

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

SUBDIVISION

Introduction

Subdivision is the process of dividing a site or building into one or more additional legal allotments or changing the location of the existing legal boundaries. Subdivision design influences future patterns of land use and can have a significant impact on the character of the environment and associated amenity values. It enables the intensification of land uses that in turn increases the level of activity, density of built form, traffic generation and demand on infrastructure services. It is important that the design of a subdivision:

- provides allotments that are an appropriate size and shape to accommodate the anticipated land uses;
- appropriately responds to any important natural, physical, cultural, historical or ecological features, values or constraints within or adjoining the site;
- appropriately responds to any potential impacts on infrastructure and risks from natural hazards;
- provides appropriate legal and physical access;
- provides appropriate connections to transport infrastructure and network utility services; and
- integrates with surrounding neighbourhoods.

The subdivision process also provides for the creation of esplanade reserves or esplanade strips adjacent to the coast and rivers to enable public access, recreation or the management of conservation values.

This chapter contains objectives, policies and rules for subdivision. The following chapters also contain rules that relate to subdivision:

- ~~Coastal Environment~~
- ~~Drinking Water Protection~~
- ~~Ecosystems and indigenous biodiversity~~
- ~~Energy and Infrastructures¹~~
- Financial contributions
- ~~Historic Heritage~~
- ~~Natural Hazards²~~
- Noise
- Public Access
- ~~Sites and Areas Significant to Māori~~
- ~~Versatile Soils³~~
- Future Development Area; and
- Development Area

Other district-wide chapters may also contain provisions that are relevant to subdivision, for example, the Earthworks Chapter contains rules that will require consent for earthworks associated with subdivision.

The Future Development Areas ~~e~~Chapter and its associated overlay indicates the locations for future growth and when that growth can occur. The ~~D~~development Area chapters states requirements for new subdivision and development to ensure the areas is are development developed⁴ appropriately.

¹ Clause 10(2)(b), Schedule 1 of the RMA relying on Speirs, B [66.45 to 66.54]

² Clause 10(2)(b), Schedule 1 of the RMA relying on Speirs, B [66.45 to 66.54]

³ Clause 10(2)(b), Schedule 1 of the RMA relying on Speirs, B [66.45 to 66.54]

⁴ Clause 16(2), Schedule 1 of the RMA

Objectives

SUB-01	General subdivision design
<p>New subdivisions will:</p> <ol style="list-style-type: none"> 1. accord with the purpose, character and qualities of the zone; and 2. respond positively to the physical <u>and associative</u>⁵ characteristics of the site and its context; and 3. maintain and enhances⁶ amenity values and the quality of the environment; <u>and</u>⁷ 4. be accessible, connected and integrated with surrounding neighbourhoods; and 5. protect <u>significant identified</u>⁸ natural and cultural values; and 6. respond appropriately to <u>natural</u> hazards, risks and site constraints; and 7. have infrastructure and facilities appropriate for the intended use; and 8. <u>avoid where possible, and otherwise remedy or mitigate</u> have minimal⁹ adverse effects on regionally¹⁰ significant infrastructure or <u>intensive</u>¹¹ primary production; and 9. provide for the health, wellbeing and safety of people; <u>and</u>¹² 10. not intentionally prevent, hinder or limit the <u>use or</u>¹³ development of adjoining or adjacent land, <u>including by way of reverse sensitivity effects</u>¹⁴. 	
SUB-02	Infrastructure
<p>Infrastructure required to serve subdivision is provided in an integrated, efficient and co-ordinated manner.</p>	
SUB-03	Rural subdivision
<p>Subdivision in the rural zones will:</p> <ol style="list-style-type: none"> 1. minimise avoid¹⁵ the fragmentation of productive land in the General Rural Zone; and 2. maintain the low-density open character of the General Rural Zone; and 3. maintain a contrast between the rural environment and adjoining urban, Rural Lifestyle <u>Zone</u> and Settlement <u>Zones</u>; and 4. <u>avoid where possible, and otherwise</u>¹⁶ minimise reverse sensitivity effects on <u>intensive</u>¹⁷ primary production. 	
SUB-04	Residential subdivision
<p>Subdivision in residential zones will:</p> <ol style="list-style-type: none"> 1. respond positively to the site's and area's¹⁸ natural and physical features that provide amenity and contribute to local character and sense of place; and 2. ensure safe, connected, and accessible neighbourhoods; and 3. provide for consolidation of residential zones outside of the Gleniti Low Density Residential Specific Control Areas and PREC1 - Old North General Residential Precinct; and 4. provide appropriate levels of accessible, well-designed¹⁹ open space. 	

⁵ TRoNT [185.58]⁶ Clause 16(2), Schedule 1 of the RMA⁷ Clause 16(2), Schedule 1 of the RMA⁸ TRoNT [185.58]⁹ Clause 10(2)(b), Schedule 1 of the RMA relying on Fonterra [165.83], Hort NZ [245.65], NZPIB [247.15]¹⁰ Clause 16(2), Schedule 1 of the RMA¹¹ Clause 10(2)(b), Schedule 1 of the RMA relying on Fonterra [165.83], Road Metals [169.30], FH [170.30], Hort NZ [245.65]¹² Clause 16(2), Schedule 1 of the RMA¹³ Fonterra [165.82]¹⁴ Fonterra [165.82]¹⁵ NZPIB [247.15]¹⁶ Fonterra [165.83], Hort NZ [245.65], NZPIB [247.15]¹⁷ Fonterra [165.83], Road Metals [169.30], FH [170.30], Hort NZ [245.65]¹⁸ Clause 16(2), Schedule 1 of the RMA¹⁹ Clause 16(2), Schedule 1 of the RMA

SUB-O5	Public access and esplanade reserves and Eesplanade strips
<p>Public access and esplanade reserves and <u>esplanade</u> strips created through subdivision will:</p> <ol style="list-style-type: none"> 1. contribute to the protection of conservation values; and 2. provide for public access to and along identified rivers and the sea, <u>except where in accordance with PA-P4</u>²⁰; and 3. provide public recreational uses along the water <u>ways</u>²¹ and coast where the use is compatible with conservation values. 	

Policies

All Subdivisions

SUB-P1	Subdivision
Require subdivision design to accord with the purpose, character and qualities of the applicable zone.	
SUB-P2	Subdivision of land within sensitive environments
<p>Only allow subdivision containing identified sensitive environments that will:</p> <ol style="list-style-type: none"> 1. not compromise the identified natural and cultural values; and 2. protect people and property from the identified <u>natural</u> hazards and risks; and 3. achieve <u>the</u> objectives and policies of the relevant chapter(s) in Part 2 – District-Wide Matters. 	
SUB-P3	Disruptive Subdivision
Avoid subdivisions that are intended to ²² prevent, hinder or limit the development of adjoining or adjacent land, unless it is done to comply with a Council approved <u>DAP</u> Development Area Plan .	
SUB-P4	Quality of the environment and amenity
<p>Require subdivision to maintain and enhance amenity values and the quality of the environment by ensuring subdivision design:</p> <ol style="list-style-type: none"> 1. responds positively to the associational,²³ natural and physical features <u>and their associative values</u>²⁴ such as underlying landscape, topography and established trees and vegetation that provide amenity, contribute to local character and sense of place; and 2. aligns streets to focus on significant views or landmarks; and 3. provide street trees and landscaping; and 4. avoids, remedies or mitigates adverse effects on the water quality, soil resources and important ecosystems. 	

