

SUBDIVISION

SUB – Subdivision

Introduction

The RMA identifies subdivision as a category of activity distinct from land use activities. It is a process of dividing a parcel of land or a building into one or more further parcels or changing an existing boundary location. The definition of the subdivision of land in section 218 of the RMA includes cross-leases, company lease and unit title developments, and long-term leases (35 years or more). It produces a framework of land ownership which assists land use development, activity and conservation.

Subdivision provides an important framework for managing land development, including the provision of roading, water supply, sewage disposal, energy, telecommunication, stormwater and trade waste services, which can be achieved through conditions of subdivision consent. Council also invokes various bylaws covering connections to its reticulated water supply, stormwater and wastewater networks etc.

While subdivision itself does not alter the way land is used, the creation of new parcels of land is almost always accompanied by expectations of associated land development (e.g. a dwelling on a new residential or rural lot). Subdivision is, therefore, one of the primary mechanisms for facilitating new development and growth in the District, and if managed appropriately, it can contribute positively to the wellbeing of the District. Subdivision facilitates the provision of housing, social and community facilities, industry, commerce and primary production by enabling ownership of and investment in land and buildings.

However, potential adverse effects of subdivision can include:

- the inefficient use of finite resources, including the loss of highly productive land through urbanisation and inappropriate rural development;
- the consequential physical effects of earthworks and vegetation clearance associated with the construction of building platforms, recontouring and provision of infrastructure, including roads, driveways and footpaths, and associated changes to stormwater runoff patterns, water quality and potential adverse effects on visual amenity, natural features and landscapes, and ecological values;
- increased demand for infrastructure and services;
- damaging or destroying sites of cultural and heritage value;
- degrading amenity values that people enjoy;
- increasing risks posed by natural hazards;
- adversely affecting people's health and safety;
- degrading the natural character of the coastal environment, wetlands, lakes and rivers and their margins;
- degrading the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;

- adversely affecting the integrated, safe, responsive, and sustainable operation of the land transport network, including the state highway network;
- reverse sensitivity, where new sensitive activities established through subdivision could potentially constrain existing uses nearby; and
- increased risk of the operation of infrastructure being unreasonably compromised.

If the adverse effects are avoided or mitigated and the subdivision is carried out in a sustainable way the overall effects are likely to be beneficial.

Issues

SUB-11 Lot Size and Dimension

The need for lots of a sufficient size and dimension to accommodate activities allowed by the area-specific and district-wide rules. Where not appropriately managed, subdivision can result in establishment of new lots which are of a size and dimension unable to accommodate land use activities anticipated within the zone.

Explanation

Subdivision of land needs to create lots that are of an appropriate size to accommodate the variety of land use activities ~~that are allowed by provided for within~~ the zones ~~and district-wide rules~~ in the District Plan. They also need to be of a size and shape that enable ~~land development to~~ the avoidance, remediate~~ion~~ or mitigate~~ion~~ of potential adverse effects of development on natural, physical, cultural and heritage resources; ~~, and that is compatible with the anticipated character~~ maintain or enhance landscape and amenity values of each zone; and avoid or mitigate any potential reverse sensitivity effects in the area where they are located.

Commented [JKS1]: S129.064 Kainga Ora – Subdivision Topic, Key Issue 4: Introduction and Issues

SUB-12 Servicing

Subdivision usually requires. The ability to accommodate proposed or anticipated land development may be limited and could result in adverse effects on the environment where the necessary access to roading, telecommunication, electricity, water, sewage wastewater and stormwater services is not provided through subdivision to enable future owners of the land to carry out their planned activities.

Explanation

Subdivisions usually result in intensified land use, involving a full range of services. Good subdivision design includes roading and access routes that work efficiently and safely for both vehicles and pedestrians.

Water supply and sewage/stormwater disposal services may connect to existing reticulation networks or be developed as self-contained services for each subdivision by the subdivider, or alternatively be developed at a later date by owners of each individual site within a subdivision.

Commented [JKS2]: S129.065 Kainga Ora – Subdivision Topic, Key Issue 4: Introduction and Issues

The proliferation of individual water supply, effluent disposal and stormwater systems can result in water contamination, flooding, or land instability in certain terrain. Subdivisions, where possible, should connect to existing reticulation systems.

SUB-I3 Natural Hazards

Establishment of new lots in areas of natural hazards can directly or indirectly increase and/or exacerbate risk to people and The potential effects of natural hazards on lots created by subdivision.

