Future Urban Zone which does not comply with one or more of the Performance Standards set out in Rule 13.1 is a Non-Complying Activity.

#### **4.10 BOUNDARY ADJUSTMENTS**

Boundary adjustments are provided for as controlled activities in the following rural zones provided they comply with the General Performance Standards set out in Rule 2 of this part of the Plan, and the Performance Standards in Rule 10.1 below:

- Rural Plains Zone
- Countryside Living Zone
- Hunua Hills Zone
- Karaka Centre Zone
- Future Urban Zone

Any boundary adjustment not meeting either the General Performance Standards set out in Rule 2 of this part of the Plan or the Performance Standards in Rule 10.1 below will require consent for a discretionary activity, subject to the assessment criteria set out in Rule 3 of this part of the Plan.

##### **4.10.1 Performance Standards**

1. Compliance with the General Subdivision Performance Standards set out in Rule 2 of this part of the Plan.
2. The lots in respect of which the common boundary is proposed to be relocated between must be lots which:
  - a. Existed at the date of notification of this Plan; and
  - b. Are held in separate Certificates of Title; and
  - c. Have a common boundary.
3. The change in areas of the smaller lot as a result of the boundary adjustment shall be no greater than 10% of both lots after the boundary adjustment.
4. The lots of which the common boundary is proposed to be relocated are not within the Aggregate Resource Protection Area.

#### **4.10.2 Matters for Control – Controlled Activities**

In determining applications for a controlled activity subdivision for a boundary adjustment, the Council has limited its control to the following matters:

1. Whether the proposed subdivision will adversely affect the provision of access and services.
2. Whether the subdivision will result in the obstruction or diversion of overland flow paths.
3. The extent to which the subdivision may impact on existing natural landscape features.
4. Where there is on-site wastewater disposal the extent to which the boundary adjustment continues to provide sufficient land and reserve area for wastewater disposal.
5. Whether the proposed lots are of a useable shape.
6. The extent to which riparian margins are protected and enhanced.
7. The extent to which the subdivision may impact on any generally protected trees.
8. The extent to which the subdivision may impact on any scheduled heritage items.
9. The extent to which the subdivision may impact on any Significant Natural Area or other natural feature meeting the criteria in Rule 13.2 of this part of the Plan.
10. Where it is proposed to undertake a controlled activity subdivision in the Future Urban Zone, Council will have regard to the following matters:
  - a. The extent to which the proposed subdivision is consistent with the relevant Structure Plan.
  - b. The extent to which linkages between various areas of the Structure Plan are enhanced or hindered by the proposed subdivision layout.
  - c. Where no structure plan has been prepared for the area, regard shall be had to the compatibility of the proposed subdivision with the relevant objectives and policies of the Plan, particularly those of the Future Urban Zone.
11. Where it is proposed to undertake subdivision in the Hunua Hills zone, Council will have regard to the following matters:
  - a. The extent to which the proposed subdivision may impact on ecological and landscape values.

#### **4.11 SUBDIVISION FOR NETWORK UTILITIES**

Subdivision for Network Utilities is a Controlled Activity in the following zones, subject to compliance with the performance standards of Rule 11.1 below:

- Rural Plains Zone
- Countryside Living Zone
- Hunua Hills Zone
- Karaka Centre Zone
- Future Urban Zone

Any Subdivision for Network Utilities not meeting the performance standards in Rule 11.1 will require consent for a Discretionary Activity, subject to the relevant assessment criteria.

##### **4.11.1 Performance Standards**

1. The proposed subdivision is to create an allotment for either:
  - a. An existing network utility; or
  - b. A network utility provided for by way of a resource consent or a designation; or
  - c. A network utility that is provided for as a permitted activity in Section 2, Part 3 of the Plan.
2. Any Subdivision for Network Utilities must comply with the following development standards:
  - a. Access
    - i. All lots created by a subdivision shall be provided with legal access to a formed legal road.
    - ii. Any access required by Rule 11.1.2(a)(i) above shall be in accordance with the standards set out in Section 2, Part 3, Rule 11 – Transportation.
  - b. Stormwater
    - i. Provision shall be made for the collection and discharge of stormwater from any lot created by subdivision. Where connection to a reticulated stormwater system is not available, provision for the collection, treatment (if appropriate) and discharge shall be in accordance with the ARC Technical Publication 10 'Stormwater Treatment Devices Design Guideline Manual'.

