

## **6 GENERAL RULE**

### **6.3 SUBDIVISION**

#### **6.3.1 ISSUES, OBJECTIVES, POLICIES AND METHODS FOR SUBDIVISION**

See Part B, 1-4, 5 (b) & (c), 7-9 and 11(b).

#### **6.3.2 GENERAL PROVISIONS FOR SUBDIVISION IN ALL ZONES**

All applications are subject to the requirements set out in the Resource Management Act, with particular reference to sections 106, 219, 220 and 230-237G.

#### **6.3.3 PERMITTED ACTIVITIES IN ALL ZONES**

There shall be no permitted activities.

#### **6.3.4 CONTROLLED ACTIVITIES IN ALL ZONES**

- (i) Any subdivision which complies with all Performance Standards and General Rules shall be a controlled activity and shall be non notified with the exercise of Council's discretion restricted to the matter(s) specified.
- (ii) Subdivision for utility services, public utilities, telecommunication facilities and radiocommunication facilities is a Controlled Activity in all zones except in the Recreation 1 Zone.

Council shall restrict its discretion to the environmental effects associated with:

- the provision of physical services other than for unstaffed utility services, unstaffed public utilities, unstaffed telecommunication facilities and unstaffed radiocommunication facilities
- traffic access and circulation
- the provision of esplanade reserves or esplanade strips (see General Rule 6.4)
- whether the site is of a regular shape and able to accommodate the proposed activity
- vulnerability of the site to natural hazards
- the protection and enhancement of natural habitats identified in Part C Planning Maps
- the location, size and extent of roads, walkways, cycleways, parks/open space areas, sewer, water and/or stormwater services and/or other necessary incidental equipment

- potential noise effects from the airport and associated airport activities on noise sensitive activities within the 1000 metre buffer beyond the Airport Noise Boundary

### **6.3.5 DISCRETIONARY ACTIVITIES IN ALL ZONES**

The following are discretionary activities in all zones subject to complying with the General Rules.

- (i) Any subdivision which does not comply with one or more of the Performance Standards for subdivision.
- (ii) Any subdivision of any site which contains a Heritage building, or structure, or archaeological site, or significant tree, or natural habitat shown on the Planning Maps.
- (iii) Adjustments of boundaries of two or more separately saleable existing allotments which have separate Certificates of Title and where the number of allotment is not increased.
- (iv) Subdivision for utility services, public utilities, telecommunication facilities and radiocommunication facilities not provided for as a controlled activity.
- (v) Any subdivision which involves the creation of a new road intersection with any state highway.

NOTE: When considering applications for discretionary activities regard shall be had to the Performance Standards for subdivision and for the Zone.

### **6.3.6 NON-COMPLYING ACTIVITIES IN ALL ZONES**

The following are non-complying activities in all zones unless they are provided for by a General Rule:

- (i) Any other subdivision which is not provided for as a controlled or discretionary activity.
- (ii) Any subdivision within the Airport Noise Boundary.

### **6.3.7 PERFORMANCE STANDARDS FOR SUBDIVISION IN ALL ZONES**

- (1) All relevant performance standards applicable within the zone shall be complied with or consent to a discretionary or non-complying activity shall be obtained.
- (2) Sites shall be of a regular shape so as to facilitate the efficient use of the land except where an alternative would better satisfy the

objectives or policies of the Plan and where recognition is given to natural features on the site.

- (3) For allotments for access, utilities, telecommunication facilities and radiocommunication facilities, reserves and roads there shall be no minimum allotment size, diameter, or frontage in any zone.

### 6.3.8 PERFORMANCE STANDARDS FOR SUBDIVISION IN RESIDENTIAL ZONES

- (1) No allotments created by subdivision, shall have an area less than the minimum specified for each zone below.

| <b>Minimum Allotment<br/>for Residential Zones</b> | <b>Front Site</b>   | <b>Rear Site<br/>(Net Area)</b> |
|--|---------------------|---------------------------------|
| Residential 1                                      | 450m <sup>2</sup>   | 550m <sup>2</sup>               |
| Residential 2                                      | 350m <sup>2</sup>   | 450m <sup>2</sup>               |
| Residential 4                                      | 1,500m <sup>2</sup> | 1,500m <sup>2</sup>             |
| Residential 5                                      | 1.5ha               | 1.5ha                           |
| Residential 6                                      | 700m <sup>2</sup>   | 700m <sup>2</sup>               |