Commented [JKS3]: S129.066 Kāinga Ora – Subdivision Topic, Key Issue 4: Introduction and Issues

Explanation

Section 106 of the RMA enables the Council to refuse subdivision applications, or to grant subdivision consent subject to conditions, where the Council considers that there is a significant risk from natural hazards (considering likelihood of the natural hazard occurring, the material damage that would result, and any likely subsequent use of the land that would accelerate, worsen, or result in material damage). The RMA states that the Council must not grant a subdivision consent unless those adverse effects can be avoided, remedied, or mitigated.

The limitations of land and the possible effects of natural hazards, including geotechnical constraints, need to be taken into account in the design and implementation of subdivisions.

Objectives

SUB-O1 Subdivision of land that is consistent with the objectives and policies of the relevant zones and district-wide matters in the District Plan, including those relating to:

Commented [JKS4]: S129.067 Kāinga Ora – Subdivision Topic, Key Issue 5: Objectives

1. safeguarding the rural land resource of Central Hawke's Bay District from inappropriate subdivision (RLR – Rural Land Resource provisions in the District Plan);
2. the protection of areas identified as Outstanding Natural Landscapes and Features, Significant Natural Areas, areas of significant indigenous vegetation and significant habitats of indigenous fauna, and High Natural Character Areas from the adverse effects of inappropriate subdivision (NFL – Natural Features and Landscapes, ECO – Ecosystems and Indigenous Biodiversity, CE – Coastal Environment provisions in the District Plan);
3. the protection of historic heritage from the adverse effects of inappropriate subdivision, including historic heritage items, and sites and areas of significance to Māori (HH – Historic Heritage and SASM – Sites and Areas of Significance to Māori provisions in the District Plan);
4. managing adverse effects of inappropriate subdivision on Significant Amenity Features that contribute to the character

- and amenity values of the areas (NFL – Natural Features and Landscapes provisions in the District Plan);
5. managing adverse effects of inappropriate subdivision on the maintenance and enhancement of public access to and along the coast and the margins of lakes and rivers (CE – Coastal Environment and PA – Public Access provisions in the District Plan); and
 6. promoting sustainable subdivision and building (SSB – Sustainable Subdivision and Building provisions in the District Plan).

SUB-O2 ~~Lots created by subdivision are physically suitable for a range of land use activities the types of development intended and anticipated~~ allowed by the relevant zone provisions rules of the District Plan.

Commented [JKS5]: S105.012 James Bridge, S129.068 Kāinga Ora – Subdivision Topic, Key Issue 5: Objectives

SUB-O3 ~~The provision of a~~Appropriate services and network utilities are provided to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure that are compatible with the anticipated purpose, character and amenity of each zone, and provide for the health and safety of people and communities, and the maintenance or enhancement of amenity values.

Commented [JKS6]: S117.058 Chorus, S118.058 Spark, S119.058 Vodafone, FS15.001, FS15.002, FS15.003 FENZ and S129.069 Kāinga Ora – Subdivision Topic, Key Issue 5: Objectives

SUB-O4 Reverse sensitivity effects of subdivision and its resulting future land use activities on existing lawfully established activities (including ~~network utilities~~) are avoided where practicable, or mitigated where avoidance is not practicable.

Commented [JKS7]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendations in response to evidence from S117.059 Chorus, S118.059 Spark, S119.059 Vodafone

SUB-O5 ~~Avoidance of subdivision in localities where there is a significant risk of material damage from natural hazards on land or structures, including in relation to any likely subsequent use of the land, unless these can that cannot be remedied or mitigated without significant adverse effects on the environment.~~

Commented [JKS8]: S129.070 Kāinga Ora – Subdivision Topic, Key Issue 5: Objectives

Policies

SUB-P1 To establish standards for minimum lot sizes for each zone in the District.

SUB-P2 ~~To provide for~~allow the subdivision of land to create additional in-situ Lifestyle Sites where it is in conjunction with the legal and physical protection in perpetuity of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including Significant Natural Areas identified in ECO-SCHED5), sites and areas of significance to Māori (identified in SASM-SCHED3), and historic heritage items (identified in HH-SCHED2).

Commented [JKS10]: Clause 16(2) of the First Schedule of the RMA

SUB-P3 To allow the creation of lots of various sizes and dimensions for public works, network utility operations, renewable electricity generation, reserves and access.

SUB-P4 To ensure subdivision design requiring the establishment of new roads and accesses to consider and integrate with the existing land transport network such that it supports safe and efficient access for vehicles, pedestrians and cyclists. To integrate subdivision with the existing land transport network in an efficient manner which reflects expected traffic levels and the safe and convenient management of vehicles and pedestrians.