**Note:** The Proposed Auckland Regional Plan: Air Land and Water contains rules relating to the discharges of contaminants from stormwater systems and consents may be required under this

document. Plan users are advised to refer to this document (including subsequent operative version).

- c. The lot created by a subdivision for network utilities shall not be located in a Significant Natural Area.
  - d. The creation of a lot for network utilities shall not necessitate the destruction of any scheduled heritage item.
3. Lots created as a consequence of subdivision associated with a road project are exempt from the development standards set out in 11.1.2 above.

#### **4.11.2 Matters of Control**

Council has limited its control to the following matters:

- 1. Whether the site for a network utility service will be located so as to ensure that the proposed subdivision will not adversely affect the amenity values of the surrounding area.
- 2. Whether the subdivision will result in the obstruction or diversion of overland flow paths.
- 3. The extent to which the subdivision may impact on existing natural landscape features.
- 4. The extent to which riparian margins are protected and enhanced.
- 5. The extent to which the subdivision may impact on any generally protected trees.
- 6. The extent to which the subdivision may impact on any scheduled heritage items.
- 7. Where it is proposed to undertake subdivision in the Hunua Hills zone, Council will have regard to the following matters:
  - a. Whether, and the extent to which, the proposed subdivision will have an adverse effect on the ecological values of the area, having particular regard to the fragmentation of existing vegetation patterns.
  - b. The extent to which any proposed vegetation clearance is necessary to install the proposed network utility.
  - c. The extent to which any proposed vegetation clearance will result in unacceptable fragmentation of the indigenous vegetation on the subject site and the surrounding locality.

#### **4.12 RIPARIAN LOT SUBDIVISION**

Subdivision of land where the parent lot is bounded by, or intersected by, a Priority Riparian Linkage shall only be considered where there is no existing esplanade reserve or strip along the Priority Riparian Linkage on the subject site.

##### **4.12.1 Performance Standards**

1. Compliance with the General Subdivision Performance Standards set out in Rule 2 of this part of the Plan; and
2. The Parent Lot shall be bounded by, or intersected by, a Priority Riparian Linkage as identified on the Planning Maps; and
3. The Parent Lot shall have an area of no less than:
  - a. In the Rural Plains Zone; 10 hectares; or
  - b. In the Hunua Hills Zone; 10 hectares; or
  - c. In the Countryside Living Zone; 1 hectare.
4. A minimum length of 250 metres of Priority Riparian Linkage within a site is to be protected and enhanced; and
5. The entirety of those parts of the site delineated by a parallel line 20 metres from the bank of the watercourse for the entire length of the Priority Riparian Linkage as it relates to the Parent Lot shall be protected or set aside in accordance with Rule 14 of this part of the Plan; and
6. The additional lot shall have an area of no less than 0.25 hectares exclusive of the area protected or set aside in accordance with Rule 14 of this part of the Plan; and
7. All Significant Natural Areas located on the site as identified in the planning maps or a natural feature which satisfies the Significance Criteria of Rule 13.2 shall be protected or set aside in accordance with Rule 14 of this part of the Plan with no additional lot entitlements available under any other rule in this Plan.
8. The Parent Lot must have existed (with separate certificate of title) at or prior to Wednesday 7 November 2007.
9. Where an area has been legally protected for the purposes of supporting the creation of another certificate of title under previous subdivision application, then that area shall not qualify for the purposes of a subdivision application under Rules 12 or 13.

Note: Refer to Rule 3.2.2 of this part of the Plan for the Assessment Criteria for Riparian Lot Subdivision.

#### **4.13 NATURAL FEATURE PROTECTION LOT SUBDIVISION**

Where a Significant Natural Area or another natural feature meeting the significance criteria set out in Rule 13.2 below is protected in accordance with Rule 14 of this part of the Plan, there is the opportunity to create an additional lot, referred to as a 'Natural Feature Protection Lot'.

