

Part 12

Subdivision

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12.1 Introduction

The significant ecological and landscape values of the islands, as recognised in regional planning documents, require that subdivision should only occur on sites where there is adequate physical capacity and capability to integrate development impacts. Subdivision must relate to the unique physical and environmental values present in the islands and maintain those elements, patterns and features of the landscape that comprise each land unit or settlement area.

In this part, there are a number of references to the role of elements, patterns and features in the landscape. Elements are those parts which make up the visual landscape such as open pasture, indigenous vegetation, water systems and rock forms. The patterns of a landscape comprise the arrangement of those elements within the landscape. For example, the pattern of indigenous vegetation within the landscape may be irregular, or have a repetitive form. The features of the landscape are distinctive characteristics which often attract attention such as ridgelines, mountains, rivers and rock outcrops. Each landscape will comprise elements and patterns (and may also have features) that contribute to the landscape character and visual amenity values of each land unit. It is this character and these values which need to be maintained and protected through subdivision.

The physical and natural environment in the islands creates major constraints on subdivision. In particular, there is a need to preserve the natural environment, visual character, amenity, and heritage values and to have regard to drainage capability. The Plan also recognises the potential for adverse effects arising from subdivision within and associated with the coastal environment. The Plan's objectives, policies and rules give particular emphasis to ensuring a proper assessment of such effects when subdivision applications are evaluated.

In the past, subdivision rules within residential areas resulted in small site sizes that were appropriate to a village scale. However, the historic pattern of subdivision that occurred in the islands did not relate to specific natural characteristics of the land and the need to accommodate on-site effluent disposal systems. Accordingly, historical subdivision patterns on the islands (and on Waiheke, Rakino and Great Barrier in particular), are not necessarily consistent with the objectives of securing appropriate management of resources and sustainable land use development.

The subdivision of land may not directly create adverse effects on the environment. However it does provide opportunities and expectations for future development which may cause adverse effects. This section of the Plan recognises the relationship between subdivision and the effects on landscape character from associated land use activities by establishing:

- Minimum area standards for sites.
- Assessment criteria for considering subdivision proposals. This includes criteria relating to site design and layout, utility services, access to the site(s), public access to open spaces, coasts, rivers and lakes as well as criteria relating to the protection and enhancement of the natural environment.

The opportunities for subdivision of land are limited by:

- The physical and natural environment including natural character and landscape values.
- The objectives, policies and rules in the Plan.

12.2 Resource management issues

The significant resource management issues which need to be addressed in the Plan are:

1. How to identify:
 - The constraints of the natural coastal environment (eg wetlands, indigenous vegetation, topography, natural hazards, drainage and access difficulties) and to limit subdivision accordingly.
 - Natural landscape character, visual amenity, heritage values and amenity that need to be protected by the subdivision design.
 - Whether the natural and physical environment has adequate physical capacity and capability to integrate development impacts associated with subdivision.

2. How to protect the natural character of the coastal environment, rivers, lakes and their margins from inappropriate subdivision.
3. How to protect outstanding natural features and landscapes from inappropriate subdivision.
4. How to ensure that new subdivisions provide for the maintenance and enhancement of public access to and along the coastline, lakes and rivers.
5. How to ensure that subdivisions secure reserves and protect significant environmental features.
6. How to provide for subdivision in a manner which is consistent with the objectives, policies and rules for particular islands, land units and settlement areas.
7. How to avoid or manage the risks associated with subdivision in areas which may be subject to natural hazards.
8. How to avoid or remedy the risks associated with subdivision in areas which may be subject to contamination.
9. How to ensure that the subdivision rules are consistent with maintaining and enhancing the village character of the residential areas of Waiheke and Great Barrier.
10. How to ensure that subdivision occurs in a manner which maintains water quality through adequate wastewater and effluent treatment and disposal, and stormwater disposal and dispersion.
11. How to ensure that subdivision provides appropriate public roading and site access that reflect the character of the area.
12. How to ensure that subdivision provides for safe pedestrian and cycle movement along public roads and linkages to other public places.
13. How to ensure that subdivision occurs in a manner that avoids or mitigates soil erosion and reduces sediment discharges into water systems.
14. How to ensure that subdivision does not generate adverse effects on amenity and landscape character from earthworks.
15. How to ensure that subdivision provides for financial contributions that reflect the demands on public services, provide for open space and recreation and mitigate specific adverse effects.
16. How to ensure that utility services required in conjunction with subdivision are located and designed to minimise any adverse effect on the natural environment and visual amenity.
17. How to provide for subdivision in a manner which protects and enhances significant indigenous vegetation and significant habitats of indigenous fauna.
18. How to ensure that subdivision does not lead to adverse effects on landscape character from associated land use activities and development.
19. How to ensure that subdivision provides for ecological restoration and enhancement where appropriate.

12.3 Objectives and policies

12.3.1 Objective – natural character and landscape values

To preserve natural character, protect outstanding natural features and landscapes, and maintain and enhance the amenity values of the islands by avoiding inappropriate subdivision and associated development.

Policies

1. By setting minimum sizes for new sites in all land units and settlement areas at a level appropriate with the need to maintain elements, patterns and features that contribute to the visual amenity, natural landscape character and amenity value of each land unit or settlement area.
2. By concentrating subdivision and development in either settlement areas or where built form has already modified the natural character and the effect of further development can be mitigated.
3. By avoiding subdivision and development in the coastal environment where it would result in sprawling or sporadic development.
4. By limiting subdivision and associated development in areas with outstanding landscape value within the coastal environment so that natural character and landscape values are not adversely affected.
5. By limiting subdivision so that the natural features and character of the landscape are not adversely affected through inappropriate land use activities. This includes but is not limited to ridgelines, headlands, dunes and wetlands.

12.3.2 Objective – protection of significant environmental features

To provide for subdivision which leads to the protection of areas of high environmental and heritage value.

Policies

1. By establishing subdivision rules that provide for the creation of sites which protect, and enhance the natural environment including indigenous vegetation, wetlands, headlands, heritage features and other landscape features.
2. By ensuring that the elements, patterns and features that contribute to the significant environmental features are preserved.
3. By ensuring that the creation of sites which protect and enhance the natural environment do not adversely affect the landscape character and amenity value of a site and the wider visual catchment.

12.3.3 Objective – public access to and along the coastline

To ensure that subdivisions facilitate access to and along the coastline while not adversely affecting the natural character of the coastal environment.

Policies

1. By taking esplanade reserves or esplanade strips at the time of subdivision.
2. By requiring, at the time of subdivision, pedestrian links to and along the coastline from public places.
3. By facilitating, through subdivision, public access to the foreshore except where restrictions are necessary because of safety, security, damage to vegetation and wildlife, conflict with traditional Maori sites, or other exceptional circumstances.
4. By using various measures including esplanade areas or financial contributions, or both, to achieve public access to the coast, rivers and lakes.

12.3.4 Objective – access roads and tracks

To ensure that access provided as part of subdivision is designed and located to avoid adverse effects on natural character, landscape values and amenity values.

Policies

1. By requiring access arrangements to integrate with the natural landform wherever possible and minimise adverse ecological and visual effects.
2. By requiring the design and location of access to be defined at the time of subdivision to preserve natural character and landscape values.
3. By restricting vehicle access to buildings to address potential adverse effects of vehicle access on natural character and landscape values.

12.3.5 Objective – natural hazards

To ensure that subdivisions are designed so that the risks generated from natural hazards are avoided, remedied or mitigated, and to minimise danger and damage should those hazards occur.

Policies

1. By avoiding subdivision in areas subject to natural hazards unless appropriate steps are taken to adequately avoid, remedy or mitigate any risks. This includes, but is not limited to appropriate location of building platforms to avoid unstable land, flood plains, overland flow paths and other natural hazards.
2. By ensuring that activities arising from subdivision in the coastal environment avoid interfering with natural coastal processes and using hard engineering structures such as sea walls as coastal hazard protection measures.
3. By ensuring that subdivision does not compromise or adversely affect any existing natural defences to the hazard. Natural defences may include riparian vegetation or vegetation on coastal cliffs and slopes, sand dunes and mangroves in coastal areas.

12.3.6 Objective – contaminated land

To ensure that subdivision avoids or mitigates the risk of adverse effects created by the potential use, redevelopment or remediation of contaminated and potentially contaminated land on human health and the environment.

Policies

1. By minimising and controlling the adverse effects arising from contaminated land.
2. By ensuring remediation of contaminated land is carried out to a level that is appropriate for the likely future use of the land.

12.3.7 Objective – earthworks

To ensure that subdivisions are designed in a manner that reduces or minimises earthworks.