Commented [JKS11]: S129.075 Kāinga Ora – Subdivision Topic, Key Issue 6: Objectives

SUB-P5 To encourage in the General Residential Zone, subdivision design that develops or uses subsidiary roads or accessways, in order to avoid an increase in the number of direct access crossings onto arterial roads for traffic safety purposes.

Commented [JKS12]: S129.076 Kāinga Ora – Subdivision Topic, Key Issue 6: Objectives

SUB-P6 To ensure upon subdivision or development, that all new lots or buildings are provided with a connection to a reticulated water supply, reticulated public sewerage system, and a reticulated stormwater system, telecommunications network and power supply network, where such adequate reticulated systems are available.

Commented [JKS13]: Chorus (S117.061), Spark (S118.061) and Vodafone (S119.061) – Subdivision Topic, Key Issue 6: Objectives

SUB-P7 To ensure that where sites new lots are not connected unable to connect to a reticulated public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each lot for an alternative method of water supply, or method of wastewater disposal and/or stormwater disposal is provided for each lot with sufficient capacity to support development reasonably anticipated within the zone, and which can protect the health and safety of residents and avoids or mitigates adverse effects on the environment.

Commented [JKS14]: Clause 16(2) of the First Schedule of the RMA

Commented [JKS15]: S129.078 Kāinga Ora, FS15.004 FENZ – Subdivision Topic, Key Issue 6: Objectives

SUB-P8 To encourage innovative subdivision design consistent with the maintenance of purpose, character and amenity values supported and anticipated by the zone provisions.

Commented [JKS16]: S129.079 Kāinga Ora, FS15.004 FENZ – Subdivision Topic, Key Issue 6: Objectives

SUB-P9 To encourage the incorporation of public open space and plantings (particularly natives) within subdivision design for amenity purposes.

Commented [JKS17]: S11.025 HBRC - Subdivision Topic, Key Issue 6: Objectives

SUB-P10 To provide or further develop pedestrian, cycling and amenity linkages between subdivisions and their surrounding areas where it is consistent with the objectives and policies of the zone, and where opportunities exist useful linkages can be achieved or further developed.

Commented [JKS18]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation in response to question from Panel during Hearing in relation to submission points S11.026 and S129.081

SUB-P11 To ensure that roads and any vehicle access to lots provided within a subdivision are appropriately designed and constructed to allow for safe and efficient traffic movements likely to be generated from

Commented [JKS19]: S11.026 HBRC, S129.081 Kāinga Ora - Subdivision Topic, Key Issue 6: Objectives

development of the lots sites are suitable for the activities likely to establish within the subdivision and are compatible with the design and construction standards of roads in the District which the site is required to be connected to.

Commented [JKS20]: S129.082 Kāinga Ora – Subdivision Topic, Key Issue 6: Objectives

SUB-P12 To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment, including the appropriate underground reticulation of energy and telecommunication lines in order to protect the visual amenities of the area.

Commented [JKS21]: Chorus (S117.062), Spark (S118.062) and Vodafone (S119.02), S90.034 Centralines, S129.083 Kāinga Ora – Subdivision Topic, Key Issue 6: Objectives, and clause 16(2) of the First Schedule of the RMA.

SUB-P13 To ensure that land being subdivided, including any potential structure on that land, is not subject to significant risk of material damage by the effects of natural hazards, including flooding, inundation, erosion, subsidence or slippage and earthquake faults.

SUB-P14 To ensure that any mitigation measures used to manage significant risk from natural hazards (including coastal hazards such as storm surge, tsunami and coastal inundation) do not have significant adverse effects on the environment.

Commented [JKS22]: S129.085 Kāinga Ora – Subdivision Topic, Key Issue 6: Objectives

SUB-P15 To ensure that earthworks associated with constructing vehicle access, building platforms or services on land being subdivided will not detract from the visual amenities of the area, or have significant adverse environmental effects, such as dust, or result in the modification, damage or destruction of heritage items, archaeological sites or sites and areas of significance to Māori, cause natural hazards, or increase the risk of natural hazards occurring.

Commented [JKS23]: S129.086 Kāinga Ora – Subdivision Topic, Key Issue 6: Objectives, and clause 16(2) of the First Schedule of the RMA.

SUB-P16 To avoid where practicable, or otherwise mitigate, potential reverse sensitivity effects of sensitive activities (particularly residential and lifestyle development) establishing near existing primary production activities, including intensive primary production activities, rural industry, or industrial activities and/or existing public works network utilities.