²⁰ TDC [42.37]

²¹ Schedule 1, cl16(2)

²² Fonterra [165.84]

²³ TRoNT [185.60]

²⁴ TRoNT [185.60]

SUB-P5	Reverse Ssensitivity
<p>Only allow subdivision that does not result in reverse sensitivity effects that would compromise the <u>safe and efficient</u>²⁵ operation of regionally significant infrastructure/facilities <u>and, lifeline utilities</u>²⁶, <u>legally</u>²⁷ <u>lawfully</u>²⁸ established <u>intensive</u>²⁹ primary production, <u>or industrial activities</u>³⁰.</p>	
SUB-P6	Infrastructure
<p>Ensure subdivision is serviced sustainably with infrastructure by requiring:</p> <ol style="list-style-type: none"> 1. infrastructure to be installed at the time of subdivision, except for on-site infrastructure that cannot be constructed until the buildings are designed; and 2. certainty that infrastructure networks have sufficient capacity to accommodate the additional development, or requiring any necessary upgrades to be completed at the time of subdivision; and 3. allotments to connect to the Council's reticulated systems where available; and 4. incorporation of water sensitive design measures and on-site stormwater infrastructure; and 5. new infrastructure to comply with the Energy and Infrastructure Chapter; and 6. infrastructure to be provided efficiently and integrated with existing or planned infrastructure; <u>and</u>³¹ 7. the consideration of multi-nodal transport links (including active transport links) and connected transport networks that allow ease of movement to, from and within the area; <u>and</u>³² 8. sufficient legal and physical access to each allotment; and 9. <u>requiring</u>³³ allotments to have access to a water supply suitable for firefighting; <u>and</u> 10. <u>infrastructure to maintain or enhance Kāti Huirapa values onsite and downstream</u>³⁴. 	
SUB-P7	Esplanade reserves and <u>esplanade</u> strips
<ol style="list-style-type: none"> 1. Identify margins of the coast or rivers in SCHED12 - Schedule of Esplanade Provisions where the provision of an esplanade reserve or <u>esplanade</u> strip would contribute to enabling public access, recreational use, and/or contribute to the protection of conservation values by: <ol style="list-style-type: none"> a. maintaining or enhancing the natural functioning of the adjacent sea <u>or</u> river, or lake; or b. maintaining or enhancing water quality; or c. maintaining or enhancing aquatic habitats; or d. protecting the natural values associated with the esplanade reserve or esplanade strip; or e. mitigate natural hazards; and 2. Require esplanade reserves or esplanade strips to be created when land is subdivided on the margins of the coast and rivers listed in SCHED12 -Schedule of Esplanade Provisions); and 3. Only allow the minimum width of a required esplanade reserve or <u>esplanade</u> strip to be reduced, or the requirement for an esplanade reserve or <u>esplanade</u> strip to be waived where: <ol style="list-style-type: none"> a. it is impractical to provide all or part of the required esplanade reserve or esplanade strip due to the physical characteristics and/or constraints of the site; or b. providing the esplanade reserve or esplanade strip at the required minimum width would create a risk to public health or safety; or c. the purpose of the required esplanade reserve or esplanade strip can be appropriately provided for by alternative means, including within the allotments created by subdivision; or 	

²⁵ KiwiRail [187.162]

²⁶ RNZ [152.48]

²⁷ Fonterra [165.85], Road Metals [169.31], FH [170.31]

²⁸ Road Metals [169.31], FH [170.31]

²⁹ Fonterra [165.185], Road Metals [169.31], FH [170.31], Hort NZ [245.68]

³⁰ SFF [172.74], Alliance [173.74]

³¹ Clause 16(2), Schedule 1 of the RMA

³² Clause 16(2), Schedule 1 of the RMA

³³ Clause 16(2), Schedule 1 of the RMA

³⁴ TRoNT [185.61]

- d. the reduced width is sufficient to protect the identified public access, recreation, or conservation values, or to provide for natural hazard mitigation works; or
 - e. the costs of acquiring and/or maintaining the required esplanade reserve or esplanade strip would outweigh the potential public benefit; and
4. encourage access strips to be provided to connect esplanade reserves and esplanade strips with public open spaces, roads, pedestrian paths or cycleways.

Note: The policies in the Public Access Chapter are also relevant to any resource consent application to waive or reduce the width of a required esplanade reserve or esplanade strip.

Residential Subdivision

SUB-P8 Public open space

Consider requiring the creation of public open spaces at the time of subdivision in residential zones. The following matters are relevant to that consideration:

1. the size of the open space needed for the catchment it serves; and
2. proximity of the land and opportunities to integrate the open space with existing or planned open space networks, parks, esplanade strips, residential area and transport networks, including walkways and cycleways; and
3. Council's capacity to pay for maintenance and improvements; and
4. suitability of the land to be developed for the required purpose, including any potential for enhancement and considering the soils, gradient, and topography; and
5. landscape features and quality of the land, including surface water-bodies, and the potential for views into or from the site; and
6. ecosystems and biodiversity associated with the land and surrounding area, including any significant indigenous biodiversity, mature vegetation, or existing shelter-belts; and
7. historic heritage and cultural significance of the land; and
8. safety of users, including the absence of hazards and any vulnerability to natural hazards.

SUB-P9 Residential subdivision

Require residential subdivision to accord with the purpose, character and qualities of the zone, and maintain and enhance amenity values, by ensuring:

1. the subdivision design contributes to local character and sense of place; and
2. natural features and waterbodies are incorporated into the design; and
3. earthworks and land disturbance is minimised by designing building platforms that integrate into the natural landform; and
4. open space and street planting are incorporated into the design of larger scale subdivisions; and
5. streets are aligned with, and open spaces are designed to focus on, significant views or landmarks; and
6. the subdivision design maximises sunlight access, outlook and amenity including opportunities for future buildings to maximise solar gain, reduce energy and water consumption, and use renewable energy; and
7. conflict between residential activities and adjoining land uses are minimised.

SUB-P10 Safe, connected and accessible neighbourhoods

Require residential subdivision to ensure safe, connected and accessible neighbourhoods by:

1. minimising the proliferation of vehicle crossings that could affect the safety of the transport network; and
2. limiting cul-de-sacs unless there are legal, physical or topographical constraints that inhibit connections to other roads; and

3. providing a road and access design that creates a safe and accessible environment for pedestrians, cyclists, children, elderly and the disabled; and
4. providing spaces that encourage social interaction and neighbourhood cohesion; and
5. providing a variety of travel modes and connections to roads, public transport, nearby shops, schools, employment open spaces and other activities; and
6. providing ~~the~~³⁵ passive surveillance of street, parks, walkways and public areas and by ensuring the principles of APP3 – National Guidelines for Crime Prevention Through Environmental Design in New Zealand (CPTED) are incorporated into the design.