Policies

1. By encouraging low impact design in accordance with accepted practices.
2. By requiring appropriate measures to remedy or mitigate adverse effects on receiving environments from soil erosion and the generation of sediments.
3. By avoiding earthworks where the effect on instability, amenity or other landscape qualities cannot be remedied or mitigated.

12.3.8 Objective – network utility services

To design subdivisions so that network utility services are installed in a manner that minimises any adverse effects on the environment, including visual amenity, noise, earthworks, dust, spill lighting, electromagnetic field emissions and radiofrequency fields.

Policies

1. By requiring at the time of subdivision that electricity and telecommunication services are placed underground.
2. By preventing the installation of utility services which may be sought in conjunction with subdivision where the effect on landscape and amenity values cannot be adequately remedied or mitigated.

12.3.9 Objective – the character of the inner islands

To ensure that subdivision in island residential 1 and island residential 2 provides for and enhances the character of these areas.

Policies

1. By setting minimum site sizes of 2000m² for subdivision which is consistent with achieving low residential densities that preserve spaciousness, the natural landscape and amenity.
2. By ensuring subdivision recognises the open character as the desired pattern, irrespective of existing site sizes and landscape patterns.
3. By requiring building areas and vehicle accessways on new sites to be located in a manner which maintains visual amenity.

12.4 Resource management strategy

In accordance with the requirements of the RMA, the New Zealand Coastal Policy Statement 1994, the regional policy statement and plans and the Hauraki Gulf Marine Park Act 2000, the resource management strategy seeks to control subdivision so as to preserve the natural character, landscape values, heritage and amenity values of the islands. The strategy also seeks to preserve the natural character of the coastal environment of the islands and to provide protection from inappropriate subdivision.

Rules are contained within [clauses 12.6 to 12.10](#) that clearly identify minimum site areas for particular land units and settlement areas. These minimum areas are based upon the physical characteristics of the land and its capacity to integrate development impacts as well as consideration of natural character, visual character and amenity values. Objectives, policies and rules also seek to protect, and enhance the natural environment including indigenous vegetation, wetlands, ridgelines, headlands, heritage features and outstanding landscape features. Furthermore, subdivision is provided for land uses that have particular site size requirements, eg network utility services and reserves.

The Plan includes criteria for assessing subdivision layout and design and to ensure that development resulting from subdivision can adequately dispose of stormwater and onsite wastewater without adversely affecting the natural environment. The criteria also seeks to ensure that the risks generated from natural hazards and contaminated land are avoided, remedied or mitigated and that each proposed site provides for utility services, access and public access to open spaces, coasts, rivers and lakes where necessary.

12.5 Content and structure

The remainder of this part is organised as follows:

- [Clauses 12.6 to 12.10](#) cover general rules applying to all subdivisions and specific rules, standards and terms for particular land units and settlement areas.
- [Clause 12.11 and 12.12](#) contain assessment criteria for subdivision applications.
- [Clause 12.13](#) contains controls for esplanade reserves and esplanade strips.

12.6 General rules

The following rules apply to all applications for subdivision consent.

12.6.1 Bulk, location and access controls for buildings

1. Each site must demonstrate where a building, access and parking can be constructed which complies with:
 - a. All of the following development controls applying to the site under [part 10a – Land units: objectives, policies and activity tables](#), [part 10b – Settlement areas: objectives, policies and activity tables](#), or [part 10c – Development controls for land units and settlement areas](#): height, building in relation to boundary, yards (including coastal protection, wetland and water body yards), building coverage, ridgeline control, impervious surface area and earthworks.
 - b. [Part 5 – Network utilities](#).
 - c. [Part 7 – Heritage](#).
 - d. [Part 8 – Natural hazards](#).
 - e. [Part 9 – Hazardous facilities and contaminated land](#).
 - f. [Part 13 – Connectivity and linkages](#).
2. Where any subdivision does not meet the requirements of (1) above the council may, in accordance with section 91 of the RMA, defer considering the subdivision application and request the applicant to lodge a land use consent. This is for the purposes of better understanding the nature of the proposal, achieving integrated resource management outcomes and assessing the actual and potential effects of the proposed development. The council will also pursue an integrated approach to applications where consents from other agencies, such as the Auckland Regional Council, are required.

12.6.2 Shared wastewater treatment and disposal facilities

Any subdivision involving the use of a shared wastewater treatment and disposal facility must demonstrate that:

1. The facility will operate to the appropriate standard for the life of all buildings.
2. All costs associated with the facility, including maintenance, monitoring and operation, rehabilitation and renewal will be shared between the users of the system in a legally enforceable manner. The council may impose consent notices to secure these outcomes.
3. The facility provides for low impact design that avoids, remedies and mitigates adverse effects on the environment. The Hauraki Gulf Islands Development Code may be used as a guideline for achieving this outcome.

12.6.3 Company leases and unit titles

All buildings subject to a company lease or unit title application must:

1. Have existing use rights; or
2. Comply with the provisions of the Plan; or
3. Have a valid resource consent.

12.6.4 Staging

1. Where a subdivision (except for a company lease or unit title) is to be carried out in stages, the applicant must include detail of the staging and the expected time period for completion of the subdivision as part of the consent application.
2. The council will grant approvals under sections 223 and 224 of the RMA for each stage subject to the requirements of those sections, and will issue completion certificates under section 224 of the RMA, when the conditions applying to each stage have been met.

12.6.5 Survey plans

The council will approve a survey plan under sections 223 and 224 of the RMA when:

1. A subdivision consent has been obtained for the subdivision to which the survey plan relates.
2. The survey plan is in accordance with that consent and the conditions of consent have been complied with.
3. Financial contributions and requirements for reserve formation have occurred in accordance with consent conditions.
4. In the case of applications for company leases or unit titles, the council is satisfied that the buildings subject to the leases or titles, have been constructed in accordance with their building consent and if necessary, their resource consent.
5. With regard to company leases and unit title applications, the building is completely framed up to and including the roof level. Furthermore, the council must be satisfied that the building complies with the Plan or any resource consent granted. The council may require confirmation by a registered surveyor of the height and location of any building(s) on the site.

12.6.6 Sites that are split between settlement areas or land units

1. Where any proposed site in a subdivision application includes more than one land unit, the subdivision rules which apply to the proposed site are the rules for the land unit which forms the greatest part of the proposed site.
2. Where part of any site falls into a settlement area, that part of the site that is located in the settlement area may be subdivided out as one site provided it meets the minimum site size for the settlement area. That part of the site that is not located in the settlement area must also meet the minimum site size for the relevant land unit.

12.7 Permitted activities

The following subdivisions are permitted activities:

1. Amendments to existing cross leases, unit titles and company lease plans for the purpose of showing additions and alterations to lawfully established buildings, accessory buildings and areas for exclusive use by an owner or owners.
2. Leases, including renewals, for less than 35 years for sites which have complying or approved activities.

12.8 Restricted discretionary activities

12.8.1 List of restricted discretionary activities

As shown in [table 12.4: Activity table for all types of subdivision](#), the following subdivisions are restricted discretionary activities:

1. Company leases and unit titles in all land units and settlement areas.
2. Additional stages to an approved subdivision consent, where the staging is in general accordance with the scope and terms of the original consent.
3. Leases, including renewals, for longer than 35 years for sites which have complying or approved activities.
4. Boundary relocations where the site sizes stay the same and no additional non-compliances with the development controls in [part 10a – Land units: objectives, policies and activity tables](#), [part 10b – Settlement areas: objectives, policies and activity tables](#), or [part 10c – Development controls for land units and settlement areas](#) result.

5. Creation of rights of way including those which do not comply with [clause 12.6.1\(1\)](#).
Note: Applications which do comply with [clause 12.6.1\(1\)](#) may be subject to [clause 12.6.1\(2\)](#).
6. Subdivisions including cross leases in landforms 1–7, island residential 1 and 2 and rural 1 that meet the standards for minimum site size specified in [table 12.1: Minimum site areas for land units](#), and the general rules contained in [clause 12.6](#).

12.8.2 Matters of discretion and assessment criteria

1. For restricted discretionary activities listed in [clause 12.8.1](#) the council has restricted its discretion to considering the following matters:
 - a. Site design.
 - b. Vehicle access to sites.
 - c. Stormwater treatment and disposal.
 - d. Sewage treatment and disposal.
 - e. Network utility services.
 - f. Bulk and location of buildings.
 - g. Financial contributions.
2. The council's assessment of an application for a restricted discretionary activity will consider the matters contained in the following [clauses](#): [12.11.2 \(low impact design\)](#), [12.11.5 \(site design and layout\)](#), [12.11.6 \(access to sites\)](#), [12.11.9 \(stormwater disposal\)](#), [12.11.10 \(sewage treatment and disposal\)](#), [12.11.11 \(network utility services\)](#), and [12.11.12 \(open space, recreation and financial contributions\)](#).