Natural Feature Protection Lot subdivision within the Rural Plains Zone, Countryside Living Zone, Hunua Hills Zone, and Future Urban Zone is a Discretionary Activity provided the proposed subdivision complies with the General Subdivision Performance Standards set out in Rule 2 of this part of the Plan, and the Performance Standards set out in Rule 13.1 below. Any Natural Feature Protection Lot subdivision that does not meet either the General Subdivision Performance Standards or the Performance Standards set out in Rule 13.1 below will require consent for a non-complying activity.

The assessment criteria for Natural Feature Protection Lot Subdivision are set out in Rule 3 of this part of the Plan.

##### **4.13.1 Performance Standards**

1. Compliance with the General Subdivision Performance Standards set out in Rule 2 of this part of the Plan.
2. The Parent Lot shall contain part of, or the entirety of, either:
  - a. A Significant Natural Area as identified on the Planning Maps; or
  - b. A natural feature which has ecological, biological or scientific significance in accordance with the criteria set out in Rule 13.2 of this part of the Plan.
3. The Significant Natural Area or other natural feature to be protected shall not be subject to existing legal protection;
4. The Significant Natural Area or other natural feature to be protected shall have an area of at least 0.5 hectares;
5. The entirety of the Significant Natural Area or other natural feature shall be protected in accordance with Rule 14 of this part of the Plan;
6. The Natural Feature Protection Lot shall have an area of no less than 0.25 hectares exclusive of the area protected or set aside in accordance with Rule 14 of this part of the Plan;
7. All Priority Riparian Linkages located on the site as identified in the planning maps shall be protected or set aside in accordance with Rule 14 of this part of the Plan with no additional lot entitlements available under any other rule in this Plan;
8. The Parent Lot must have existed (with separate certificate of title) at or prior to Wednesday 7 November 2007;
9. Where an area has been legally protected for the purposes of supporting the creation of another certificate of title under previous subdivision application then that area shall not qualify for the purpose of a subdivision application under Rules 12 or 13.

#### **4.13.2 Significance Criteria**

The following criteria will be used to determine the significance of an area proposed to be protected by way of a Natural Feature Protection Lot, and which is not a Priority Riparian Linkage or a Significant Natural Area. A report from a qualified and experienced person shall assess the subject feature in terms of these criteria.

1. The natural area must be at least 0.5ha in size, consisting of at least 75% indigenous vegetation canopy cover (for terrestrial ecosystems).
2. The extent to which the natural area is representative or characteristic of the natural diversity in an ecological district or contains outstanding or rare indigenous community types nationally.
3. The presence of a threatened species as listed by published Department of Conservation reports or uncommon, special or distinctive features listed by published Department of Conservation or Auckland Regional Council reports.
4. The extent to which the natural area can maintain its ecological viability over time.
5. The extent to which the natural area is of sufficient size and shape to maintain its intrinsic values.
6. The relationship of the natural area with its surrounding landscape, including its role as an ecological corridor or riparian margin, and the extent of buffering or protection from external adverse effects.
7. The diversity of ecological patterns within the natural area, such as the change in species composition or communities along environmental gradients.
8. The extent to which the natural area is still reflective of its original natural character and quality.
9. The extent to which the natural area provides an important habitat for indigenous species at different stages of their life cycle, (e.g., wader bird breeding, fish spawning).
10. The actual or potential threats that the natural area may be exposed to and the vulnerability of an area to threats or other influences.
11. The extent of management required to maintain the natural area to a point where it is largely self-sustaining.
12. The level of community (including tangata whenua) association with or restoration effort in the natural area.

#### **4.14 STANDARDS FOR NATURAL FEATURE PROTECTION LOTS AND RIPARIAN LOTS**

The subdivision rules set out in this part of the Plan provide incentives to landowners to protect land which contains significant natural features.

The Planning Maps identify two types of significant natural features - Significant Natural Areas and Priority Riparian Linkages. The Significant Natural Areas are those areas of native bush in the District which are considered to have ecological significance and/or are considered to be critically threatened due to the extent to which these areas have been reduced from their former coverage. Priority Riparian Linkages are those watercourses in the District which have been identified as providing opportunities to reinforce ecological corridors through the District and to provide open space linkages in accordance with the Papakura Open Space Strategy 2003.

The purpose of the provisions set out in this section is to explain the methods by which these ecological features and linkages are set aside and protected, and the manner in which these areas shall be managed and maintained into the future. This is to ensure that the ecological values of the features are enhanced and managed appropriately.