Commented [JKS24]: S116.022 Silver Fern Farms, S42.023 NZ Pork – Subdivision Topic, Key Issue 6: Policies

SUB-P17 To ensure, to the extent practicable reasonably possible, subdivisions are designed to that takes into account the location of avoid reverse sensitivity effects of future land use activities on regionally significant infrastructure, network utilities, renewable electricity generation sites and other lawfully established activities, and ensures that the operation, maintenance and upgrading of regionally significant infrastructure and other network utilities is not compromised that future land use activities will not result in reverse sensitivity effects.

SUB-P18 To ensure, to the extent practicable, subdivision design that ensures that resulting land use activities (including building platforms) will

not affect the operation, maintenance and upgrading of regionally significant infrastructure and other network utilities.

Commented [JKS25]: S79.074 and S79.075 Transpower – Subdivision Topic, Key Issue 1: National Grid Subdivision Corridor and Gas Transmission Network

Note: Refer to the objectives and policies in PA – Public Access relating to the establishment of esplanade reserves, esplanade strips or access strips when subdividing land along the margins of rivers, lakes and along the coast.

Rule Overview Table

Use/activity	Rule Number
Subdivision not otherwise provided for	SUB-R1
Subdivision to create freehold title from existing cross-lease title	SUB-R2
Subdivision for special purposes	SUB-R3
Boundary adjustments	SUB-R4
Subdivision to create a Lifestyle Site(s)	SUB-R5
Subdivision to create a Conservation Lot	SUB-R6
Subdivision to create a Lifestyle Site(s) in association with the creation of a Conservation Lot	SUB-R7

Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for certain subdivisions, including TRAN – Transport, HH – Historic Heritage, ECO – Ecosystems & Indigenous Biodiversity, and PA – Public Access.

In particular, earthworks facilitating provision of access and building platforms have the potential to result in adverse effects and are to be managed. Provisions relating to earthworks are contained in the EW – Earthworks chapter and may generate a requirement for land use consent.

SUB-R1 Subdivision not otherwise provided for		
All Zones	1. Activity Status: CON	2. Activity status where compliance with condition SUB-R1(1)(c) and/or SUB-

Where the following conditions are met:

- a. Compliance with SUB-S1.
- b. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:
 - i. HH-SCHED2.
 - ii. SASM-SCHED3.
 - iii. ECO-SCHED5.
 - iv. ONL or ONF within NFL-SCHED6.
 - v. CE-SCHED7.
- c. Compliance with:
 - i. SUB-S4(1);
 - ii. SUB-S5;
 - iii. SUB-S6;
 - iv. SUB-S7(1) and SUB-S7(2);
 - v. SUB-S8; and
 - vi. SUB-S9.
- d. Compliance with:
 - i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and
 - ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.
- e. The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.
- e.f. Compliance with SUB-S7(3)

Matters over which control is reserved:

R1(1)(e) is not achieved: RDIS

Matters over which discretion is restricted:

- a. SUB-AM1.
- b. SUB-AM2.
- c. SUB-AM3.
- d. SUB-AM4.
- e. SUB-AM5.
- f. SUB-AM6.
- g. SUB-AM7.
- h. SUB-AM8.
- i. SUB-AM9.
- j. SUB-AM10.
- j-k. SUB-AM19.

3. Activity status where compliance with condition SUB-R1(1)(b) is not achieved: RDIS

Matters over which discretion is restricted:

- a. SUB-AM1.
- b. SUB-AM2.
- c. SUB-AM3.
- d. SUB-AM4.
- e. SUB-AM5.
- f. SUB-AM6.
- g. SUB-AM7.
- h. SUB-AM8.
- i. SUB-AM9.
- j. SUB-AM10.
- k. SUB-AM16.
- l. SUB-AMXX.

- m. SUB-AM19.

34. Activity status where compliance with condition SUB-R1(1)(a) and/or SUB-R1(1)(f) and/or SUB-R1(1)(b) is not achieved: DIS

Commented [JKS30]: S129.090 Kainga Ora – Subdivision Topic, Key Issue 7: Rules.

Commented [JKS31]: Consequential amendment - S114.001, S114.003 CHBDC - Rezoning Topic, Key Issue 23

Commented [JKS26]: S114.001 CHBDC - Rezoning Topic, Key Issue 23

Commented [JKS32]: Consequential amendment - S129.123 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules.

Commented [JKS33]: S129.090 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules.

Commented [JKS34]: Consequential amendment - S129.123 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules.

Commented [JKS35]: Consequential amendment - S114.004, S114.005, S114.006, S114.007 CHBDC - Rezoning Topic, Key Issue 23

Commented [JKS27]: S129.090 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules.