SUB-P11 Residential Intensification

Provide for consolidation of residential zones outside of the Gleniti Low Density Residential Specific Control Areas and PREC1 - Old North General Residential Precinct by:

1. enabling a variety of residential units within the constraints of the allotment size anticipated by the zone; and³⁶
2. not specifying a minimum allotment size in the Medium Density Zone for joint subdivision and land use applications to ensure flexibility and comprehensive consideration of applications; and
3. providing for two ~~household~~ residential units per site in the General ~~R~~Residential ~~z~~Zone and three residential units per site in the Medium Density Residential Zone; and
4. allowing non-compliance with minimum allotment ~~lot~~ design standards for allotments created around existing residential units; and
5. avoiding the creation of more than one large allotment in the Medium ~~d~~Density ~~R~~Residential ~~z~~Zone unless intensification is prevented by natural or physical site constraints.

SUB-P12 Non-compliant allotment size

Avoid subdivision in the General Residential Zones ~~z~~ that does not comply with the minimum allotment design and parameters unless:

1. the subdivision design maintains the residential character and amenity values of the area; and
2. it can be demonstrated that it is consistent with the character and qualities of development envisaged by General Residential Zone; and
3. it does not individually or cumulatively affect the ability of the properties in the Zzone, specific control area or precinct to be developed or serviced now or in the future to the density anticipated in the Zzone, specific control area or precinct.

Subdivision in Development Areas

SUB-P13 Development Area Plans

Require subdivisions to be in general accordance ~~comply~~³⁷ with the relevant DAP Development Area Plan, unless it can be demonstrated that an alternative proposal can better³⁸ achieve the objectives of the dDevelopment aArea PPlan³⁹.

Rural Subdivisions

SUB-P14 Rural allotments

Avoid subdivision that creates allotments that are less than the required minimum allotment size within the General Rural Zone and Rural Lifestyle Zone unless:

³⁵ Clause 16(2), Schedule 1 of the RMA

³⁶ Clause 16(2), Schedule 1 of the RMA

³⁷ BGD [167.13]

³⁸ BGD [167.13]

³⁹ Clause 16(2), Schedule 1 of the RMA

1. the subdivided allotments are solely for the purpose of network utilities, esplanade reserves or esplanade strips, roads, walkways, cycleways or access; or
2. the non-compliance is minor and the subdivision maintains the residential unit dwelling density anticipated for the zone; and or⁴⁰
3. the subdivision is necessary for natural hazard mitigation works; or
4. the subdivision is necessary to protect the values of sensitive environments.

SUB-P15 Rural Lifestyle Zone

Require subdivision in the Rural Lifestyle Zone to:

1. maintain the character and qualities of the Rural Lifestyle Zone; and
2. connect to the Council reticulated drinking water network; and
3. require connection to the Council reticulated wastewater networks where available, or if not available, provide a suitable site area for on-site disposal; and
4. maintain larger allotment sizes in the Geraldine Downs to protect its landscape character and amenity values; and
5. provide opportunities for smaller allotment sizes within the Raukapuka North Specific Control Area to reflect the existing character and amenity.⁴¹

Rules

Note: All subdivision activity requires resource consent. For certain activities, consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

SUB-R1	Boundary adjustments	
All zones	Activity status: Controlled Where: CON-1 SUB-S1 is complied with; and CON-2 SUB-S2 to SUB-S87 ⁴² are complied with. Matters of control are <u>restricted reserved</u> ⁴³ to: <ol style="list-style-type: none"> 1. the location, size and design of allotments, building platforms, roads, accessways, right of ways, vehicle crossings, open space, reserves, landscaping and connections to the surrounding area; and 	Activity status when compliance not achieved <u>with</u> CON-2: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. the matters of control listed in CON-1 and CON-2; and 2. the matters of discretion of any infringed standard.
		Activity status when compliance not achieved with CON-1: <u>Non-Complying Discretionary</u> ⁴⁴

⁴⁰ Clause 16(2), Schedule 1 of the RMA

⁴¹ Panel Decision Report, Part 10, Section 7.3.2

⁴² Panel Decision Report Part 5, Section 6.6

⁴³ Schedule 1, cl16(2)

⁴⁴ Speirs, B [66.56], MFL [60.26]

	<ol style="list-style-type: none"> 2. the ability to accommodate permitted and/or intended land uses; and 3. the compatibility with the purpose, character and qualities of the zone; and 4. the response to the site's and surrounding areas natural and physical features, character, amenity, constraints and vegetation; and 5. the provision, location, design, specification, construction, connection and timing of infrastructure, transport links, water sensitive design measures and firefighting water supply; and 6. the extent to which infrastructure has capacity to service the subdivision; and 7. legal and physical access arrangements; and 8. the requirement for any consent notices, covenants, easements, esplanades or public access; and 9. measures to avoid, remedy or mitigate adverse effects: <ol style="list-style-type: none"> a. of any natural hazards or other risks; and b. on any sensitive environments, waterbodies, ecosystems or notable trees; and c. on infrastructure; and d. on existing or permitted adjoining or adjacent land uses; and 10. the ability of any existing activity on the site to comply with the District Plan and/or existing resource consent; and 11. the suitability of any future development that would be enabled as a result of the subdivision; and 12. whether it is appropriate that the subdivision prevents, hinders or limits the development of adjoining or adjacent land; <u>and</u> 13. measures to manage adverse effects. 	
SUB-R2	Subdivision that creates new allotments solely for the purpose of network utilities, the n<u>N</u>ational g<u>G</u>rid or roads	
All zones	Activity status: Controlled Where:	Activity status when compliance not achieved: Restricted Discretionary Where:

	<p>CON-1 SUB-S2, SUB-S7 and SUB-S8 are complied with.</p> <p>Matters of control are restricted reserved⁴⁵ to:</p> <ol style="list-style-type: none"> 1. the location, size and design of allotments, building platforms, roads, accessways, right of ways, vehicle crossings, open space, reserves, landscaping and connections to the surrounding area; and 2. the ability to accommodate permitted and/or intended land uses; and 3. the compatibility with the purpose, character and qualities of the zone; and 4. the response to the site’s and surrounding areas natural and physical features, character, amenity, constraints and vegetation; and 5. the provision, location, design, specification, construction, connection and timing of infrastructure, transport links, water sensitive design measures and firefighting water supply; and 6. the extent to which infrastructure has capacity to service the subdivision; and 7. legal and physical access arrangements; and 8. the requirement for any consent notices, covenants, easements, esplanades or public access; and 9. measures to avoid, remedy or mitigate adverse effects: <ol style="list-style-type: none"> a. of any natural hazards or other risks; and b. on any sensitive environments, waterbodies, ecosystems or notable trees; and c. on infrastructure; and d. on existing or permitted adjoining or adjacent land uses; and 10. the ability of any existing activity on the site to comply with the District Plan and/or existing resource consent; and 	<p>RDIS-1 Compliance is not achieved with CON-1.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of control relevant to CON-1; and 2. the matters of discretion of any infringed standard.
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⁴⁵ Schedule 1, cl16(2)