##### **4.14.1 Methods for Protection/Setting Aside of Protection Lots**

1. In order to protect identified ecological features, a memorandum of encumbrance or covenant in perpetuity shall be registered against the title of the protected area under the provisions of the Reserves Act 1977, the Queen Elizabeth II National Trust Act 1977, or the Conservation Act 1987 (as amended by the Conservation Law Reform Act 1990).
2. The memorandum shall state that the protected area shall be:
  - a. Fenced with a stock proof fence to prevent access of stock to the protected area;
  - b. Kept free of livestock and invasive weeds;
  - c. Protected in perpetuity;
  - d. Managed in accordance with an approved Management Plan (see Rule 14.2); and
  - e. Managed in a manner which keeps animal and plant pest populations under control.
3. Where the protection of an ecological feature is undertaken at the time of subdivision in order to obtain bonus subdivision rights, an agreement between the applicant and the Council shall be entered into to the effect that a Memorandum of Encumbrance or Covenant will be drawn up within a specified time frame. This agreement shall be entered into before the issue of the 224(c) certificate.



**4.14.2 Maintenance and Management**

Where an ecological feature is proposed to be protected in accordance with Rule 14, a Management Plan shall be developed and provided to Council for approval. The Management Plan shall address the following matters:

1. Proposed enhancement planting (refer to Appendix A to this part of the Plan).
2. Proposed animal pest management methods.
3. Proposed weed management methods.
4. Details of any fencing proposed and stock management methods.
5. Details of proposed monitoring.

#### **4.15 ESPLANADE RESERVES AND STRIPS**

In granting a subdivision or land use consent, the Council may require an esplanade reserve or esplanade strip if the land adjoins the coast or a river. The circumstances in which an esplanade reserve or strip will or may be required are set out in Rule 15.1 below.

Section 229 of the Act identifies the purpose of esplanade reserves and strips as:

- Contributing to the protection of conservation values by, in particular;
  - Maintaining or enhancing the natural functioning of the adjacent sea, river, or lake; or
  - Maintaining or enhancing water quality; or
  - Maintaining or enhancing aquatic habitats; or
  - Protecting the natural values associated with the esplanade reserve or esplanade strip; or
  - Mitigating natural hazards; or
- Enabling public access to or along any sea, river, or lake; or
- Enabling public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with conservation values.

##### **Vesting of Land**

Land comprising an esplanade reserve will be required to be vested in the Council, while esplanade and access strips will remain in private ownership. The methods for the creation of esplanade strips is set out in the Act.

##### **Width**

An esplanade reserve or esplanade strip will generally be required to be 20 metres in width unless the Plan or a resource consent states otherwise.

An application to reduce the width of an esplanade reserve or strip can be made and will be assessed in accordance with specified criteria as set out in Rule 15.3 of this part of the Plan.

##### **Payment for Land**

Where a lot of less than 4 hectares in area is being created and an esplanade reserve or esplanade strip is required, compensation is not payable by the Council for the land comprising a reserve or strip that is 20 metres or less in width. If a wider reserve or strip is required, compensation to the registered proprietor is payable by the Council in respect of the additional area of land that exceeds 20 metres in width from MHWS or the bank of the river.

Where a lot of 4 hectares or more in area is being created and an esplanade reserve or esplanade strip or access strip is required, compensation to the registered proprietor of the land by the council is payable regardless of the width of the reserve or strip.

#### **4.15.1 Rules – Esplanade Reserves and Strips**

##### **1. Lots of Less than 4 Hectares in Area**

- a. Where a lot of less than 4 hectares in area is being created by a subdivision and it adjoins the coast or a river, an esplanade reserve of 20 metres in width measured along the mark of MHWS or along the bank of any river shall be set aside from that lot and vested in Council.
- b. Where a lot of less than 4 hectares in area is being created by a subdivision and it adjoins the coast or a river, Council may require an esplanade reserve of greater than 20 metres in width measured along the mark of MHWS or along the bank of any river to be set aside from that lot and vested in Council.
- c. For the purposes of Rule 15.1.1, a river means a river whose bed has an average width of 3 metres or more where the river flows through or adjoins an allotment.