Commented [JKS28]: S114.001 CHBDC - Rezoning Topic, Key Issue 23

Commented [JKS36]: S114.003 CHBDC - Rezoning Topic, Key Issue 23

Commented [JKS37]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendations in response to evidence from Kainga Ora in relation to submission point S129.097

Commented [JKS38]: S129.090 Kāinga Ora and S105.014 James Bridge, and S129.090 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules.

f.g. SUB-AM1.
 g.h. SUB-AM2.
 h.i. SUB-AM3.
 i.j. SUB-AM4.
 j.k. SUB-AM5.
 k.l. SUB-AM6.
 l.m. SUB-AM7.
 m.n.
 UB-AM8.
 n.o. SUB-AM9
 o.p. SUB-AM10.
 p.q. SUB-AM19.

45. Activity status where compliance with condition SUB-R1(1)(d) is not achieved: NC

Commented [JKS29]: S114.001, S114.003 CHBDC - Rezoning Topic, Key Issue 23

SUB-R2 Subdivision to create freehold title from existing cross-lease title

General Residential Zone

1. Activity Status: CON

Where the following conditions are met: N/A

Matters over which control is reserved:

- a. Whether the proposed lot boundaries align with exclusive use area boundaries on the cross-lease plan.
- b. Where no exclusive use areas are shown on the cross-lease plan, whether the proposed lot boundaries align with the exclusive and established pattern of occupation associated with the existing underlying development.
- c. Whether easements are required to protect services.

Note: The standards in SUB-S1 to SUB-S9 do not apply.

2. Activity status where compliance not achieved: N/A

All Other Zones		3. SUB-R1 applies
SUB-R3 Subdivision for special purposes		
All Zones	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to creation of lots of any size for public works, network utilities, renewable electricity generation activities, reserves, roads, and access. b. Compliance with: <ul style="list-style-type: none"> i. SUB-S4(1); ii. SUB-S5; iii. SUB-S6; iv. SUB-S7; v. SUB-S8; and vi. SUB-S9. c. Compliance with: <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> d. Whether the lot is of sufficient area and dimensions to facilitate the intended use of the site. e. A Consent Notice may be registered on the Certificate of Title to any special purpose site, pursuant to section 221 of the RMA, requiring 	<p>2. Where compliance with condition SUB-R3(1)(a) is not achieved: SUB-R1 applies</p> <p>3. Activity status where compliance with condition SUB-R3(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM1. b. SUB-AM2. c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM14. <p>4. Activity status where compliance with condition SUB-R3(1)(c) is not achieved: NC</p>

enforcement of a condition that, in the event that the site is no longer required for a special purpose, the site be amalgamated with an adjoining site, unless it is a fully complying lot for the respective zone.

SUB-R4 Boundary adjustments

All Zones

1. Activity Status: CON

Where the following conditions are met:

- a. Limited to:
 - i. No site area is changed by more than 10% of its original area.
 - ii. No existing complying site that complies with the relevant subdivision standards is rendered non-complying with the standards, and no existing site not complying with the relevant subdivision standards is rendered more non-complying with the standards, by the boundary adjustment.
 - iii. No dwelling is severed from its existing site.

2. Where compliance with condition SUB-R4(1)(a) is not achieved: SUB-R1 applies

3. Activity status where compliance with condition SUB-R4(1)(c) is not achieved: RDIS

Matters over which discretion is restricted:

- a. SUB-AM1.
- b. SUB-AM2.
- c. SUB-AM3.
- d. SUB-AM4.
- e. SUB-AM5.
- f. SUB-AM6.
- g. SUB-AM7.
- h. SUB-AM8.
- i. SUB-AM9.
- j. SUB-AM10.

4. Activity status where compliance with condition SUB-R4(1)(b) is not achieved: RDIS

Matters over which discretion is restricted:

- a. SUB-AM16.
- b. SUB-AMXX.

Commented [JKS39]: S129.093 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules

Commented [JKS41]: S129.093 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules

- b. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:
 - i. HH-SCHED2.
 - ii. SASM-SCHED3.
 - iii. ECO-SCHED5.
 - iv. ONL or ONF in NFL-SCHED6.
 - v. CE-SCHED7.
- c. Compliance with:
 - i. SUB-S4(1);
 - ii. SUB-S5;
 - iii. SUB-S6;
 - iv. SUB-S7;
 - v. SUB-S8; and
 - vi. SUB-S9.
- d. Compliance with:
 - i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and
 - ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.

Matters over which control is reserved:

- e. Legal and physical access to and from lots affected by the boundary adjustment.
- f. Whether each lot has connections to services.
- g. Whether the lots are of sufficient size, design, and layout to provide for the existing or permitted activity development potential resulting

5. Activity status where compliance with condition SUB-R4(1)(d) is not achieved: NC

from the reconfigured layout.