	<p>11. the suitability of any future development that would be enabled as a result of the subdivision; and</p> <p>12. whether it is appropriate that the subdivision prevents, hinders or limits the development of adjoining or adjacent land; <u>and</u>⁴⁶</p> <p>13. measures to manage adverse effects.</p>	
<p>SUB-R3 Subdivision not listed in SUB-R1 and SUB-R2</p>		
<p>All zones</p>	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 SUB-S2 — <u>to</u> SUB-S97⁴⁷ are complied with; and</p> <p>RDIS-2 SUB-S1 is complied with.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the location, size and design of allotments, building platforms, roads, accessways, right of ways, vehicle crossings, open space, reserves, landscaping and connections to the surrounding area; and 2. the ability to accommodate permitted and/or intended land uses; and 3. the compatibility with the purpose, character and qualities of the zone; and 4. the response to the site’s and surrounding areas natural and physical features, character, amenity, constraints and vegetation; and 5. the provision, location, design, specification, construction, connection and timing of infrastructure, transport links, water sensitive design measures and firefighting water supply; and 6. the extent to which infrastructure has capacity to service the subdivision; and 7. legal and physical access arrangements; and 	<p>Activity status when compliance not achieved with RDIS-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion listed in RDIS-1; and 2. the matters of discretion of any infringed standard. <p>Activity status when compliance not achieved with RDIS-2: Non-complying</p>

⁴⁶ Clause 16(2), Schedule 1 of the RMA

⁴⁷ Panel Decision Report Part 5, Section 6.6

	<p>8. the requirement for any consent notices, covenants, easements, esplanades or public access; and</p> <p>9. measures to avoid, remedy or mitigate adverse effects:</p> <ul style="list-style-type: none"> a. of any natural hazards or other risks; and b. on any sensitive environments, waterbodies, ecosystems or notable trees; and c. on infrastructure; and d. on existing or permitted adjoining or adjacent land uses; and <p>10. the ability of any existing activity on the site to comply with the District Plan and/or existing resource consent; and</p> <p>11. the suitability of any future development that would be enabled as a result of the subdivision; and</p> <p>12. whether it is appropriate that the subdivision prevents, hinders or limits the development of adjoining or adjacent land; <u>and</u>⁴⁸</p> <p>13. measures to manage adverse effects; <u>and</u></p> <p>14. <u>the impact of the subdivision on the on-going delivery of existing public flood or erosion protection or drainage works.</u>⁴⁹</p>	
<p>SUB-R4 Subdivision of land within and the National Grid Subdivision Corridor⁵⁰</p>		
<p><u>All Zzones</u></p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>RDIS-1</u> <u>All resulting allotments can accommodate a building platform for the likely principal building(s) and any building(s) for sensitive activities outside the National Grid Yard (other than where the allotments are for roads, access ways and network utilities); and</u></p>	<p><u>Activity status when compliance not achieved: Non-complying</u></p>

⁴⁸ Clause 16(2), Schedule 1 of the RMA

⁴⁹ ECan [183.104]

⁵⁰ Clause 10(2)(b), Schedule 1 of the RMA relying on Speirs, B [66.45 to 66.54]

	<p>RDIS-2 <u>Existing vehicle access way to National Grid assets is maintained.</u></p> <p><u>Matters over which of discretion are is restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>the extent to which the subdivision allows for the ongoing efficient operation, maintenance and upgrading of the National Grid, including the ability for continued reasonable access for inspections, maintenance and upgrading; and</u> 2. <u>the location of any future building platform as it relates to the National Grid Yard; and</u> 3. <u>the extent to which the subdivision design allows for any future sensitive activity to be setback from the National Grid; and</u> 4. <u>the nature and location of any vegetation to be planted in the vicinity of the National Grid; and</u> 5. <u>the ability of future development to comply with NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances; and</u> 6. <u>the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and</u> 7. <u>the outcome of any consultation with the owner and operator of the National Grid.</u> 	
<p>SUB-R5 Subdivision and within Natural Hazards overlays⁵¹</p>		
<p><u>1 Flood Assessment Area Overlay outside the Port Zone⁵²</u></p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>RDIS-1</u> <u>A Flood Risk Assessment Certificate for the subdivision is issued in accordance with NH-S1; and</u></p> <p><u>RDIS-2</u></p>	<p><u>Activity status when compliance not achieved with RDIS-2: Not applicable if located within an urban zoned area Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>RDIS-3</u> <u>The subdivision is within an urban zoned area.⁵⁵</u></p>

⁵¹ Speirs, B [66.45]

⁵² Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter

⁵⁵ ECan [183.47]

	<p><u>The site is not subject to high hazard flooding as stated in a Flood Risk Certificate issued under RDIS-1. A building platform is identified on the subdivision plan and it is not located within a high hazard area as stated in a Flood Assessment Certificate issued in accordance with NH-S1.</u>⁵³</p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>the design and layout of the subdivision, including effects on public spaces and development sites, and on overland flow path(s); and</u> 2. <u>the provision for any overland flow paths to remain or the provision of secondary flow paths; and</u> 3. <u>any potential effects of diverting or blocking overland flow path(s) on future development within the subdivision; and</u> 4. <u>any increased flood risk for people, property, or public spaces; and</u> 5. <u>the effectiveness and potential adverse effects of any proposed mitigation measures; and</u> 6. <u>the extent to which it will require new or upgraded public natural hazard mitigation works; and</u> 7. <u>any increase in reliance on emergency services; and</u> 8. <u>for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the Māori Purpose Zone MPZ was created and the anticipated activities within the Zone, and the views of mana whenua, if provided.</u>⁵⁴ 	<p><u>non-complying if located outside of an urban-zoned area</u></p> <p><u>Activity status where compliance not achieved with RDIS-1 or RDIS-3: Non-complying</u></p>
<p><u>1A2</u>⁵⁶ <u>Flood Assessment Area Overlay within the Port Zone</u></p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p>	<p><u>Activity status where compliance not achieved: Not applicable</u></p>

⁵³ ECan [183.47]

⁵⁴ Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

⁵⁶ Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter

<p><u>Sea Water Inundation Overlay within the Port Zone</u></p> <p><u>Coastal Erosion Overlay within the Port Zone</u></p> <p>57</p>	<ol style="list-style-type: none"> 1. <u>the design and layout of the subdivision, in relation to natural hazards; and</u> 2. <u>any potential effects of diverting or blocking overland flowpath(s) on future development within the subdivision; and</u> 3. <u>any increased flood risk for people, property, or public spaces; and</u> 4. <u>the effectiveness and potential adverse effects of any proposed mitigation measures; and</u> 5. <u>the extent to which future development will require new or upgraded public natural hazard mitigation works; and</u> 6. <u>any increase in reliance on emergency services; and</u> 7. <u>the matters set out in NH-P11 and CE-P15.</u>⁵⁸ 	
<p>23</p> <p><u>Liquefaction Awareness Areas Overlay</u></p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>the appropriateness of the site for development; and</u> 2. <u>the liquefaction category that applies to the site and the level of risk to property and Rregionally Ssignificant Infrastructure; and</u> 3. <u>whether the appropriate geotechnical data has been uploaded to the New Zealand Geotechnical Database; and</u> 4. <u>the appropriateness of the techniques proposed for remediation and mitigation of the effects of any liquefaction hazard identified i.e. ground strengthening and if these are supported by a suitably qualified and experienced professional; and</u> 5. <u>the extent to which the siting and layout of the proposal is appropriate.</u> 	<p><u>Activity status when compliance not achieved: Not applicable</u></p>

⁵⁷ ECan [183.133] – consequential addition given the additional Coastal Erosion Overlay identified at the Port, as identified in the evidence of Mr Walsh dated 9 April, at paragraph 80.