Residential 3

- (a) On land with a proven 1 metre thick clay base either:
- (i) A site area of 1.5 hectares to 2 hectares (exclusive of accessways) shall be provided to ensure that a range of waste water disposal options is available; or
  - (ii) On sites of a minimum area of 5,000 square metres and less than 1.5 hectares (exclusive of accessways) a specifically designed effluent disposal system shall be provided, and the provision and maintenance of the system shall be the subject of a consent notice registered against the Certificate of Title.
- (b) On land where there is a proven high degree of permeability (including most of the Plains) a site area of 1,000 square metres to 2 hectares will be required but discharges of sewage effluent are required to be treated by one of the following means:
- (i) A specifically engineered effluent disposal system; or
  - (ii) A package plant of approved design; or
  - (iii) Any other approved alternative which meets the standards required by any rule of a Regional Plan.

The provision of specifically designed effluent disposal systems will be the subject of a consent notice registered against the title.

- (c) The requirements in (a)(ii) and (b) shall not apply where a new site of less than 1.5 hectares is created and that site contains an existing dwelling and effluent disposal system which is working satisfactorily. In all cases, however, a consent notice shall be registered to ensure that in the event of a system failure, a new system shall be installed in accordance with (a)(ii) or (b).
- (2) Except that in the Residential 1 and 2 Zones where an allotment is to be created after the erection of a building for the purposes of affecting cross leases or company leases or issuing separate unit titles under the Unit Titles Act 1972 or separate freehold titles, including easements over common walls, the respective minimum areas may be reduced to 300 square metres and 200 square metres respectively provided all relevant rules applicable within the zone and General Rules are complied with by the building, and/or resource consents are obtained in relation to those rules.
- (3) Apart from in the Residential 5 and 6 Zones for any subdivision in a Residential Zone no more than 1 allotment shall have an area in excess of 2000 square metres (this includes any balance area remaining after a subdivision).
- (4) The dimensions of allotments created by subdivision in Residential Zones shall be such that they can accommodate a circle of a diameter of 15 metres except where exempted from this rule.
- (5) In the Residential 4 Zone all subdivisions shall comply with a comprehensive development plan for the contiguous land in the same zone, unless the sites have access to Doncaster or Martin Streets, or are on the south or east side of Old North Road, Blair Street or Mahoneys Hill Road, where the development plan need relate only to the existing allotment being subdivided.
- (6) For all subdivision in the Residential 1, 2, 4, 5 (at Gleniti) and 6 Zones, lines and pipes associated with utility services, and telecommunication facilities shall be located underground.
- (7) Where a corner allotment is included in any subdivision the corner shall be cut off to a distance, along the road frontages, of not less than 6 metres from the intersection and vested as road.
- (8) Any subdivision of Part Lot 2 DP 5635 or Lot 1 DP 24034 at Talbot Street, Geraldine, shall be carried out with a common shared access

point to Talbot Street within each existing site, to be shared by all new allotments.

### **Residential 6 Zone and Deferred Zones**

- (9) In the Residential 6 Zone, and Residential 6(a) Zone (Deferred) and Residential 6(b) Zone (Deferred) all applications for subdivision consent shall identify:
- the location of proposed stormwater swales, detention dams, walkways, cycleways, neighbourhood parks/open spaces areas
  - proposed collector roads
  - the location of any proposed and existing buildings on the site
- (10) Any subdivision in the Residential 6 Zone, and Residential 6(a) Zone (Deferred) and Residential 6(b) Zone (Deferred) should be designed so as to be consistent with the urban design guidelines set out in Part B 11c, Issue 5, Policy 1, in relation to the location of any roads, cul-de-sacs, berms, footpaths, cycleways, street lighting and associated services and facilities.
- (11) The performance standards for the Residential 6 Zone on Planning Maps 29-30 and 33-34, and the provisions of the Indicative Development Plan for Gleniti shall apply to both the:
- Residential 6(a) Zone (Deferred) at Gleniti from July 2010 or from when a sewer outfall is available for this area, whichever is the sooner; and
  - Residential 6(b) Zone (Deferred) at Gleniti from July 2015 or from when a sewer outfall is available for this area, whichever is the sooner.
- (12) At the time of subdivision of land in the Residential 6 Zone, Residential 6(a) Zone (Deferred) and Residential 6(b) Zone (Deferred) the ownership of land identified in the Indicative Development Plan for Gleniti (or in such alternative locations as may be approved by resource consent) as neighbourhood park, stormwater swale/detention dam, and/or road shall be vested in the Council.