~~h. Protection, maintenance or enhancement of natural features and landforms, significant natural area (ECO-SCHED5), historic heritage item (HH-SCHED2), or any identified wāhi tapu, wāhi taonga or site of significance (SASM-SCHED3).~~

i.h. The relationship of the proposed lots within the site and their compatibility with the pattern of adjoining subdivision or land use activities.

Commented [JKS40]: S129.093 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules

SUB-R5 Subdivision to create a Lifestyle Site(s) (not in association with the creation of a Conservation Lot)

<p>General Rural Zone (outside of the Coastal Environment Area)</p>	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. Only one lifestyle site can be created.</p> <p>ii. A site is only eligible to be subdivided to create a lifestyle site <u>3 years after the subject title was created, and then once every 3 years after that once every 3 years, and at least 3 years has elapsed from the</u></p>	<p>2. Activity status where compliance with condition <u>SUB-R5(1)(f) and/or SUB-R5(1)(d) is not achieved: RDIS</u></p> <p>Matters over which discretion is restricted:</p> <p>a. SUB-AM1. b. SUB-AM2 c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM11. l. SUB-AM12.</p>
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Commented [JKS44]: S129.094 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules

date the subject title was created.

m. SUB-AM13.

- iii. The minimum site area for the balance lot is 20 hectares.
- b. Compliance with SUB-S2(1) and SUB-S2(2).
- c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:
 - i. HH-SCHED2.
 - ii. SASM-SCHED3.
 - iii. ECO-SCHED5.
 - iv. ONL or ONF in NFL-SCHED6.
 - v. CE-SCHED7.
- d. Compliance with:
 - i. SUB-S4(1);
 - ii. SUB-S5;
 - iii. SUB-S6;
 - iv. SUB-S7;
 - v. SUB-S8; and
 - vi. SUB-S9.
- e. Compliance with:
 - i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and
 - ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.
- f. The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.

Matters over which control is reserved:

Commented [RM42]: S94.003 Surveying the Bay - Rural Topic, Key Issue 11

Commented [JKS43]: S129.094 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules

	<ul style="list-style-type: none"> g. SUB-AM1. h. SUB-AM2 i. SUB-AM3. j. SUB-AM4. k. SUB-AM5. l. SUB-AM6. m. SUB-AM7. n. SUB-AM8. o. SUB-AM9. p. SUB-AM10. q. SUB-AM11. r. SUB-AM13. 	
		<p>3. Activity status where compliance with condition SUB-R5(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM16. b. SUB-AMXX.
		<p>34. Activity status where compliance with conditions SUB-R5(1)(a), and/or SUB-R5(1)(b) and/or SUB-R5(1)(e) is not achieved: DIS</p>
		<p>45. Activity status where compliance with condition SUB-R5(1)(e) is not achieved: NC</p>
Rural Production Zone	<p>56. Activity Status: CON</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to: <ul style="list-style-type: none"> i. The lifestyle site is based around an existing residential unit on a site that has a net site area 	<p>67. Activity status where compliance with condition SUB-R5(5)(d) and/or SUB-R5(f) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM1 b. SUB-AM2 c. SUB-AM3. d. SUB-AM4. e. SUB-AM5.

Commented [JKS45]: S129.094 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules.