⁵⁸ PrimePort [175 - various] and Timaru District Holdings [186 - various]

<p>34 Earthquake Fault (Subdivision) Awareness Areas Overlay</p>	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 The subdivision design ensures that any future building or structure will be located at least 20m metres away from any detailed area of fault or fold deformation.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. whether the surface fault rupture hazard has been adequately assessed by a suitably qualified and experienced professional; and 2. the adequacy of any engineered solution proposed to mitigate the surface fault rupture hazard. <p>Note: The investigation report is also to be supplied to CRC Canterbury Regional Council.</p>	<p>Activity status when compliance not achieved: Discretionary</p>
<p>45 Coastal Erosion Overlay outside the Port Zone⁵⁹</p>	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 A building platform is identified on the subdivision plan and it is not located within the Coastal Erosion Overlay.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the proposal results in an increased risk of economic, social or environmental harm; and 2. whether the proposal includes hazard mitigation; and 3. the extent to which future building or structure has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and 6. the location of any proposed building that will accommodate a natural hazard sensitive building, including the level of certainty of the projected future 	<p>Activity status when compliance not achieved: Non-complying</p>

⁵⁹ Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter

	<p><u>shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer-term period.</u>⁶⁰</p>	
High Hazard Area Overlay	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable ⁶¹
SUB-R126	Subdivision and within the Coastal Environment ⁶²	
1 Coastal Environment Area Overlay	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 The site is not located within the Coastal High Natural Character Area Overlay.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. <u>any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P9⁶³, and CE-P11; and</u> 2. <u>the extent to which the subdivision and future building and structure will result in adverse cumulative adverse effects.</u> 	<p>Activity status when compliance not achieved: Not applicable Discretionary</p> <p>Note: <u>Where a resource consent is required as a discretionary activity under RDIS-1,⁶⁴ future building platforms must be indicated in the application and will be registered on the Certificate Record of Titles of resulting new allotments.</u></p>
Sea Water Inundation Overlay	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the proposal results in an increased risk of economic, social or environmental harm; 2. whether the proposal includes natural hazard mitigation; 3. the extent to which future building or structure has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 	Activity status when compliance not achieved: Not applicable

⁶⁰ ECan [183.109]

⁶¹ Kāinga Ora [229.39]

⁶² Speirs, B [66.53]

⁶³ Clause 16(2) to address a policy omission

⁶⁴ Clause 16(2) for clarity

	<p>5. the extent to which the proposal creates natural hazard risks on adjacent properties; and</p> <p>6. the location of any proposed building that will accommodate a natural hazard sensitive activity.</p>	
<p>3 Coastal High Natural Character Area Overlay</p>	<p><u>Activity status: Discretionary</u></p> <p><i><u>Note: Future building platform must be indicated in the application and will be registered on the Certificate of Titles of resulting new allotments.</u></i></p>	<p><u>Activity status when compliance not achieved: Not applicable</u></p>
<p>4 Coastal Erosion Overlay</p>	<p><u>Activity status: Non-complying</u></p>	<p><u>Activity status when compliance not achieved: Not applicable</u></p>
<p>SUB-R137</p>	<p><u>Subdivision of and highly productive land Versatile Soil⁶⁵</u></p>	
<p>All zones</p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>the extent to which the proposed subdivision and the layout of allotments will result in fragmentation of highly productive land versatile soils; and</u> 2. <u>the extent to which the size and shape of any proposed allotments will allow for any highly productive land versatile soils to continue to be used for non-intensive primary production; and</u> 3. <u>the extent to which the subdivision achieves the requirements of the NPSHPL.</u> 	<p><u>Activity status when compliance not achieved: Not applicable</u></p>
<p>SUB-R148</p>	<p><u>Subdivision not connected to a community sewage wastewater treatment⁶⁶ system, expect that this shall not apply to boundary adjustments where no additional lots are created⁶⁷ and Drinking Water Protection⁶⁸</u></p>	
<p>Drinking Water Protection Area - for a Community Drinking</p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>RDIS-1</u></p>	<p><u>Activity status when compliance not achieved: Not Applicable</u></p>

⁶⁵ Clause 10(2)(b) Schedule 1 of the RMA relying on Speirs, B [66.45 to 66.54]

⁶⁶ TDC [41.42]

⁶⁷ Rooney, et al [174.61, 191.61, 249.61, 250.61, 251.61, 252.61]

⁶⁸ Speirs, B [66.54]

<p><u>Water Supply</u></p> <p><u>Drinking Water Protection Area - within 50m from a private drinking water supply</u></p>	<p><u>The subdivision is connected to a community wastewater treatment system.</u>⁶⁹</p> <p><u>Matters of control discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>any impact on the safety of drinking water supplies for human consumption, and measures to avoid or mitigate these effects; and</u> 2. <u>the proximity of the land use activity to the drinking water supply, and measures taken to protect the supply point from the effects of the activity; and</u> 3. <u>risks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the Water Services Act 2021.</u> 	
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SUB-R69	<u>Subdivision of land containing a Historic Heritage item</u> ⁷⁰	
<u>All Zones</u>	<u>Activity status: Discretionary</u>	<u>Activity status when compliance not achieved: Not applicable</u>
SUB-R710	<u>Subdivision of land within a Historic Heritage Area</u> ⁷¹	
<u>Historic Heritage Areas</u>	<u>Activity status: Discretionary</u>	<u>Activity status when compliance not achieved: Not applicable</u>
SUB-R811	<u>Subdivision and Sites and Areas of Significance to Māori</u> ⁷²	
<u>Wāhi taoka, wāhi tapu, wai taoka, and wai tapu overlays</u>	<u>Activity status: Discretionary</u>	<u>Activity status when compliance not achieved: Not applicable</u>
SUB-R912	<u>Subdivision and Significant Natural Areas</u> ⁷³	
<u>Sites containing a Significant Natural Area</u>	<u>Activity Status: Discretionary</u>	<u>Activity status when compliance not achieved: Not Applicable</u>

⁶⁹ Milward Finlay Lobb [60.29], Bruce Speirs [66.29], TDC [41.2]

⁷⁰ Speirs, B [66.46]

⁷¹ Speirs, B [66.47]

⁷² Speirs, B [66.48]

⁷³ Speirs, B [66.49]