These services and facilities will be established by the developer once an agreement has been entered into by the owners of the land and Timaru District Council for the financial contribution the Council will make towards the purchase of land and the provision of services and facilities of benefit to the wider community, ie neighbourhood park, stormwater swales and collector roads.

Within the Gleniti Residential 6 Zone, where the Council requires a standard of roading, services or other facilities for the benefit of the

wider community, or to facilitate future growth, over and above that required to service the particular development concerned, such additional costs shall be borne by the Timaru District Council.

- (13) Any subdivision in the Residential 6 Zone that creates new allotments within an area measured 20 metres either side of the centre point of an electrical transmission line designed to operate at or above 110kV shall be a Restricted Discretionary activity and shall comply with the Performance Standards and General Rules.

The Council has restricted its discretion to the following matters:

- (i) The extent to which the subdivision mitigates the effects of the lines, eg through the location of roads and reserves under the route of the line; and
- (ii) The ability for continued access to existing transmission lines for maintenance, inspections and upgrading; and
- (iii) The minimization of risk or injury and/or property damage from such lines; and the extent to which potential adverse effects are mitigated through the location of building platforms; and
- (iv) The extent to which potential adverse visual effects are mitigated through the location of building platforms; and
- (v) The outcome of any consultation with the affected utility operator; and
- (vi) The extent to which any earthworks and the construction of any subsequent buildings will comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP: 34 2001); and
- (viii) The nature and location of any proposed vegetation to be planted in the vicinity of transmission lines.

NOTE: Consultation with Transpower New Zealand Limited is necessary when considering construction within 20 metres of a high voltage electricity transmission line. The New Zealand Electrical Code of Practice (NZECP: 34 2001) contains restrictions on the location of structures and activities in relation to the lines.

### **6.3.9 PERFORMANCE STANDARDS FOR SUBDIVISION IN COMMERCIAL AND INDUSTRIAL ZONES**

- (1) Apart from Industrial Zones, where a minimum frontage of 6 metres is required, there shall be no minimum subdivision requirements in the Commercial and Industrial Zones subject to compliance with Performance Standards in Part D(3) and (4) and the General Rules in Part D(6).

- (2) Where a corner allotment is included in any subdivision the corner shall be cut off to a distance, along the road frontages, of not less than 6 metres from the intersection and vested as road except where there is no provision for a corner cut in the Zone rules applying to that site or it is occupied by an existing building.

### **6.3.10 PERFORMANCE STANDARDS FOR SUBDIVISION IN RECREATION ZONES**

- (1) Where a corner allotment is included in any subdivision the corner shall be cut off to a distance, along road frontages of not less than 15 metres in the Recreation 3 Zone and 6 metres in the Recreation 2 Zone from the intersection and vested as road.

#### **(2) Discretionary Activities**

The following are discretionary activities in all zones subject to complying with the General Rules:

Any subdivision to create sites for permitted, controlled or discretionary land use activities in the Recreation 1, 2 and 3 Zones except that this does not apply to subdivisions for utility lots and allotments for radiocommunication facilities and telecommunication facilities which are a controlled activity in the Recreation 2 and 3 Zones.

NOTE: When considering applications for discretionary activities regard shall be had to the Performance Standards for subdivision and for the Zone.

#### **(3) Non-Complying Activities**

The following are non-complying activities in all zones unless they are provided for by a General Rule:

Any other subdivision in the Recreation Zones.

### **6.3.11 PERFORMANCE STANDARDS FOR SUBDIVISION IN ALL RURAL ZONES**

- (1) All allotments created by subdivision in Rural Zones shall have a minimum legal road frontage of 8 metres or shall be provided with access by way of an 8 metre wide private access.