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	<p>less than 12 hectares.</p> <p>ii. No additional sites are created (amalgamation of the balance lot is required).</p> <p>iii. The newly amalgamated sites are adjoining and combine to a net site area greater than 12 hectares.</p> <p>iv. The newly amalgamated lot contains no more than two residential units.</p> <p>b. Compliance with:</p> <p>i. SUB-S2(3) and SUB-S2(4).</p> <p>c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:</p> <p>i. HH-SCHED2.</p> <p>ii. SASM-SCHED3.</p> <p>iii. ECO-SCHED5.</p> <p>iv. ONL or ONF in NFL-SCHED6.</p> <p>v. CE-SCHED7.</p> <p>d. Compliance with:</p> <p>i. SUB-S4(1);</p> <p>ii. SUB-S5;</p> <p>iii. SUB-S6;</p> <p>iv. SUB-S7;</p> <p>v. SUB-S8; and</p> <p>vi. SUB-S9.</p> <p>e. Compliance with:</p> <p>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</p>	<p>f. SUB-AM6.</p> <p>g. SUB-AM7.</p> <p>h. SUB-AM8.</p> <p>i. SUB-AM9.</p> <p>j. SUB-AM10.</p> <p>k. SUB-AM11.</p> <p>l. SUB-AM12.</p> <p>m. SUB-AM13.</p> <p>8. Activity status where compliance with condition SUB-R5(5)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. SUB-AM16.</p> <p>b. SUB-AMXX.</p> <p>97. Activity status where compliance with conditions SUB-R5(5)(a) and/or SUB-R5(5)(c) is not achieved: DIS</p> <p>108. Activity status where compliance with conditions SUB-R5(5)(b) and/or SUB-R5(5)(e) is not achieved: NC</p>
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	<ul style="list-style-type: none"> ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. f. <u>The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.</u> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> g. SUB-AM1. h. SUB-AM2 i. SUB-AM3. j. SUB-AM4. k. SUB-AM5. l. SUB-AM6. m. SUB-AM7. n. SUB-AM8. o. SUB-AM9. p. SUB-AM10. q. SUB-AM11. r. SUB-AM12. s. SUB-AM13. 	
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<p>General Rural Zone (Coastal Environment Area)</p>	<p>911. Activity Status: DIS</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Compliance with: <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. 	<p>4012. Activity status where compliance with condition SUB-R5(9)(a) is not achieved: NC</p>
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SUB-R6 Subdivision to create Conservation Lots in association with the protection of:

- an area of significant indigenous vegetation and/or significant habitats of indigenous fauna (including sites listed in ECO-SCHED5).
- historic heritage items listed in HH-SCHED2.

– wāhi tapu, wāhi taonga or site or area of significance listed in SASM-SCHED3.

<p>All Zones</p>	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(1); ii. SUB-S5; iii. SUB-S6; iv. SUB-S7; v. SUB-S8; and vi. SUB-S9. <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> c. SUB-AM1. d. SUB-AM2 e. SUB-AM3. f. SUB-AM4. g. SUB-AM5. h. SUB-AM6. i. SUB-AM7. j. SUB-AM8. k. SUB-AM9. l. SUB-AM10. m. SUB-AM15. 	<p>2. Activity status where compliance with condition SUB-R6(1)(a) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM1. b. SUB-AM2 c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM15. <p>3. Activity status where compliance with condition SUB-R6(1)(b) is not achieved: NC</p>
<p>SUB-R7 Subdivision to create a Lifestyle Site(s) in association with the creation of a Conservation Lot</p>		
<p>General Rural Zone</p> <p>Rural Production Zone</p>	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. One lifestyle lot can be created, where the</p>	<p>2. Activity status where compliance with conditions SUB-R7(1)(a) and/or SUB-R7(1)(b) is not achieved: SUB-R5 applies</p>

	<p>Conservation Lot is associated with the protection of:</p> <ul style="list-style-type: none"> i. minimum 5000m² of an area of significant indigenous vegetation and/or significant habitats of indigenous fauna (including sites listed in ECO-SCHED5), or ii. historic heritage items listed in HH-SCHED2 that cannot, or is not intended to be used for, a residential activity, or iii. wāhi tapu, wāhi taonga or site or area of significance listed in SASM-SCHED3, and iv. the whole of the feature within the Conservation Lot will be physically and legally protected in perpetuity. <p>b. A second lifestyle lot can be created where:</p> <ul style="list-style-type: none"> i. the total area of the feature to be protected is 9 hectares or more, and ii. the whole of the feature within the Conservation Lot will be physically and legally 	<p>3. Activity status where compliance with condition SUB-R7(1)(d) and/or SUB-R7(1)(f) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM1. b. SUB-AM2. c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM11. l. SUB-AM12. m. SUB-AM13. <p>4. Activity status where compliance with condition SUB-R7(1)(c) is not achieved: DIS</p> <p>5. Activity status where compliance with condition SUB-R7(1)(e) is not achieved: NC</p>
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- protected in perpetuity.
- c. Compliance with SUB-S3.
 - d. Compliance with:
 - i. SUB-S4(1);
 - ii. SUB-S5;
 - iii. SUB-S6;
 - iv. SUB-S7;
 - v. SUB-S8; and
 - vi. SUB-S9.
 - e. Compliance with:
 - i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and
 - ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.
 - f. That land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.

Matters over which control is reserved:

- g. SUB-AM1.
- h. SUB-AM2
- i. SUB-AM3.
- j. SUB-AM4.
- k. SUB-AM5.
- l. SUB-AM6.
- m. SUB-AM7.
- n. SUB-AM8.
- o. SUB-AM9.
- p. SUB-AM10.
- q. SUB-AM15.