12.9 Discretionary activities

12.9.1 List of discretionary activities

As shown in [table 12.4: Activity table for all types of subdivision](#), the following subdivisions, including cross leases, are discretionary activities.

1. Boundary relocations where the site sizes do not stay the same and/or additional non-compliances with the development controls in [part 10a – Land units: objectives, policies and activity tables](#), [part 10b – Settlement areas: objectives, policies and activity tables](#), or [part 10c – Development controls for land units and settlement areas](#) result.
2. Subdivision in landforms 1–7, island residential 1 and 2, and rural 1 that meet the standards for minimum site size specified in [table 12.1: Minimum site areas for land units](#), but do not meet the general rules contained in [clause 12.6](#).
3. Subdivision for special purpose sites (refer to [clause 12.9.2](#)).
4. Subdivision to protect significant environmental features, and associated cluster subdivision, in landforms 2–7 and rural 1 which meets the general rules in [clause 12.6](#) as well as the standards and terms in [clauses 12.9.3.3](#) (for protecting significant environmental features) and [12.9.4.3](#) (for associated cluster subdivision).
5. Subdivision in commercial 1–5 which meets the general rules in [clause 12.6](#) as well as the standards and terms in [clause 12.9.5.3](#).
6. Subdivision in recreation 1–3 and the conservation land unit which meets the general rules in [clause 12.6](#) as well as the standards and terms in [clause 12.9.6.3](#).
7. Subdivision (including comprehensive development) in rural 2 which meets the general rules in [clause 12.6](#) as well as the standards and terms in [clause 12.9.7.3](#).
8. Subdivision in rural 3 which meets the general rules in [clause 12.6](#) as well as the standards and terms in [clause 12.9.8.3](#).

9. Comprehensive development in the Pakatoa land unit which meets the general rules in [clause 12.6](#) as well as the standards and terms in [clause 12.9.9.3](#).
10. Comprehensive development in the Matiatia land unit which meets the general rules in [clause 12.6](#) as well as the standards and terms in [clause 12.9.10.3](#).
11. Subdivision in Tryphena, Medlands, Claris, Whangaparapara, Okupu, Awana, Okiwi and Port Fitzroy settlement areas which meets the general rules in [clause 12.6](#) as well as the standards and terms in [12.9.11.3](#).

The council's assessment of a discretionary application for the above items will include consideration of the matters set out in [clause 12.11](#) as well as any criteria specified for the activity in [clause 12.12](#).

12.9.2 Special purpose sites

12.9.2.1 Provision

Despite any other standard or rule set out in [part 12 – Subdivision](#), a site may be approved by the council where it is appropriate for any of the following special purposes:

1. A public utility or public work.
2. An access denial strip.
3. Access from or between public places.
4. Reserves or other land protected in perpetuity.
5. A utility or work of a network utility operator.
6. Jointly owned access sites.

12.9.2.2 Standards and terms

The following standards and terms apply:

1. No minimum site area is set for special purpose sites, however any site size must be no greater than is required for the purposes of the site.
2. Where a special purpose site is no longer required or used for the purpose for which it was subdivided, the land must be re-amalgamated with the land from which it was originally subdivided. This requirement will be secured through a consent notice or other suitable legal instrument that is registered on the title of the land concerned.

12.9.3 Protection of significant environmental feature(s)

12.9.3.1 Provision

In landform 2-7, and rural 1 only, and subject to the general rules in [clause 12.6](#) and the specific standards and terms in [clause 12.9.3.3](#), the council may consent to the subdivision of land as a discretionary activity to create sites which will protect any significant environmental feature(s) from development and any adverse effects of land use activities.

12.9.3.2 Assessment matters

The council's assessment of an application for subdivision for the protection of significant environmental feature(s) will include consideration of the matters set out in [clause 12.11](#) as well as the specific criteria contained in [clause 12.12.1](#).

12.9.3.3 Standards and terms

The following standards and terms apply:

1. The gross area of each site must include the area containing the significant environmental feature and the balance area (see [table 12.2: Minimum site areas for protecting significant environmental features](#)).

2. An appropriately qualified, independent person must prepare a report certifying that:
 - a. Any existing indigenous vegetation is of a quality and maturity that is self-sustaining and worthy of preservation.
 - b. Any natural feature or area to be retired from active farming is able to be managed in a way that preserves and enhances its existing ecological, heritage and/or landscape value.
 - c. Any feature of archaeological, historical or cultural significance is of such significance to the community as to warrant its preservation in the public interest.
 - d. Any significant environmental feature will not be adversely affected by the impact of development associated with the subdivision.
3. Any area to be covenanted that is already scheduled in the Plan as a site of ecological significance (SES) or sensitive area (SA) or identified as an outstanding natural landscape (ONL) in a regional policy statement will not necessarily be considered a significant environmental feature under this clause. Any SES, SA or ONL must be accurately surveyed to ensure its true location on any proposed site. The council may also require certification of the SES, SA or ONL recommended for protection.
4. The application must detail the attributes of the feature(s) recommended for protection. This must include an on-going management programme that details any protection and enhancement.
5. Legal protection of the feature(s) must be secured through a consent notice or another suitable legal instrument that is registered on the title of the land concerned. Legal protection may also be achieved through a QEII National Trust Covenant, a covenant with council, a conservation covenant under section 77 of the Reserves Act or by vesting in a public authority or the crown as a public reserve. All costs associated with meeting this requirement must be met by the applicant
6. Significant environmental features may only be used under these rules where those features have not already been legally protected as a condition of a resource consent or a subdivision consent. However, allowances can be made for voluntary covenanting.
7. Accessways and building platforms must be located and designed to avoid any disturbance to the protected feature(s).

12.9.4 Cluster subdivision associated with the protection of significant environmental features

12.9.4.1 Provision

Where a site may be created in accordance with [clause 12.9.3](#) above, sites may also be created as a cluster or a group of clusters subject to the general rules in [clause 12.6](#) and the standards and terms in [clauses 12.9.3.3 and 12.9.4.3](#).

12.9.4.2 Assessment matters

The council's assessment of an application for cluster subdivision associated with the protection of a significant environmental feature or features will include consideration of the matters set out in [clause 12.11](#) as well as the specific criteria contained in [clause 12.12.2](#).

12.9.4.3 Standards and terms

The following standards and terms apply:

1. The site sizes must be between 3000m² and 5000m².
2. The number of sites subject to the cluster(s) will be limited to the number that would be allowed for a subdivision under [clause 12.9.3.3](#) above and [table 12.2: Minimum site areas for protecting significant environmental features](#).

3. One further site (additional to the sites provided for in (2) above) must be created that will comprise the balance of the land subject to the subdivision and contain most of the significant environmental feature. Each site created under (2) must hold an equal undivided share in that site.
4. The sites created must be clustered in one or more groups and must share a common vehicle accessway.
5. Future development of the sites must be limited to a maximum building coverage of 200m² per site. This must be secured through a consent notice or another suitable legal instrument that is registered on the title of the land concerned.
6. Any existing areas that were covenanted as a requirement of a previous consent condition(s) must not be included or affected by any proposal under this clause (12.9.4).

12.9.5 Commercial 1–5

12.9.5.1 Provision

Subdivision in commercial 1–5 is a discretionary activity subject to compliance with the general rules set out in [clause 12.6](#) and the standards and terms contained in [clause 12.9.5.3](#).

12.9.5.2 Assessment matters

The council's assessment of an application for subdivision in commercial 1–5 will include consideration of the matters set out in [clause 12.11](#) as well as the specific criteria contained in [clause 12.12.3](#).

12.9.5.3 Standards and terms

The following standards and terms apply:

1. Subdivisions must meet the standards for minimum areas specified in [table 12.1: Minimum site areas for land units](#).
2. Each site must have the capacity to provide for effective onsite treatment and disposal of wastewater and stormwater in accordance with any regional standard, or be able to be connected to shared wastewater treatment and disposal facilities.

12.9.6 Recreation 1–3 and the conservation land unit

12.9.6.1 Provision

Subdivision in recreation 1–3 and the conservation land unit is a discretionary activity subject to compliance with the general rules in [clause 12.6](#) and the standards and terms in [clause 12.9.6.3](#).