NOTE 1: The reference to "8 metre wide" means 8 metres wide for the entire length of the private access.

NOTE 2: See Policy 21 in Part B(8) Roading for guidance on the provision of access when considering resource consent applications and General Rule 6.6.2(5) for allotment thresholds for determining when a private access or road is required, and where

private vehicle access ways may be shared by several allotments and/or household units.

- (2) Where a corner allotment is included in any subdivision the corner shall be cut off to a distance, along the road frontages, of not less than 15 metres from the intersection and vested as road.
- (3) Properties within a rural water supply scheme will require evidence of access to the scheme for stock water, or an alternative water supply, and be subject to a consent notice registered against the title.
- (4) New allotment boundaries shall be set back 30 metres from any wetland except for esplanade reserves.

### **6.3.12 PERFORMANCE STANDARDS FOR SUBDIVISION IN RURAL 1 ZONE**

#### **(1) Rural Allotments**

Rural allotments may be created by subdivision and shall have a minimum area of 40 hectares other than as provided for in 6.3.12.2(2).

#### **(2) Rural Living Sites and 10 ha Allotments**

Rural living site allotments may be created by subdivision in each of the following circumstances:

- (1) From any Certificate of Title existing on or before 27 August 1988; or

From any title issued subsequent to 27 August 1988, where it can be demonstrated that the allotment entitlement in terms of criteria in 6.3.12.2(2) in respect of the land comprised in the title which existed on 27 August 1988, have not been exceeded; and

Provided that the requirements of 6.3.12.2(2) are not exceeded by the new subdivision.

- (2) (a) The title has an area in excess of 10 hectares; and
- (b) The number of new allotments shall be calculated according to the following table:

More than 10 hectares but  
not more than 20 hectares : 1 new rural living site

More than 20 hectares but  
not more than 40 hectares : 2 new rural living sites  
and 2 allotments of  
10 hectares minimum  
area, provided that the  
area of the balance land  
is not less than  
10 hectares

More than 40 hectares : 3 new rural living sites  
and 3 allotments of  
10 hectares minimum  
area, provided that the  
area of the balance land  
is not less than  
10 hectares

(c) A building area of not more than 400 square metres is to be shown within each allotment.

(3) The area requirements for rural living site allotments shall be:

(a) On land with a proven 1 metre thick clay base either:

(i) A site area of 1.5 to 2 hectares (exclusive of accessways) shall be provided to ensure that a range of waste water disposal options is available; or

(ii) On sites of a minimum area of 5,000 square metres and less than 1.5 hectares (exclusive of accessways) a specifically designed effluent disposal system shall be provided and the provision and maintenance of the system shall be the subject of a consent notice registered against the Certificate of Title.

(b) On land where there is a proven high degree of permeability (including most of the Plains) a site area of 1,000 square metres to 2 hectares will be required but discharges of sewage effluent are required to be treated by one of the following means:

(i) A specifically engineered effluent disposal system; or

(ii) A package plant of approved design; or

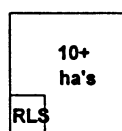
- (iii) Any other approved alternative which meets the standards required by any rule of a Regional Plan.

The provision of specifically designed effluent disposal systems will be the subject of a consent notice registered against the title.

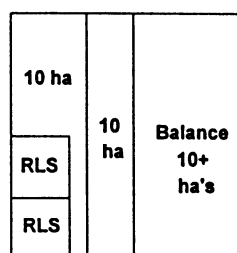
Set out below in Figure (2) is a diagram to illustrate the maximum subdivision entitlement for land which existed in a separate Certificate of Title on or before 27 August 1988.

- (c) The requirements in (a)(ii) and (b) shall not apply where a new site of less than 1.5 hectares is created and that site contains an existing dwelling and effluent disposal system which is working satisfactorily. In all cases, however, a consent notice shall be registered to ensure that in the event of a system failure, a new system shall be installed in accordance with (a)(ii) or (b).
  - (d) No rural living site allotment shall be located within the 65 dBA L<sub>10</sub> Noise Contour around the Timaru International Raceway as shown in Planning Map No 22.
- (4) No rural living site allotments or 10 hectare allotments shall be created within Outstanding Landscape Areas.