##### **2. Lots of 4 Hectares or More**

- a. Where a lot of 4 hectares or more in area is being created by a subdivision and it adjoins the coast or a river, or Priority Riparian Linkage, Council may require that an esplanade reserve or esplanade strip be set aside or created from that lot in the following circumstances:
  - i. an esplanade reserve or esplanade strip is the most appropriate means of protecting a significant natural or historic feature on the lot, as identified in Schedule A or on the Planning Maps; or
  - ii. an esplanade reserve or esplanade strip would significantly enhance one or more of the following:
    1. public access to or along the coast or a river or stream or lake; or
    2. recreation opportunities; or
    3. conservation of the coastal environment
    4. For the purposes of this rule, 'significantly enhance' means that the esplanade reserve or strip would:
      - i. complete or bridge a gap in an existing reserve or access network; or
      - ii.

#### **4.15.2 Rules – Waiver of Esplanade Reserves and Strips**

1. An application for a reduction or waiver of the required width of an esplanade reserve or strip which is not along a Priority Riparian Linkage as identified on the Planning Maps will be considered as a Discretionary Activity.
2. An application for a reduction or waiver of the required width of an esplanade reserve or strip which is along a Priority Riparian Linkage as identified on the Planning Maps will be considered as a Non Complying Activity.

#### **4.15.3 Assessment Criteria for the Waiver of Esplanade Reserves or Strips**

In determining applications to waiver or reduce the requirements for an esplanade reserve or strip as set out in Rules 15.1.1 and 15.1.2, the Council may consult with the Department of Conservation and the New Zealand Historic Places Trust, and shall have regard to the following assessment criteria:

1. The extent to which the proposed waiver or reduction in width of the esplanade reserve or esplanade strip meets the objectives and policies in the plan in respect of the protection of conservation values and the maintenance and improvement of public access and recreational opportunities.
2. Particular regard shall be had to the following matters:
  - a. The extent to which the proposed waiver or reduced width will compromise or enhance the maintenance or enhancement of water quality;
  - b. The extent to which the proposed waiver or reduced width will compromise or enhance the maintenance or enhancement of aquatic or terrestrial habitats, including the protection of plants and animals;
  - c. The extent to which the proposed waiver or reduced width will compromise or enhance the mitigation of any potential natural hazards;
  - d. The extent to which the proposed waiver or reduced width will compromise or enhance the maintenance of any landform features affected by the proposed esplanade reserve or strip;
  - e. The extent to which public access to the coastal marine area or rivers, or any existing or proposed adjacent esplanade reserve, is enabled or hindered by the proposed waiver or reduced width of the esplanade reserve or strip;
  - f. The extent to which the recreational use of the esplanade reserve system and adjacent sea or river is fostered or hindered;
  - g. The physical characteristics of the land;
  - h. Existing land uses, including the location of existing dwellings and other buildings and structures on the land involved;
  - i. Accretion or erosion;
  - j. Matters of public safety or security; and
  - k. Whether the use of conservation covenants or other suitable alternative means would achieve the objectives of the Plan.