12.9.6.2 Assessment matters

The council's assessment of an application for subdivision in recreation 1–3 and the conservation land unit will include consideration of the matters set out in [clause 12.11](#).

12.9.6.3 Standards and terms

The following standards and terms apply:

1. In the conservation land unit, subdivision must be in accordance with the provisions of any operative or proposed Conservation Management Strategy under the Conservation Act 1987; or
2. In recreation 1–3, subdivision must be in accordance with any operative or proposed reserve management plan under the Reserves Act 1977.

12.9.7 Rural 2

12.9.7.1 Provisions

The following are discretionary activities in rural 2:

1. Subdivision which complies with the general rules in [clause 12.6](#) and the standards and terms in [clause 12.9.7.3](#); or
2. Comprehensive development at Thompsons Point (see [figure 12.1](#)) subject to compliance with the general rules in [clause 12.6](#) and the standards and terms in [clause 12.9.7.3](#).



12.9.7.2 Assessment matters

The council's assessment of an application for subdivision in rural 2 will include consideration of the matters set out in [clause 12.11](#). For comprehensive development at Thompsons Point, the specific criteria in [clause 12.12.4](#) will also be considered.

12.9.7.3 Standards and terms

The following standards and terms apply:

1. Subdivisions must meet the standards for minimum areas specified in [table 12.1: Minimum site areas for land units](#); or
2. Comprehensive development at Thompsons Point (see [figure 12.1](#)):
 - a. The subdivision must provide for sites at an average of one site per 7.5ha of gross site area; and
 - b. All sites created must have a minimum area of 4.0ha, other than those sites created for the purpose of reserves, public accessways or jointly owned access sites.
 - c. The application must detail revegetation on each proposed site. This must include an ongoing management programme that specifies any protection and enhancement.

12.9.8 Rural 3**12.9.8.1 Provision**

Subdivision in rural 3 is a discretionary activity subject to compliance with the general rules in [clause 12.6](#) and the standards and terms in [clause 12.9.8.3](#).

12.9.8.2 Assessment matters

The council's assessment of an application for subdivision in rural 3 will include consideration of the matters set out in [clause 12.11](#) as well as the specific criteria contained in [clause 12.12.5](#).

12.9.8.3 Standards and terms

The following standards and terms apply:

1. The relevant standards for site sizes as set out in [table 12.1: Minimum site areas for land units](#) must be met; and
2. The subdivision must implement a comprehensive revegetation programme which provides for revegetation of 80 per cent of each proposed site.

12.9.9 Pakatoa**12.9.9.1 Provision**

Comprehensive development in the Pakatoa land unit is a discretionary activity subject to compliance with the general rules in [clause 12.6](#) and the standards and terms in [clause 12.9.9.3](#).

12.9.9.2 Assessment matters

The council's assessment of an application for comprehensive development in the Pakatoa land unit will include consideration of the matters set out in [clause 12.11](#) as well as the specific criteria contained in [clause 12.12.6](#).

12.9.9.3 Standards and terms

The following standards and terms apply:

1. The existing tourist facility may be subdivided into one title.
2. Minimum site sizes:

- a. A minimum site area of 500m² per dwelling may be approved where existing and/or proposed buildings are clustered and have an equal undivided share in the balance area of the island. The comprehensive development must incorporate residential and/or visitor accommodation activities to maximum density of 50 dwellings or visitor accommodation units; or
- b. A minimum site size of 0.5ha and median site size of 1.5ha may be approved where a dispersed pattern of buildings is proposed.

12.9.10 Matiatia

12.9.10.1 Provision

Comprehensive development in the Matiatia land unit is a discretionary activity subject to compliance with the general rules in [clause 12.6](#) and the standards and terms in [clause 12.9.10.3](#).

12.9.10.2 Assessment matters

The council's assessment of an application for comprehensive development in the Matiatia land unit will include consideration of the matters set out in [clause 12.11](#) as well as the specific criteria contained in [clause 12.12.7](#).

12.9.10.3 Standards and terms

The comprehensive development must provide a minimum site area of 2000m² for a maximum of six sites.

12.9.11 Tryphena, Medlands, Claris, Whangaparapara, Okupu, Awana, Okiwi and Port Fitzroy settlement areas

12.9.11.1 Provision

Subdivision in the Tryphena, Medlands, Claris, Whangaparapara, Okupu, Awana, Okiwi and Port Fitzroy settlement areas is a discretionary activity subject to compliance with the general rules in [clause 12.6](#) and the standards and terms in [clause 12.9.11.3](#).

12.9.11.2 Assessment matters

The council's assessment of an application for subdivision in these settlement areas will include consideration of the matters set out in [clause 12.11](#) as well as the specific criteria contained in [clause 12.12.8](#).

12.9.11.3 Standards and terms

The subdivision must meet the standards for minimum areas specified in [table 12.3: Minimum site areas for settlement areas](#).

12.10 Non-complying activities

As shown in [table 12.4: Activity table for all types of subdivision](#), the following subdivisions are non-complying activities:

1. Company leases and unit titles in all land units and settlement areas that do not meet the general rules contained in [clause 12.6.3](#).
2. Additional stages to an approved subdivision consent, where the staging is not in general accordance with the scope and terms of the original consent.
3. Any subdivision which does not meet the minimum site sizes specified in [table 12.1: Minimum site areas for land units](#), [table 12.2: Minimum site areas for protecting significant environmental features](#) and [table 12.3: Minimum site areas for settlement areas](#).
4. Any subdivision in the Aotea settlement area.

5. Any subdivision in parts of settlement areas, where subdivision is identified as a non-complying activity in [table 12.3](#).
6. Any subdivision in commercial 6, commercial 7 or the Rotoroa land unit.
7. Any subdivision in commercial 1–5, recreation 1–3, the conservation land unit, rural 2, rural 3, the Pakatoa and Matiatia land units, and the Tryphena, Medlands, Claris, Whangaparapara, Okupu, Awana, Okiwi and Port Fitzroy settlement areas which does not meet the general rules contained in [clause 12.6](#) and/or the specific standards and terms contained in [clauses 12.9.3.3, 12.9.4.3, 12.9.5.3, 12.9.6.3, 12.9.7.3, 12.9.8.3, 12.9.9.3, 12.9.10.3 and 12.9.11.3](#).
8. Any subdivision which is not specifically provided for as a permitted, restricted discretionary or discretionary activity.

12.11 General assessment criteria for discretionary applications

Conditions may be imposed with regard to any of the matters set out below and may include bonds, consent notices, covenants, or similar measures to avoid remedy and/or mitigate any adverse effects.

The council's assessment of an application for a discretionary activity will include consideration of the following matters:

12.11.1 Objectives and policies

The extent to which the proposal is consistent with the objectives and policies in:

- [part 3 – Strategic management areas](#)
- the relevant land unit, or settlement area
- [part 12 – Subdivision](#).

12.11.2 Low impact design

The extent to which the subdivision provides for low impact design that avoids, remedies and mitigates adverse effects on the environment. The Hauraki Gulf Islands Development Code may be used as a guide for achieving this outcome.

12.11.3 Reverse sensitivity

The extent to which the proposed subdivision minimises any potential for cross-boundary conflicts with regard to the land use activities proposed for the site(s).

12.11.4 Land suitable for rural production

The extent to which the site sizes and design of a proposed site containing land for rural production retains as much of this land around the building platform as practicable.

12.11.5 Site design and layout

The extent to which the subdivision addresses site design and layout by:

1. Locating site boundaries so that associated development protects and preserves elements, patterns and features that contribute to the natural landscape character, visual amenity and amenity value of each land unit or settlement area.
2. Locating site boundaries so that associated development can be visually integrated within the coastal landscape without adversely affecting the natural character and amenity value of the coastal environment and wider visual catchment.
3. Locating site boundaries so that they integrate with the topography and the usability of the site(s).
4. Locating proposed site boundaries so that they integrate and locate the building platforms in relation to existing buildings and adjoining sites.

5. Locating proposed site boundaries so that they identify the likely location of buildings and accessways in order to minimise potential visual impacts.
6. Avoiding adverse effects on landscape and visual amenity values within the wider visual catchment.
7. Avoiding any non-compliance with the rules associated with existing buildings. This includes considering the extent to which subdivision is designed so that any level of non-compliance that already exists is not increased.
8. Ensuring that the layout of reserves and accessways provides for adequate public access.