**Example 1  
12 Hectare Title**



**Example 2  
34 Hectare Title**



**Example 3  
66 Hectare Title**

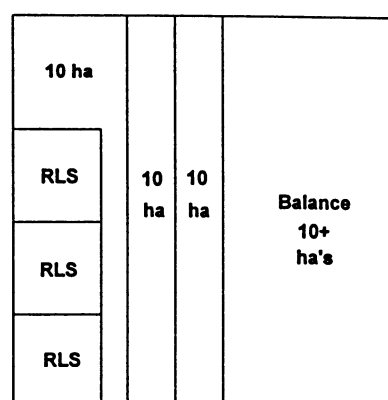


Figure (2)

### **6.3.13 PERFORMANCE STANDARDS FOR SUBDIVISION IN RURAL 2 ZONE**

Rural allotments may be subdivided and shall have a minimum area of 10 hectares.

### **6.3.14 RULES FOR SUBDIVISION IN RURAL 3 ZONE**

#### **(1) Controlled Activities**

Subdivision for Utility Services, Public Utilities, Telecommunication facilities and Radiocommunication facilities is a Controlled Activity.

#### **(2) Discretionary Activities**

The following are discretionary activities in this zone subject to complying with the General Rules:

- (i) All subdivision of land in this zone provided that all allotments have a minimum area of 10 hectares except for esplanade reserves for which there will be no minimum area. An integrated land use and subdivision proposal to address the matters set out in Part D(1), Policy 1.3.3 for the Rural Zones shall be provided.

NOTE: When considering applications for discretionary activities regard shall be had to the Performance Standards for subdivision and for the Zone.

### **6.3.15 RULES FOR SUBDIVISION IN RURAL 4 ZONE**

#### **Controlled Activities**

- (i) Subdivision which meets the performance standards for subdivision as a controlled activity in the Rural 1 Zone.
- (ii) Subdivision for utility services, public utilities, telecommunication facilities or radiocommunication facilities is a controlled activity.

Council shall restrict its discretion to the environmental effects associated with:

- The provision of physical services other than for unstaffed utility services, unstaffed public utilities, unstaffed telecommunication facilities, or unstaffed radiocommunication facilities.
- Traffic access and circulation.
- The provision of esplanade reserves or esplanade strips (see General Rule 6.4).
- Whether the site is of regular shape.

- Natural hazards.
- Filled sites.

NOTE: See Rule 6.3.5(i) which makes subdivisions not complying with one or more of the performance standards a discretionary activity.

### **6.3.16 RULES FOR SUBDIVISION IN RURAL 5 ZONE**

#### **(1) Discretionary Activities**

The following are discretionary activities in this zone subject to complying with the General Rules:

- (i) All subdivision of land in this zone provided that all allotments have a minimum area of 40 hectares except for esplanade reserves for which there will be no minimum area. An integrated land use and subdivision proposal to address the matters set out in Part D(1) Policies 1.3.3 and 1.6.3 for the Rural Zones shall be provided.

### **6.3.17 APPLICATIONS FOR SUBDIVISION IN COASTAL MARINE AREAS**

Where an application for a subdivision consent is made to Council and part or all of the land to be subdivided is within the Coastal Marine Area Council shall consider the application as if it were a discretionary activity in the adjoining zone.

NOTE: When considering applications for discretionary activities regard shall be had to the Performance Standards for subdivision and for the Zone.

### **6.3.18 ATTENTION IS DRAWN TO THE FOLLOWING GENERAL RULES**

#### **(a) Esplanade Provisions**

See General Rule 6.4.

#### **(b) Water, Sewage, Stormwater and Reserves Contributions**

See General Rule 6.5.

#### **(c) Roading Hierarchy**

See General Rule 6.6.

#### **(d) Vehicle Access and Loading**

See General Rule 6.7.

#### **(e) Parking**

See General Rule 6.8.

- (f) **Natural Hazards**  
See General Rule 6.16.
- (g) **Filled Sites**  
See General Rule 6.18.
- (h) **Heritage**  
See General Rule 6.12.
- (i) **Significant Trees**  
See General Rule 6.13.
- (j) **Landscaping**  
See General Rule 6.19.