SUB-R1013 Subdivision within a and Riparian Margin⁷⁴		
<u>All zones except the General Rural Zone and Rural Lifestyle Zones</u>	<u>Activity status: Discretionary</u>	<u>Activity status when compliance not achieved: Not applicable</u>
SUB-R1114 Subdivision (excluding boundary adjustments)⁷⁵ and Natural Features and Landscapes⁷⁶		
<u>Outstanding Natural Features NE Overlay</u>	<u>Activity status: Discretionary</u>	<u>Activity status when compliance not achieved: Not applicable</u>
<u>Outstanding Natural Landscapes NL Overlay</u>		
<u>Visual Amenity Landscapes AL Overlay</u>		

Standards	
SUB-S1	Allotment sizes and dimensions
1 General Residential Zone	<p>1. Allotments must have a minimum net site area of 450m² in area; and</p> <p>2. Allotments must have a minimum dimension that can accommodate a circle with a 15m diameter, clear of any vehicle access, surface water-body or boundary setback; and</p> <p>3. Within the Gleniti Low Density Residential Specific Control Area, allotments must have a minimum net site area of 700m² in area; and</p> <p>4. Within PREC1 - Old North General Residential Precinct, allotments must have a minimum net site area of 1,500m² in area; and</p> <p style="background-color: #00ff00;">5. 1.5ha in the Raukapuka North Specific Control Area where the access is not onto State Highway 79.⁷⁷</p> <p>Except that:</p> <p style="background-color: #00ff00;">5.6.⁷⁸ Clauses 1 and 2 above do not apply to allotments created around an existing residential unit, in which case there is no minimum net site area or dimensions requirements.</p>

⁷⁴ Speirs, B [66.50]

⁷⁵ Rooney Holdings [174.39], Rooney, GJH [191.39], Rooney Group [249.39], Rooney Farms [250.39], Rooney Earthmoving [251.39], TDL [252.39] - Evidence of Nathan Hole, paras 49 - 52.

⁷⁶ Speirs, B [66.51]

⁷⁷ Panel Decision Report, Part 10, Section 7.3.2

⁷⁸ Clause 16(2), Schedule 1 of the RMA

<p>2 Medium Density Residential Zone</p>	<p>1. Allotments must have a minimum net site area of 300m² in area; and 2. <u>No</u> more than one allotment that is more than 500m² in net site area; and 3. <u>Allotments</u> must have a⁷⁹ dimensions that can accommodate a circle with a minimum 13m diameter, clear of any vehicle access, surface water-body or boundary setback.</p> <p>Except that</p> <p>4. <u>No</u> minimum net site area or dimension applies to allotments created: a. around <u>an</u> existing residential unit; or b. a proposed residential unit <u>that</u> is part of a combined land use and subdivision consent application, <u>or does not require a land use consent</u>⁸⁰.</p>		
<p>3 General Rural Zone</p>	<p>1. Allotments must have a minimum net site area of 40ha in area.</p>		
<p>4 Rural Lifestyle Zone</p>	<p>If no <u>development area plan-DAP</u>⁸¹ is required, allotments must have a net site area no less than:</p> <p>1. 5,000m² sqm for Lots 1 and 2 DP 444786; 2. 2ha in the 2ha <u>Allotment Size eSpecific eControl eArea</u>; 3. 10ha in the 10ha <u>Allotment Size eSpecific eControl eArea</u>; and 4. in any other areas, 5,000m² if there is a sewer connection to each residential <u>allotment</u>, otherwise 2ha.</p>		
<p>5 Development Areas</p>	<p>1. As specified in the relevant Development <u>eArea eChapter</u>.</p>		
<p>6 General Industrial Zone</p>	<p>1. Allotments must have <u>legal access to</u>⁸² a minimum road frontage width of 7m.</p>		
<p>SUB-S2 Stormwater treatment, catchment and disposal</p>			
<p>All zones</p>	<table border="0"> <tr> <td data-bbox="347 1335 890 1738"> <p>1. Stormwater management must be provided in accordance with the <u>Stormwater Standards in the</u>⁸³ <u>Stormwater Management eChapter</u>; <u>and</u> 2. Allotments must be connected to a reticulated stormwater network where: a. a conveyance structure that forms part of a reticulated stormwater network passes within 50m of the allotment boundary; and</p> </td> <td data-bbox="906 1335 1477 1771"> <p>Matters of discretion <u>are</u> restricted to:</p> <p>1. any relevant matters of discretion for non-compliance with the <u>Stormwater Standards</u> in the <u>Stormwater Management eChapter</u>; and 2. the extent to which stormwater runoff from the allotment may adversely affect adjoining properties; and 3. any adverse effect on the need for a reticulated stormwater network; <u>and</u>⁸⁴ 4. the need for the stormwater network to be upgraded or extended in order for the allotments to be served; <u>and</u></p> </td> </tr> </table>	<p>1. Stormwater management must be provided in accordance with the <u>Stormwater Standards in the</u>⁸³ <u>Stormwater Management eChapter</u>; <u>and</u> 2. Allotments must be connected to a reticulated stormwater network where: a. a conveyance structure that forms part of a reticulated stormwater network passes within 50m of the allotment boundary; and</p>	<p>Matters of discretion <u>are</u> restricted to:</p> <p>1. any relevant matters of discretion for non-compliance with the <u>Stormwater Standards</u> in the <u>Stormwater Management eChapter</u>; and 2. the extent to which stormwater runoff from the allotment may adversely affect adjoining properties; and 3. any adverse effect on the need for a reticulated stormwater network; <u>and</u>⁸⁴ 4. the need for the stormwater network to be upgraded or extended in order for the allotments to be served; <u>and</u></p>
<p>1. Stormwater management must be provided in accordance with the <u>Stormwater Standards in the</u>⁸³ <u>Stormwater Management eChapter</u>; <u>and</u> 2. Allotments must be connected to a reticulated stormwater network where: a. a conveyance structure that forms part of a reticulated stormwater network passes within 50m of the allotment boundary; and</p>	<p>Matters of discretion <u>are</u> restricted to:</p> <p>1. any relevant matters of discretion for non-compliance with the <u>Stormwater Standards</u> in the <u>Stormwater Management eChapter</u>; and 2. the extent to which stormwater runoff from the allotment may adversely affect adjoining properties; and 3. any adverse effect on the need for a reticulated stormwater network; <u>and</u>⁸⁴ 4. the need for the stormwater network to be upgraded or extended in order for the allotments to be served; <u>and</u></p>		

⁷⁹ Clause 16(2), Schedule 1 of the RMA

⁸⁰ BGD [167.17]

⁸¹ Schedule 1, cl16(2)

⁸² RHL [174.54], Rooney, GJH [191.54], RGL [249.54], RFL [250.54], REL [251.54] and TD [252.54]

⁸³ Schedule 1, cl16(2)