12.11.6 Access to sites

1. The extent to which the location and design of any proposed pedestrian and vehicle accessways on the proposed site(s) avoid or minimise any adverse effects on soil stability, natural character, visual amenity and vegetation.
2. The extent to which the proposed sites are located and designed so that each site has either:
 - a. A minimum frontage that provides for practical, legal and safe access from a formed public road, that is suitable for both normal road going vehicles and construction traffic; or
 - b. Legal foot access. This may be approved where it is considered that legal vehicular access to a site is:
 - i. Unnecessary; or
 - ii. Because of topographical features, it is impracticable; or
 - iii. Where the site abuts the sea and the council is satisfied that there is practicable access from the sea.

If the council approves sites with legal foot access only, then such sites will be required to have this registered on their titles through a consent notice or another suitable legal instrument.

3. The extent to which the subdivision provides for safe and practical pedestrian paths and cycle ways (whether sealed or unsealed) that are located in a manner which connects, or has the potential to connect to reserves (existing or proposed); the coast; other water bodies and rural walkways.
4. The extent to which the site design minimises the impact of roading and access on the natural character and landscape values of the coastal environment.
5. The extent to which the site design recognises the safety and efficiency of the roading network and the appropriateness of the proposed roading pattern. This includes considering the effect of any new intersections or private access ways on traffic safety and efficiency, including unobstructed sight distances from intersections.
6. The extent to which the site design recognises any impact of roading and access on water bodies, ecosystems, drainage patterns and other amenities.
7. The extent to which the subdivision provides for future roads to serve surrounding land or for road links that need to pass through the subdivision.
8. The extent to which there is/are existing unformed legal road(s) contiguous with or within land subject to subdivision, that are not required for future roading use.

Such roads may be closed under the Local Government Act 1974 and consideration given to vesting them as reserve, transferring ownership to adjacent administering bodies of reserves or offering them for sale to adjacent landowners at market value. In the case of the latter, the selection of buyer(s) and the terms of sale will be managed by the council.

12.11.7 Natural water systems

1. The extent to which there is sufficient capacity and treatment to provide for the safe and efficient disposal of stormwater and wastewater from the subdivision and possible future development.
2. The extent to which the design of stormwater and wastewater disposal systems incorporate measures to reduce runoff rates where there may be damage caused to natural waterway systems.
3. The extent to which any subdivision proposal demonstrates how any natural water system on the site will be managed, protected or enhanced.

12.11.8 Water supply

1. The extent to which the subdivision provides for an adequate and reliable supply of potable water to each proposed site. The requirements of the Hauraki Gulf Islands Development Code may be used as a guide for achieving this outcome.
2. The extent to which the subdivision provides for an adequate and reliable supply of emergency water supply to each site in the event of fire.

12.11.9 Stormwater disposal

The extent to which there are adequate design measures for collecting and disposing of stormwater from impervious surfaces. The design must include measures that:

- Control any adverse effects of the proposed subdivision relating to drainage onto or from adjoining sites or proposed sites.
- Screen out water borne litter, siltation and contamination before the stormwater reaches the boundary of any site or of any proposed site or any body of water.
- Reduce runoff rates where there may be damage caused to natural waterway systems.

12.11.10 Sewage treatment and disposal

1. The extent to which the subdivision has sufficient capacity for the disposal of any effluent or other wastewater flow within the boundaries of each proposed site regardless of seasonal variations and loading (this may require an assessment of soil types, and as necessary, percolation tests).
2. Where more than one site will be created, the extent to which a shared or individual wastewater treatment and disposal system is considered the most appropriate, having regard to any existing problems within the vicinity of the site.
3. The extent to which easements and consent notices may be applied to protect the integrity of wastewater disposal systems.

12.11.11 Network utility services

1. The extent to which access easements provide for lines, including electric lines, telecommunication lines and other lines, where such lines or cables are or may be located within any private property and serve other properties or sites.
2. The extent to which sites can be connected to services such as telecommunications and electricity.
3. The extent to which cables must be placed underground with minimal disturbance to the environment.
4. The extent to which the provision of utility services to any site is of an appropriate design for the potential uses and the particular characteristics of the area.
5. The extent to which the installation of utility services does not adversely affect natural landscape and amenity qualities.

12.11.12 Open space, recreation and financial contributions

1. The extent to which land and/or financial contributions provide for open space and recreation that is consistent with the objectives and policies of the Plan.
2. The extent to which adverse effects generated from the subdivision and associated development can be adequately avoided, remedied, mitigated or off-set by providing works and services on or off the site(s) and/or by paying or providing a financial contribution.
3. The extent to which the subdivision where possible, provides for public access to and alongside the coast, streams, lakes and wetlands.

Notes:

- The council may require a report from an appropriately qualified independent person to assess whether any open space or recreational facilities provided as a financial contribution (eg walkways) are in accordance with the consent conditions.
- The council's parks officers will be consulted regarding the suitability and practicality of any proposed public reserves or pedestrian linkages.
- All proposed reserves must be vested and any easements created before titles are issued.

12.11.13 Protecting vegetation and landscape

1. The extent to which the natural features, patterns and character of the landscape including but not limited to ridgelines, headlands, dunes and wetlands are adversely affected.
2. The extent to which the size and shape of sites maximise the protection of indigenous vegetation.
3. The extent to which the proposed subdivision maximises the use of areas that are already cleared for vehicle access and building sites.
4. The extent to which the subdivision provides for ecological restoration and enhancement where appropriate. Ecological enhancement may include enhancement of existing indigenous vegetation, replanting and weed and pest control.

12.11.14 Preserving and enhancing heritage features

1. The extent to which the subdivision and subsequent land use on the proposed site(s) adversely affects the historical, cultural or spiritual significance of any site or waahi tapu of significance to iwi.
2. The extent to which the subdivision design and layout preserves and enhances areas of archaeological, cultural or spiritual significance.
3. The extent to which the landscape integrity of the heritage feature(s) is maintained and enhanced.

12.11.15 Earthworks and land disturbance

1. The extent to which the earthworks can be undertaken in a manner which mitigates and remedies adverse effects from soil erosion and the generation of sediments into receiving environments.
2. The extent to which the earthworks are likely to have adverse effects on visual or other landscape qualities which cannot be avoided, remedied or mitigated.

12.11.16 Natural hazards

1. The extent to which subdivision will increase the risks associated with the natural hazard.
2. The extent to which the subdivision avoids, remedies or mitigates any hazard prone area.
3. The extent to which the subdivision modifies any natural defences against the hazard present.

4. Where land adjoins the coastline, the extent to which the following matters have been assessed:
 - a. Coastal erosion.
 - b. The identification of building platforms that are located and designed to avoid interference with natural coastal processes.
 - c. The need for any coastal protection works and methods to protect the subject land from coastal erosion.

The assessment must address the above matters both in terms of effects at the time of subdivision and within a 50 year and 100 year time period.

12.11.17 Contaminated land

1. The extent to which contaminated or potentially contaminated soil or ground water is able to be treated or disposed of.
2. The extent to which remediation measures and methodologies can be employed to avoid, remedy or mitigate any adverse effects on human health, water quality, and to the downstream receiving environment.
3. The extent to which the land is suitable for its intended use.
4. The extent to which consent notices or other protective instruments are applied to ensure that remediation measures and methodologies are implemented at the time of development.

Note: The council may require a land use consent under to clause 12.6.1(2) and clause 9.6.3(1) so that remediation of land is undertaken prior to the issuing of the titles.

12.12 Specific assessment criteria for discretionary activities

12.12.1 Specific assessment criteria for subdivisions to protect significant environmental features

The council's assessment of an application for a discretionary activity under [clause 12.9.3](#) will include consideration of the following matters:

1. The extent to which the proposed sites provide for buildings that will be visually integrated with the landscape, as supported by a report from a landscape architect. The report must assess the likely effects of development in relation to the landscape character and amenity value of the site and wider visual catchment. Particular regard must be made to the spatial extent of the significant environmental feature(s), the pattern of regenerating indigenous vegetation, low impact design, and placement of buildings within the natural landscape.
2. The extent to which access to the new sites is taken from any existing access or provided as a common access in order to reduce visual and environmental effects, including minimising earthworks and vegetation removal.
3. The extent to which the elements, patterns and features that contribute to the natural character of any outstanding natural landscape(s) are preserved.
4. The extent to which the site(s) retains and enhances the feature(s) in its landscape context.
5. The extent to which the feature(s) determine the proposed site boundaries.
6. The extent to which the feature(s) determine the extent of legal protection.