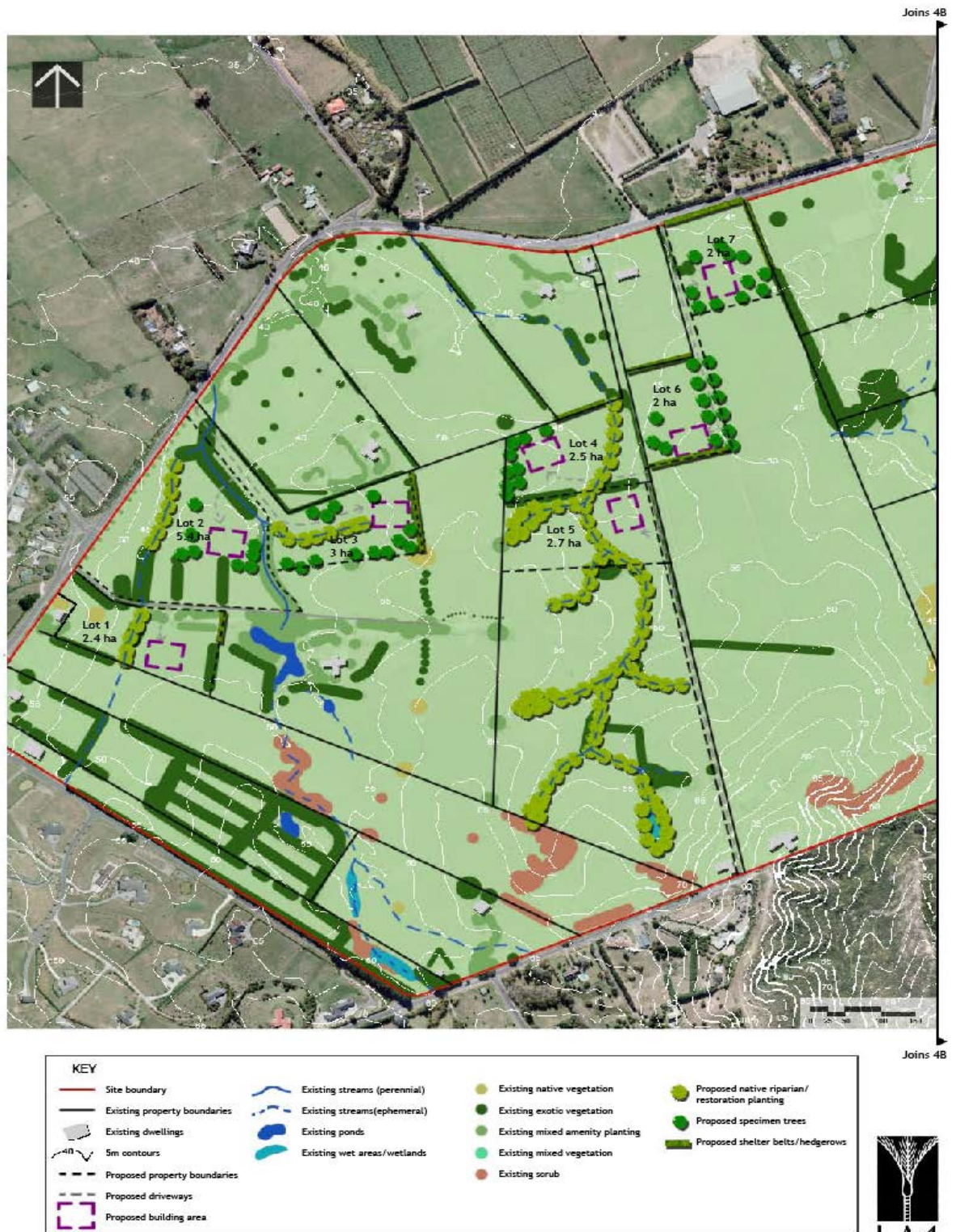
PART 4      Appendix A – Native Revegetation Standards
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Where the revegetation of land in the Rural Zones of the District is proposed or required by a Rule in this Plan, the following standards shall be adhered to.

**Native Revegetation Standards**

1. The planting of native vegetation shall meet the following standards:
  - a. A survival rate of 90%;
  - b. A density within a range of 1.0 to 1.5 metre centres to achieve a 90% ground cover within one year of planting. A lesser density is acceptable if the restoration planting follows best practice to achieve the 90% vegetation cover (similar to that which naturally occurs in the area) within 5 years of the initial planting;
  - c. A stock proof fence shall be erected on the periphery of the planting or at the distance from the planting specified in Rule 2.7 of this part of the Plan;
  - d. The area shall be permanently protected via covenant from any activity which could adversely affect the planting;
  - e. All plants shall be sourced from the ecological district and shall be appropriate for the soil, aspect, exposure and topography of the site;
  - f. At planting each plant shall be fertilised to ensure adequate growth.
2. The maintenance of native planting shall meet the following standards:
  - a. Maintenance shall occur for a minimum of 5 years or until canopy closure has recurred, whichever is the lesser;
  - b. Maintenance shall include the ongoing replacement of plants that do not survive;
  - c. All invasive weeds shall be eradicated from the planting site both at the time of planting and on an ongoing basis;
  - d. Animal pest control shall occur.
3. Where riparian protection and enhancement is undertaken, reference to the principles, work sheets and planting guidelines for sustainable riparian management in Auckland Regional Council's *Technical Publication 148 June 2001 – Riparian Zone Management* shall be made.