⁸⁴ Clause 16(2), Schedule 1 of the RMA

	<p>b. stormwater is able to be conveyed into the reticulated network under gravity; and</p> <p>c. the distance between the conveyance structure and the source of the stormwater is less than 100m; and</p> <p>d. the network utility operator has confirmed in writing that it will accept the stormwater from the allotment; <u>and</u></p> <p>3. Each allotment required to connect to a reticulated stormwater network under SUB-S2.2 must be provided with a piped outfall connection laid at least 600mm into the net site area of the allotment; <u>and</u></p> <p>4. Where an allotment will not be connected to a reticulated stormwater network, all stormwater must be disposed within the net site area of the allotment.</p>	<p>5. <u>the effects of the discharge on the values of Kāti Huirapa.</u>⁸⁵</p>
<p>SUB-S3 Water supply</p>		
<p>1 General Rural Zone</p>	<p>1. All allotments within a rural water supply scheme must have either:</p> <p>a. approval for the allotment to connect to a rural water supply scheme provided in writing from the relevant network utility operator; or</p> <p>b. evidence of an alternative water supply capable of providing a minimum of 56 <u>65</u>⁸⁶ litres per hectare per day; or</p> <p>c. evidence the future use of the allotment does not require water supply, and a consent notice <u>mechanism</u>⁸⁷ is proposed alerting future purchasers.</p> <p>Notes:</p> <p>• The documentation required to satisfy 1a or 1b or 1c must be provided to the Council.</p>	<p>Matters of discretion <u>are</u> restricted to:</p> <p>1. the need for a consent notice <u>mechanism</u>⁸⁸ stating that the provision of water to the site is the owner’s responsibility on a continuing basis.</p>

⁸⁵ TRoNT [185.63]

⁸⁶ TDC [42.38]

⁸⁷ RHL [174.55], Rooney, GJH [191.55], RGL [249.55], RFL [250.55], REL [251.55] and TD [252.55]

⁸⁸ Clause 10(2)(b), Schedule 1 of the RMA relying on RHL [174.55], Rooney, GJH [191.55], RGL [249.55], RFL [250.55], REL [251.55] and TD [252.55]

	<ul style="list-style-type: none"> For the avoidance of doubt, note that this standard does not apply to allotments outside a rural water supply scheme. 	
<p>2 Rural Lifestyle Zone</p>	<p>Each allotment (excluding allotments for a network utility, road, reserve or for access purposes) must:</p> <ol style="list-style-type: none"> be within a reticulated drinking water supply network; and be provided with confirmation in writing from the relevant network utility operator that it has capacity for an additional connection; and be provided be provided with a connection laid at least 600mm into the allotment. <p>Note: This standard does not apply to allotments for a network utility, road, reserve or for access purposes.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> the suitability of the water supply for the intended activities on the site; and the suitability of the water supply for firefighting purposes; and any adverse effect on the water supply network; <u>and</u>⁸⁹ the need for the reticulated water supply network to be extended or upgraded in order for the allotments to be served.
<p>3. All other zones</p>	<ol style="list-style-type: none"> In areas where a reticulated drinking water supply network is available and the network utility operator has confirmed in writing that it has capacity for an additional connection, all allotments (excluding allotments for a network utility, road, reserve or for access purposes) must be provided with a connection laid at least 600mm into the net site area of the allotment; <u>and</u> Where a reticulated drinking water supply network is not available water supply must be available to each allotment (excluding allotments for a network utility, road, reserve or for access purposes) by way of either: <ol style="list-style-type: none"> access to a private water bore with a minimum flow rate of 700ml/minute; or on-site storage of at least 45,000 litres of drinking water; <p>Note: This standard does not apply to allotments for a network utility, road, reserve or for access purposes.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> the suitability of the water supply for the intended activities on the site; and the suitability of the water supply for firefighting purposes; and any adverse effect on the water supply network; <u>and</u> the need for the reticulated water supply network to be extended or upgraded in order for the allotments to be served.
<p>SUB-S4</p>	<p>Wastewater disposal</p>	

⁸⁹ Clause 16(2), Schedule 1 of the RMA

<p>1. Residential zones</p> <p>Commercial and mixed use zones</p> <p>General Industrial Zone</p> <p>Sport and Active Recreation Zone</p> <p>Port Zone</p>	<p>1. All allotments must be connected to a reticulated wastewater network, except for allotments for a <u>network</u> utility, road, reserve or for <u>access</u> purposes.</p>	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> 1. the need for a wastewater disposal system; and 2. the suitability of an alternative wastewater disposal system; <u>and</u> 3. <u>the effects of the discharge on the values of Kāti Huirapa.</u>⁹⁰
<p>2. Rural zones</p> <p>Natural Open Space Zone</p> <p>Open Space Zone</p> <p>Māori Purpose Zone</p>	<p>1. All allotments must be connected to a reticulated wastewater network where:</p> <ol style="list-style-type: none"> a. a wastewater pipeline passes within 50m of the allotment boundary; and b. the distance between the pipeline and the building where wastewater is generated is less than 100m; and c. the network utility operator has confirmed that it will accept the wastewater from the property; <u>and</u> <p>2. Where a connection to the Council's urban reticulated wastewater system is not available, the subdivision application must demonstrate that the discharge of wastewater to ground either complies with the Canterbury <u>Regional Council Land and Water</u>⁹¹ regional Plan, or has a <u>CRC</u> discharge consent.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the need for a disposal system; and 2. the suitability of an alternative wastewater disposal system; and 3. the size of the allotment to accommodate a discharge to ground; <u>and</u> 4. <u>the effects of the discharge on the values of Kāti Huirapa.</u>⁹²
<p>SUB-S5 Electricity supply and telecommunications</p>		
<p>1⁹³ All zones except <u>the</u></p>	<p>All allotments, other than allotments for access, roads, <u>network</u> utilities or reserves, must be provided with connections at the boundary of the net area of the allotment to</p>	<p>Matters of discretion <u>are</u> restricted to:</p>

⁹⁰ TRoNT [185.63]

⁹¹ Schedule 1, cl16(2)

⁹² TRoNT [185.63]

⁹³ Connexa [176.82], Spark [208.82], Chorus [209.82] and Vodafone [210.82]

<p>General Rural Zone</p>	<p>an electricity supply and telecommunication system networks <u>service through an open access fibre network</u>⁹⁴, unless evidence is provided that a suitable alternative supply can be provided, and a consent notice mechanism⁹⁵ is proposed alerting future purchasers.</p> <p>This standard does not apply to allotments for a <u>network utility</u>, road, reserve or for access purposes.</p>	<ol style="list-style-type: none"> 1. whether an electricity <u>supply</u>⁹⁶ and telecommunication <u>service</u>⁹⁷ <u>supply are</u>⁹⁸ needed for the intended use; and 2. the suitability of the alternative provision of telecommunication <u>service</u>⁹⁹ and electrical supply; and 3. whether a consent notice mechanism¹⁰⁰ is required to alert any potential purchasers; <u>and</u> 4. <u>whether sufficient land for telecommunications, and any associated ancillary services has been set aside; and</u> 5. <u>for a subdivision that creates more than 15 allotments, whether consultation with a telecommunications network utility operator is required; and</u> 6. <u>whether any easements are necessary for the protection of electricity supply and telecommunications network utility services.</u>¹⁰¹
<p><u>2</u> <u>General Rural Zone</u></p>	<p>All allotments, other than allotments for <u>access, roads, network utilities or reserves</u>, must be provided with connections at the <u>boundary of the net area of the allotment to an electricity supply and telecommunication service connection (fibre, mobile or wireless including satellite)</u>, unless <u>evidence is provided that a suitable alternative supply can be provided, and a mechanism is proposed alerting future purchasers.</u></p> <p>This standard does not apply to allotments for a <u>network utility, road, reserve or for access purposes.</u></p>	<p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>whether an electricity supply and telecommunication service are needed for the intended use; and</u> 2. <u>the suitability of the alternative provision of telecommunication service and electrical supply; and</u> 3. <u>whether a mechanism is required to alert any potential purchasers; and</u> 4. <u>whether any easements are necessary for the protection of electricity supply and telecommunications network utility services.</u>¹⁰²