12.12.2 Specific assessment criteria for cluster subdivisions

The council's assessment of an application for a discretionary activity under [clause 12.9.4](#) will include consideration of the following matters:

1. The extent to which the sites created avoid a linear form or repetitive patterns of buildings and infrastructure.

2. The extent to which the proposed sites provide for buildings that will be visually integrated with the landscape, as supported by a report from a landscape architect. The report must assess the likely effects of development in relation to the landscape character and amenity value of the site and wider visual catchment. Particular regard must be made to the spatial extent of the significant environmental feature(s), the pattern of regenerating indigenous vegetation, low impact design, and placement of buildings within the natural landscape.
3. The extent to which the elements, patterns and features that contribute to the natural character of the outstanding landscape(s) are preserved.
4. The extent to which the subdivision provides for appropriate on-site wastewater disposal and water supply for each site. The provision of shared infrastructure servicing more than one property is preferred in order to minimise environmental effects.
5. The extent to which access to the new sites is taken from any existing access or provided as a common access in order to reduce visual and environmental effects, including minimising earthworks and vegetation removal.
6. As far as practicable, the extent to which the proposed subdivision minimises the impact on any existing or potential productive activities on the parent site.
7. The extent to which appropriate planting may be used to reduce potential visual effects. Such planting will be subject to bonds and consent notices should consent be granted.

12.12.3 Specific assessment criteria for subdivisions in commercial 1-5

The council's assessment of an application for a discretionary activity under [clause 12.9.5](#) will include consideration of the following matters:

1. The extent to which vehicle access to each site is designed to:
 - a. Avoid or mitigate traffic and associated noise impacts upon any surrounding residential and recreational uses; and
 - b. Take advantage of any existing vehicle access where this is practicable.
2. The extent to which the subdivision pattern encourages a vibrant and varied retail environment within the Oneroa and Ostend villages.

12.12.4 Specific assessment criteria for comprehensive development at Thompsons Point (rural 2)

The council's assessment of an application for a discretionary activity under [clause 12.9.7](#) will include consideration of the following matters:

1. The extent to which the subdivision and associated development preserves natural character and amenity values of the land unit as supported by a report from a landscape architect. Particular regard must be made to the pattern of indigenous vegetation, productive rural land, low impact design, and placement of buildings within the environment.
2. The extent to which the subdivision is likely to lead to buildings which are visually integrated within the coastal landscape without adversely affecting the natural character and amenity value of the coastal environment and wider visual catchment.
3. The extent to which the natural features, patterns and character of the landscape including but not limited to ridgelines, headlands, dunes and wetlands are adversely affected through inappropriate subdivision.
4. The extent to which the proposed subdivision facilitates the protection of productive soils and whether it is likely to lead to cumulative impacts, adversely affecting such potential productivity.
5. The extent to which the proposed subdivision provides for a successful indigenous revegetation programme as supported by a report by a landscape advisor. The programme must include:

- a. A detailed landscape plan, including an implementation and maintenance programme.
 - b. Details of the plant sizes at the time of planting and intended species.
6. The extent to which legal protection of landscape values (including revegetation) is proposed as part of the subdivision application and the nature and extent of the protective legal instruments.

12.12.5 Specific assessment criteria for subdivisions in rural 3

The council's assessment of an application for a discretionary activity under [clause 12.9.8](#) will include consideration of the following matters:

1. The extent to which the subdivision and associated development preserves visual amenity and the landscape character of the land unit. Particular regard must be made to the pattern of regenerating indigenous vegetation, low impact design, and placement within the coastal environment.
2. The extent to which the proposed subdivision provides for a successful indigenous revegetation programme of 80 per cent of the proposed site(s) as supported by a report prepared by a landscape advisor. The programme must include:
 - a. A detailed landscape plan, including an implementation and maintenance programme.
 - b. Details of the plant sizes at the time of planting and intended species.
3. The extent to which any conditions, covenant, bonds or similar measures have been proposed or are needed to facilitate revegetation.

12.12.6 Specific assessment criteria for comprehensive development on Pakatoa

The council's assessment of an application for a discretionary activity under [clause 12.9.9](#) will include consideration of the following matters:

1. The extent to which the proposal provides for development that will be visually integrated with the landscape, as supported by a report from a landscape architect. The report must assess the effects of the development in relation to the landscape character and amenity value of the island and wider visual catchment.
2. The extent to which the subdivision is likely to lead to buildings which are visually integrated within the coastal landscape without adversely affecting the natural character, amenity value of the coastal environment and wider visual catchment.
3. The extent to which protection and enhancement of landscape values is proposed as part of the subdivision application and the nature and extent of the protective legal instruments.

12.12.7 Specific assessment criteria for comprehensive development at Matiatia

The council's assessment of an application for a discretionary activity under [clause 12.9.10](#) will include consideration of the following matters:

1. The extent to which the site design promotes a coherent and integrated layout that reflects the character and identity of the harbour.
2. The extent to which the site design provides for the safe and efficient circulation of vehicular traffic that is integrated with the internal road network, adjoining open spaces and associated development.
3. The extent to which the site design provides for safe and convenient pedestrian linkages and other pedestrian amenities.
4. The extent to which car parking areas adversely affect the streetscape and/or open areas, particularly along the coastal edge.

5. The extent to which the site design provides for open space that is accessible to the public and maintains and enhances views.
6. The extent to which the site design maintains and enhances views of the harbour and to other natural landscape features.

12.12.8 Specific assessment criteria for subdivisions in settlement areas

The council's assessment of an application for a discretionary activity under [clause 12.9.11](#) will include consideration of the following matters:

1. The extent to which any covenants or similar measures have been proposed or are needed to facilitate revegetation and protect any significant environmental, historic or archaeological features.
2. The extent to which the proposed site design reflects natural landforms, retains bush areas, open space areas and protects riparian areas.
3. The extent to which the subdivision provides sufficient means to mitigate adverse effects that arise from earthworks, vegetation removal, and disposal of wastewater.
4. The extent to which the use of a shared wastewater disposal system has been investigated.
5. The extent to which proposed site boundaries recognise the relationship and orientation of existing sites so that an attractive edge between developments in adjoining land units and settlement areas is fostered.

12.13 Esplanade reserves

12.13.1 Requirement for an esplanade reserve or esplanade strip

Where any site of less than 4ha is created when land is subdivided, the RMA requires an esplanade reserve 20m in width to be set aside from that site along the mark of mean high water springs of the sea, and along the bank of any river whose bed has an average width of 3m or more, or along the margin of any lake whose bed has an area of 8ha or more.

Esplanade reserves are subdivided with fixed boundaries and are owned by the council. Esplanade strips are created by instruments on the title of the land, remain in private ownership and have boundaries that move with any changes resulting from erosion or accretion. An esplanade reserve or esplanade strip will generally be 20m wide.

The RMA provides for rules to be included in a Plan providing for the width of an esplanade reserve or esplanade strip to be increased or decreased or waived under certain circumstances (section 77 of the RMA). The nature of the coastline and rivers of the islands is such that it is desirable that the provisions of the RMA are used to their fullest extent. However, it is recognised that there may be circumstances where an increase, reduction or waiver of the esplanade requirements could be justified.

The council may require a width greater than 20m to be vested as an esplanade reserve or esplanade strip, where there are significant conservation or recreational benefits, or to mitigate natural hazards, or to improve public access. When an esplanade reserve or esplanade strip greater than 20m is required the council will compensate for the extra land in accordance with the requirements of the RMA.

Where a site of 4ha or more is to be formed through subdivision, an esplanade reserve or esplanade strip will be required where the land concerned is demonstrably significant for the protection of conservation values, recreational use, public access, or for the mitigation of natural hazards, and its width will be determined accordingly. In such a case, the council may compensate for the esplanade reserve or esplanade strip in accordance with the requirements of the RMA.

The decision on the most appropriate method of achieving the Plan's objectives, and policies, either by setting aside esplanade reserves or by creating esplanade strips upon subdivision will depend on the circumstances and the purpose for which the land is required.

Esplanade strips are appropriate to protect areas with the following characteristics:

- land instability
- moderate or low conservation values
- where public access should be restricted
- land can be left in private ownership without detriment to the natural coastal environment or watercourses.

The council will make use of the provisions of section 237B of the RMA to enable access to be obtained to present and future esplanade reserves and esplanade strips.

The council may require an esplanade reserve or esplanade strip as part of a land use consent which does not involve any form of subdivision. Such a requirement is subject to [part 6 – Financial contributions](#).