PART 4 Appendix B



Annexure: 4A Concept Plan - (Revision B)

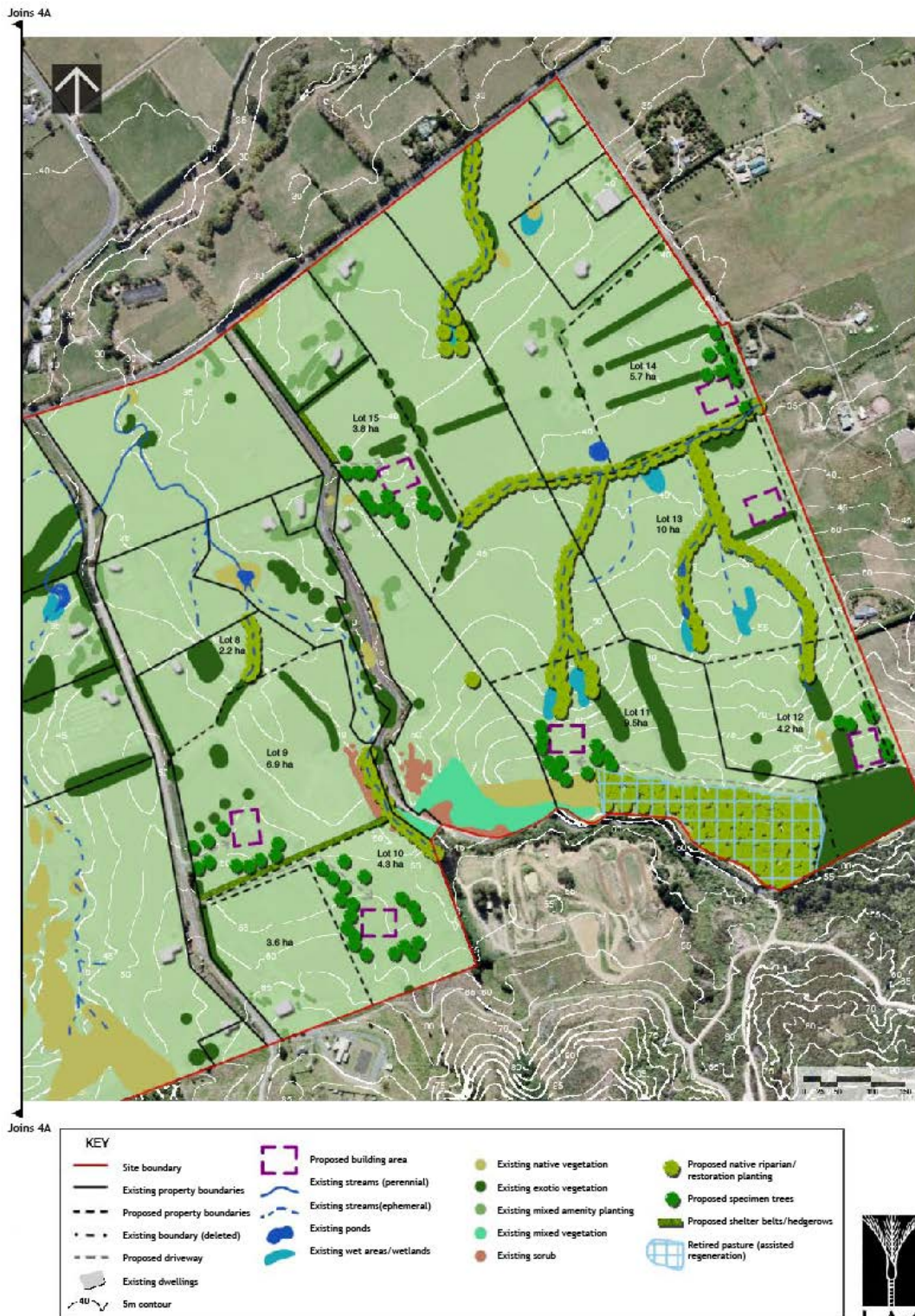
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PART 4 Appendix C



Annexure: 4B Concept Plan - (Revision C)

27.01.2011

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