⁹⁴ Connexa [176.82], Spark [208.82], Chorus [209.82] and Vodafone [210.82]

⁹⁵ Clause 10(2)(b), Schedule 1 of the RMA relying on RHL [174.55], Rooney, GJH [191.55], RGL [249.55], RFL [250.55], REL [251.55] and TD [252.55]

⁹⁶ Clause 16(2), Schedule 1 of the RMA

⁹⁷ Clause 10(2)(b), Schedule 1 of the RMA relying on Connexa [176.82], Spark [208.82], Chorus [209.82] and Vodafone [210.82]

⁹⁸ Clause 16(2), Schedule 1 of the RMA

⁹⁹ Clause 10(2)(b), Schedule 1 of the RMA relying on Connexa [176.82], Spark [208.82], Chorus [209.82] and Vodafone [210.82]

¹⁰⁰ Clause 10(2)(b), Schedule 1 of the RMA relying on RHL [174.55], Rooney, GJH [191.55], RGL [249.55], RFL [250.55], REL [251.55] and TD [252.55]

¹⁰¹ Connexa [176.82], Spark [208.82], Chorus [209.82] and Vodafone [210.82]

¹⁰² Connexa [176.82], Spark [208.82], Chorus [209.82] and Vodafone [210.82]

SUB-S6		Vehicular Access
All zones	<ol style="list-style-type: none"> All allotments must be provided with legal and physical access to a road; <u>and</u> <u>Any new vehicular</u> Vehicular¹⁰³ access must not be to a state highway, or across a railway line; <u>and</u> The vehicular access shall be designed and constructed in accordance with the requirements in the Transport <u>Chapter</u>; <u>and</u> For developments where a fire appliance is not able to reach either: <ol style="list-style-type: none"> the residential unit; or a firefighting water supply source from the public road, vehicle access for fire appliances must be provided in accordance with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice. 	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> The need for legal and physical access to the site; and the effects of any alternative access proposed; the safety and efficiency of the road; <u>and</u> the outcome of any consultation with NZTA; <u>and</u> the matters of discretion relevant to any <u>Transport</u> TRAN <u>Chapter</u> standard breached.
SUB-S7		Roads, cycleways and pedestrian access
1. All zones	All roads, cycleways and pedestrian accesses must be designed, constructed and vested in accordance with the Transport <u>Standards</u> in the Transport <u>Chapter</u> except where alternative standards are set out in a Development <u>Area Plan</u> plan area chapter.	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> the <u>Transport</u> TRAN <u>Chapter</u> matters of discretion relevant to the standard breached.
2. Geraldine Downs - Walking and Cycling Tracks Specific Control Areas	A 5m wide access <u>allotment</u> is vested to Timaru District Council in accordance with the Geraldine Downs Walking and Cycling Tracks Specific Control Area as showing <u>shown</u> ¹⁰⁴ on the planning map.	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> the extent to which the proposal would affect the ability for the Geraldine Downs Walking and Cycling tracks to be established.
SUB-S8		Esplanade reserves and <u>esplanade</u> strips
All zones (except the Port Zone)	<ol style="list-style-type: none"> Where land is subdivided adjoining the coast, or any river listed in SCHED-12 — Esplanade Provisions, unless otherwise specified in the schedule, an esplanade reserve, esplanade strip or access strip (at 	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> the extent to which the purpose of the required esplanade reserve or esplanade strip can be achieved through alternative means; and

¹⁰³ RHL [174.57], Rooney, GJH [191.57], RGL [249.57], RFL [250.57], REL [251.57] and TDL [252.57]

¹⁰⁴ Clause 16(2), Schedule 1 of the RMA

	<p>Council’s discretion) must be provided along the margins of the coast/river, with a minimum width of:</p> <ol style="list-style-type: none"> a. 5m where an allotment(s) of 4ha or more is created; <u>or</u> b. 10m where an allotment(s) of less than 4ha is created; <u>and</u> <p>2. No esplanade reserve or esplanade strip is required where the public access or the conservation or recreation values identified in SCHED 12 Esplanade Provisions is secured by a marginal strip under Part IV of the Conservation Act 1987.</p>	<ol style="list-style-type: none"> 2. the extent to which a reduced width will impact on the ability to achieve the intended purpose of the esplanade reserve or <u>esplanade</u> strip; <u>and</u>¹⁰⁵ 3. the extent to which the ability to provide the required esplanade reserve or <u>esplanade</u> strip is constrained by the site’s physical characteristics or constraints; and 4. the extent to which provision of the required esplanade reserve or <u>esplanade</u> strip may adversely affect public health and safety; and 5. the costs of acquiring and maintaining the required esplanade reserve or <u>esplanade</u> strip, in comparison to the public benefit; <u>and</u> 6. <u>the impact of taking the esplanade provision on Kāti Huirapa values.</u>¹⁰⁶
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SUB-S9¹⁰⁷ Tree Planting Brookfield Road Specific Control Area

<p>Brookfield Road Specific Control Area</p>	<p>All allotments created in the Rural Lifestyle Zone, other than allotments for access, roads, utilities or reserves for the subdivision of Lot 6 DP 502319 shall include a condition to be specified in a consent notice or other appropriate legal instrument to be registered against the record of title specifying:</p> <ol style="list-style-type: none"> 1. A building setback of 10m from the eastern boundary; <u>and</u> 2. That a minimum of five trees per allotment are to be established adjoining the eastern boundary on the created allotment prior to the issue of building consent for any building. Each tree is to be capable at maturity of a minimum height of 12m, and a canopy of no less than five (5) metres; <u>and</u> 3. Trees are to be established in ‘tree clusters’ of a minimum of two trees, with intervening tree separation of at least eight (8) metres between the base of each tree within the cluster, and a minimum separation between tree clusters on each allotment of 20m 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Landscaping and screening; <u>and</u> 2. Effects on landscape character associated with the bulk and external appearance of buildings from public places; <u>and</u> 3. Whether a legal mechanism is required.
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¹⁰⁵ Clause 16(2), Schedule 1 of the RMA

¹⁰⁶ TRoNT [185.64]

¹⁰⁷ Panel Decision Report Part 10, Section 8.14

	and maximum separation between each tree cluster of 40m.	
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