12.13.2 Rules

1. Where any site of 4ha or less is created, an esplanade reserve 20m in width must be set aside from that site along the mark of mean high water springs of the sea, and along the bank of any river whose bed has an average width of 3m or more, or along the margin of any lake whose bed has an area of 8ha or more, except that:
 - a. The requirement for an esplanade reserve may be met by the creation of an esplanade strip (in accordance with section 232 of the RMA).
An application seeking to provide an esplanade strip rather than an esplanade reserve must be made by way of an application for a restricted discretionary activity that must be submitted together with any subdivision application. The council has restricted its discretion to considering the matters listed in [clause 12.13.3](#).
 - b. An application can be made to reduce, waive, vary or cancel the rules requiring provision for esplanade reserves or esplanade strips by way of an application for a discretionary activity that must be submitted together with any subdivision application. The council's assessment of an application for a discretionary activity to reduce, waive, vary or cancel an esplanade reserve or esplanade strip will include consideration of the matters contained in [clause 12.13.4](#).
2. Where a site of 4ha or more is to be created, an esplanade reserve or esplanade strip will be required only when the land concerned is demonstrably important for the protection of conservation values, recreation or public access or for the mitigation of natural hazards. The council's assessment as to whether such an esplanade reserve or esplanade strip should be required will include consideration of the matters contained in [clause 12.13.5](#).
3. An esplanade reserve or esplanade strip can be increased to a width greater than 20m to satisfy the purposes of section 229 of the RMA. The council's assessment as to whether the width should be increased will include consideration of the matters contained in [clause 12.13.6](#).
4. All applications for subdivision of land along the mark of mean high water springs of the sea, and along the bank of any river whose bed has an average width of 3m or more, or along the margin of any lake whose bed has an area of 8ha or more must clearly indicate the location and extent of the esplanade reserve.
5. Any building located within an area to be vested as esplanade reserve may be required to be vested in the council or removed at the owner's expense prior to vesting.
6. On the stopping of any road, adjacent to the mark of mean high water springs of the sea, under the Local Government Act 1974, the stopped road will become a local purpose (esplanade) reserve; provided that the council may reduce the width of such a reserve to not less than 20m at any one point.
7. Land vested as an esplanade reserve or set aside as an esplanade strip will be considered as part of the gross site area for the purposes of assessing site size for subdivision, and for applying the building coverage and impervious surface controls.

8. The yard requirements of the Plan will continue to apply unless those yards have been reduced by means of a resource consent.
9. Any boundary of a esplanade reserve or esplanade strip reduced in accordance with the criteria will not necessarily be limited to a consistent or uniform distance from the mark of mean high water springs of the sea, river, or lake but may be varied to include features of importance for achieving the purposes of esplanade reserves or esplanade strips.
10. The council may, in granting a waiver of an esplanade reserve require an esplanade strip to be provided.
11. To enable access to be obtained to present and future esplanade reserves and esplanade strips the council will make use of the provisions of section 237B of the RMA

12.13.3 Matters of discretion for considering an esplanade strip rather than an esplanade reserve

Where an application seeks to provide an esplanade strip rather than an esplanade reserve, the council has restricted its discretion to the following matters:

1. The extent to which the proposed esplanade strip includes land which is subject to instability, flooding, or coastal erosion.
2. The extent to which the proposed esplanade strip includes land which has moderate or low conservation values.
3. The extent to which it is appropriate to restrict public access to the land subject to proposed esplanade strip.
4. The extent to which the proposed esplanade strip includes land which can be left in private ownership without detriment to the natural coastal environment and watercourses.

12.13.4 Specific assessment criteria for reducing, waiving, cancelling or varying an esplanade area

The council's assessment of an application for a discretionary activity to reduce, waive, vary or cancel an esplanade reserve or esplanade strip will include consideration of the following matters:

1. The extent to which the proposed reduction in the width or waiver of the esplanade reserve or esplanade strip meets the objectives and policies of the Plan in respect of the conservation and enhancement of the coastal environment and, in particular:
 - a. The protection and/or enhancement of the natural functioning of the adjacent sea, river or lake.
 - b. The protection and/or enhancement of terrestrial or aquatic habitats.
 - c. The mitigation of any actual or potential natural hazard.
 - d. The protection of natural values associated with the water body, including protection of flora and fauna, wildlife habitats and natural landscape amenity values.
2. The extent to which there are significant ecological characteristics of the land that contribute to the protection and enhancement of the natural functioning of the adjacent sea, river or lake and the terrestrial and aquatic habitats that are present in the proposed esplanade reserve or esplanade strip.
3. The extent to which any areas of actual or potential natural hazards are included in the proposed esplanade reserve or esplanade strip in order to mitigate against natural hazards.
4. The extent to which public access to and along the sea or river or waterway is enabled or diminished particularly, if access is to be located on steep topography.
5. The extent to which public safety or security is improved.

6. The extent to which the recreational use of the proposed esplanade reserve or esplanade strip and adjacent water area is enabled or diminished.
7. The extent to which the proposed esplanade reserve or esplanade strip is compatible with the physical characteristics of the land.
8. The extent to which the natural character and visual quality of the coastline, river or lake will be preserved within the proposed esplanade reserve or esplanade strip.
9. The extent to which the use of conservation covenants or other suitable alternative means would achieve the objectives and policies of the Plan.
10. The extent to which there are any natural values associated with the proposed esplanade reserve or esplanade strip of significance to the tangata whenua.
11. The extent to which there are any significant archaeological or historical sites associated with the proposed esplanade reserve or esplanade strip.
12. The extent to which any existing permanent building should be excluded from the proposed esplanade reserve or esplanade strip or be removed or relocated prior to vesting of the esplanade reserve or setting aside the esplanade strip.
13. The extent to which the application is for a minor boundary adjustment that will not create further building sites.
14. The extent to which other unusual or unique circumstances exist such that it would not be appropriate to require a esplanade reserve or esplanade strip.
15. The extent to which the purposes of the esplanade reserve or esplanade strip specified in section 229 of the RMA are not significantly diminished.
16. The extent to which any existing or future buildings dominate or shadow the proposed esplanade reserve or esplanade strip.

12.13.5 Guidelines for requiring an esplanade area for sites of 4ha or more

The council will use the following guidelines when considering whether to require an esplanade reserve or esplanade strip for sites of 4ha or more:

1. The extent to which the esplanade reserve or esplanade strip would have demonstrable significance for the protection of conservation values, in particular:
 - a. The protection or enhancement of the natural functioning of the adjacent sea, river or lake.
 - b. The protection or enhancement of terrestrial habitats.
 - c. The mitigation of any actual or potential natural hazards.
 - d. The protection of natural values associated with the water body, including protection of flora and fauna, wildlife habitats and natural landscape amenity values.
2. The extent to which recreational use of the esplanade reserve or esplanade strip and adjacent water area would be enabled or enhanced.
3. The extent to which public access to and along the sea, river or lake is enabled or enhanced.
4. The extent to which there are significant archaeological or historical sites within the proposed esplanade reserve or esplanade strip.
5. The extent to which there are natural values of significance to the tangata whenua associated with the esplanade reserve or esplanade strip.

The provisions of section 237F of the RMA outline matters of compensation. Alternatively, any esplanade area that requires compensation in accordance with section 237E(2) of the RMA can be used as part of the financial contribution required by [part 6 – Financial contributions](#).

12.13.6 Guidelines for increasing the width of an esplanade area

The council will use the following guidelines when considering whether an esplanade area width should be increased above 20m:

1. The extent to which there is a demand for recreational use of the land over and above what can be achieved with a 20m wide esplanade reserve or esplanade strip.
2. The extent to which access to an existing or possible future esplanade reserve or esplanade strip can be enhanced.
3. The extent to which there are outstanding conservation values that warrant recognition by way of a wider esplanade reserve or esplanade strip.
4. The extent to which the land is located within a known natural hazard area.

An esplanade reserve or esplanade strip greater than 20m requires the council to purchase the extra land in accordance with section 237E(2) of the RMA. Alternatively, any esplanade area that requires compensation in accordance with section 237E(2) of the RMA can be used as part of the financial contribution required by [part 6 – Financial contributions](#).

Table 12.1: Minimum site areas for land units

Land units	Minimum site area
Landform 1 and 2	25ha
Landform 3	3.5ha
Landform 4–7	25ha
Island residential 1 and 2	2000m ²
Commercial 1–5	1500m ² and special rules apply, see clause 12.9.5
Commercial 6–7	NC
Matiatia	Special rules apply, see clause 12.9.10
Recreation 1–3, conservation	Special rules apply, see clause 12.9.6
Rural 1	5ha
Rural 2	25ha or special rules apply, see clause 12.9.7
Rural 3	3ha and special rules apply, see clause 12.9.8
Pakatoa	Special rules apply, see clause 12.9.9
Rotoroa	NC

Legend

NC = Non-complying. Subdivision is not provided for in this land unit.

Note:

1. All site areas are net site areas.

Table 12.2: Minimum site areas for protecting significant environmental features

Land units	Minimum site area	Minimum average site area
Landform 2	4ha	7.5ha
Landform 3	1.5ha	2ha
Landform 4–7	4ha	7.5ha
Rural 1	1.5ha	2ha

Notes:

1. All site areas are net site areas.
2. Subdivision for protecting significant environmental features is provided for only in the land units listed in table 12:2.

Table 12.3: Minimum sites areas for settlement areas – Great Barrier (refer clause 12.9.11)

Settlement area	Minimum site area	Minimum average site area
Tryphena (local retailing area)	1500m ²	1500m ²
Tryphena (headland protection and residential amenity areas)	3000m ²	7000m ²
Tryphena (Mulberry Grove School, reserves and coastal margin areas)	NC	NC
Medlands (residential amenity area)	2000m ²	2000m ²
Medlands (quarry, dune and wetland conservation areas)	NC	NC
Claris (local retailing area)	1500m ²	1500m ²
Claris (residential amenity area)	1500m ²	2000m ²
Claris (light industry area)	2000m ²	2000m ²
Claris (airport, dune and wetland conservation areas)	NC	NC
Okupu (residential amenity area)	2000m ²	2000m ²
Okupu (reserve and dune protection area)	NC	NC
Whangaparapara (residential amenity and visitor accommodation areas)	2000m ²	3000m ²
Awana (residential amenity area)	2000m ²	2000m ²
Okiwi (local retailing area)	1500m ²	1500m ²
Okiwi (residential amenity area)	2000m ²	4000m ²
Okiwi (Okiwi school and domain area)	NC	NC
Port Fitzroy (residential amenity area)	5000m ²	7000m ²
Port Fitzroy (local retailing area)	1500m ²	1500m ²
Aotea	NC	NC

Legend

NC = Non-complying. Subdivision is not provided for in this area.

Note:

1. All site areas are net site areas.

Table 12.4: Activity table for all types of subdivision

Land units and settlement areas	L1-7	IR1, IR2	C1-5	C6	C7	M	Rc1-3, Cn	Ru1	Ru2	Ru3	Pk	Rt	SA 1-8	SA 9
Amendments to cross leases, unit titles, company lease plans to show additions and alterations to buildings and exclusive use areas by owner or owners.	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Leases, including renewals, for less than 35 years for sites which have complying or approved activities.	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Unit titles, company leases.	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
Additional stage to an approved subdivision consent where the staging is in general accordance with the scope and terms of the original consent.	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
Leases, including renewals, for longer than 35 years for sites which have complying or approved activities.	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
Boundary relocations where the site sizes stay the same and no additional non-compliances in terms of the permitted activity standards result.	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
Creation of rights of way including those which do not meet the general rule in clause 12.6.1(1) .	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
Subdivisions including cross leases in L1-7, IR1, IR2 and Ru1 where the proposed site complies with table 12.1 and the general rules in clause 12.6 .	RD	RD	n/a	n/a	n/a	n/a	n/a	RD	n/a	n/a	n/a	n/a	n/a	n/a
Boundary relocations where the site sizes do not stay the same and/or additional non-compliances in terms of the permitted activity standards result.	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Subdivisions including cross leases in L1-7, IR1, IR2 and Ru1 where the area of the proposed site complies with table 12.1 but does not meet the general rules in clause 12.6 .	D	D	n/a	n/a	n/a	n/a	n/a	D	n/a	n/a	n/a	n/a	n/a	n/a

Land units and settlement areas	L1-7	IR1, IR2	C1-5	C6	C7	M	Rc1- 3, Cn	Ru1	Ru2	Ru3	Pk	Rt	SA 1- 8	SA 9
Special purpose sites.	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Subdivision to protect a significant environmental feature which meets the general rules in clause 12.6 and the standards and terms in clause 12.9.3.3 .	D (n/a in L1)	n/a	n/a	n/a	n/a	n/a	n/a	D	n/a	n/a	n/a	n/a	n/a	n/a
Cluster subdivision which meets the general rules in clause 12.6 and the standards and terms in clauses 12.9.3.3 and 12.9.4.3 .	D (n/a in L1)	n/a	n/a	n/a	n/a	n/a	n/a	D	n/a	n/a	n/a	n/a	n/a	n/a
C1-5 subdivisions which meet the general rules in clause 12.6 and the standards and terms in clause 12.9.5.3 .	n/a	n/a	D	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Rc1-3, Cn subdivisions which meet the general rules in clause 12.6 and the standards and terms in clause 12.9.6.3 .	n/a	n/a	n/a	n/a	n/a	n/a	D	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Ru2 subdivisions (including comprehensive development) which meet the general rules in clause 12.6 and the standards and terms in clause 12.9.7.3 .	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	D	n/a	n/a	n/a	n/a	n/a
Ru3 subdivisions which meet the general rules in clause 12.6 and the standards and terms in clause 12.9.8.3 .	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	D	n/a	n/a	n/a	n/a
Pk comprehensive development which meets the general rules in clause 12.6 and the standards and terms in clause 12.9.9.3 .	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	D	n/a	n/a	n/a
M comprehensive development which meets the general rules in clause 12.6 and the standards and terms in clause 12.9.10.3 .	n/a	n/a	n/a	n/a	n/a	D	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Subdivisions in SA 1-8 which meet the general rules in clause 12.6 and the standards and terms in clause 12.9.11.3 .	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	D ¹	n/a

Land units and settlement areas	L1-7	IR1, IR2	C1-5	C6	C7	M	Rc1- 3, Cn	Ru1	Ru2	Ru3	Pk	Rt	SA 1- 8	SA 9
Any subdivision including cross leases which does not comply with the minimum site sizes in tables 12.1, 12.2 and 12.3 .	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
Any proposed subdivision in SA 9, C6, C7, Rt.	n/a	n/a	n/a	NC	NC	n/a	n/a	n/a	n/a	n/a	n/a	NC	n/a	NC
Any subdivision within C1-C5, M, Rc1-3, Cn, Ru2, Ru3, Pk and SA 1-8 which does not meet the general rules in clause 12.6 and/or the specific standards and terms in clauses 12.9.3.3, 12.9.4.3, 12.9.5.3, 12.9.6.3, 12.9.7.3, 12.9.8.3, 12.9.9.3, 12.9.10.3 and 12.9.11.3 .	n/a	n/a	NC	n/a	n/a	NC	NC	n/a	NC	NC	NC	n/a	NC	n/a
Company leases and unit titles in all land units that do not meet the general rules in clause 12.6.3 .	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
Additional stages to an approved subdivision consent, where the staging is not in general accordance with the scope and terms of the original consent.	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC

Notes:

1. As identified in table 12.3, subdivision is a non-complying activity in some parts of settlement areas.
2. Any subdivision which is not a permitted, restricted discretionary or discretionary activity in the rules is a non-complying activity.

Legend:

n/a – not applicable	L1 – Landform 1 (coastal cliffs and slopes)	Rc1 – Recreation 1 (local parks and esplanade reserves)
P – Permitted	L2 – Landform 2 (dune systems and sand flats)	Rc2 – Recreation 2 (community facilities and sports parks)
RD – Restricted discretionary	L3 – Landform 3 (alluvial flats)	Rc3 – Recreation 3 (Rangihoua Park)
D – Discretionary	L4 – Landform 4 (wetland systems)	Cn – Conservation
NC – Non-complying	L5 – Landform 5 (productive land)	Ru1 – Rural 1 (rural amenity)
	L6 – Landform 6 (regenerating slopes)	Ru2 – Rural 2 (western landscape)
	L7 – Landform 7 (forest and bush)	Ru3 – Rural 3 (Rakino)
	IR1 – Island residential 1 (traditional residential)	Pk – Pakatoa
	IR2 – Island residential 2 (bush residential)	Rt – Rotorua
	C1 – Commercial 1 (local shops)	SA1 – Tryphena settlement area
	C2 – Commercial 2 (Ostend village)	SA2 – Medlands settlement area
	C3 – Commercial 3 (local shops)	SA3 – Claris settlement area
	C4 – Commercial 4 (visitor facilities)	SA4 – Okupu settlement area
	C5 – Commercial 5 (industrial)	SA5 – Whangaparapara settlement area
	C6 – Commercial 6 (quarry)	SA6 – Awana settlement area
	C7 – Commercial 7 (wharf)	SA7 – Okiwi settlement area
	M – Matiatia (mixed use)	SA8 – Port Fitzroy settlement area
		SA9 – Aotea settlement area