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Standards

SUB-S1 Minimum Net Site Area (excluding Lifestyle Sites and Conservation Lots)

General Residential Zone	<p>1. Where public sewerage reticulation is available: a. 350m² (except within the Waipukurau South Precinct). a.b. 500m² within the Waipukurau South Precinct.</p> <p>2. Where public sewerage reticulation is not available – 1000m².</p>
Commercial Zone	3. No minimum net site area applies.
General Industrial Zone	
Settlement Zone	<p>4. Where public sewerage reticulation is available – 600m².</p> <p>5. Where public sewerage reticulation is not available – 1000m².</p>
Large Lot Residential Zone (Coastal)	<p>6. Where public sewerage reticulation is available – 800m².</p> <p>7. Where public sewerage reticulation is not available: a. Mangakuri – 1500m². b. Other coastal settlements – 1000m².</p>
Rural Lifestyle Zone	8. 2500m ² , with a minimum 4000m ² average.
General Rural Zone	<p>9. 20 hectares</p> <p><i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the General Rural Zone are in found in SUB-S2 below.</i></p>
Rural Production Zone	<p>10. 12 hectares</p> <p><i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the Rural Production Zone are in found in SUB-S2 below.</i></p>
Conservation Lot (All Zones)	11. No minimum net site area applies.
Special Purpose Lot (All Zones)	12. No minimum net site area applies.
Increasing the area of existing non-complying sites	13. No minimum net site area applies, provided no existing complying site is rendered non-complying by the subdivision.
SUB-S2 Minimum Net Site Area for Lifestyles Sites (not in association with the creation of a Conservation Lot)	

Commented [JKS53]: S114.002 CHBDC - Rezoning Topic, Key Issue 23

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General Rural Zone	<ol style="list-style-type: none"> 1. Minimum net site area for Lifestyle Lot – 25004000m². 2. Maximum net site area for Lifestyle Lot – 2.5 hectares.
Rural Production Zone	<ol style="list-style-type: none"> 3. Minimum net site area for Lifestyle Lot – 2500m². 4. Maximum net site area for Lifestyle Lot – 1 hectare4000m².
All Other Zones	5. N/A
SUB-S3 Minimum Net Site Area for Lifestyle Sites in association with the creation of a Conservation Lot	
General Rural Zone	<ol style="list-style-type: none"> 1. Minimum net site area for Lifestyle Lot (exclusive of the area being protected) – 2500m². 2. Maximum net site area for Lifestyle Lot (exclusive of the area being protected) – 4000m². 3. Minimum balance area: <ol style="list-style-type: none"> a. None, if the balance area is the Conservation Lot. b. If there is balance area exclusive of the Conservation Lot and Lifestyle Lot, the relevant minimum net site area in SUB-S1 applies.
Rural Production Zone	
SUB-S4 Building Platform	
General Rural Zone	<ol style="list-style-type: none"> 1. For each lot capable of containing a residential dwelling, at least one stable building platform of 30 metres by 30 metres must be identified which is capable of (but is not limited to) containing a dwelling, a vehicle manoeuvring area and any accessory buildings, in compliance with the performance standards and performance criteria for the zone where it is located (including dwelling setbacks applicable to that zone).
Rural Production Zone	
Rural Lifestyle Zone	
Subdivision of land within the National Grid Subdivision Corridor	<ol style="list-style-type: none"> 2. The subdivision of land in any zone within the National Grid Subdivision Corridor must be able to demonstrate that all resulting allotments are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity outside of the National Grid Yard, other than where the allotments are for roads, access ways or network utilities. 3. The layout of allotments and any enabling earthworks must ensure that physical access is

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	<p>maintained to any National Grid support structures located on the allotments, including any balance area.</p>
<p>Subdivision of land containing the Gas Transmission Network</p>	<p>4. The subdivision of land in any zone containing the Gas Transmission Network must be able to demonstrate that all resulting allotments are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity that is at least 20m from the Gas Transmission Pipeline and 30m from above-ground equipment forming part of the Gas Transmission Network.</p> <p>5. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to the Gas Transmission Network where it is located on the allotments, including any balance area.</p>
<p>SUB-S5 Water Supply</p>	
<p>All Zones</p>	<p>1. All new lots for any activity that will require a water supply must be connected to a public reticulated water supply, where one is available.</p> <p>2. Where the new lots will not be connected to a public reticulated water supply, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider must demonstrate how an alternative and satisfactory water supply can be provided to each lot.</p> <p><i>Note: The above does not replace regional rules which control the taking and use of groundwater and surface water. These rules must be complied with prior to the activity proceeding.</i></p> <p><u><i>Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to each lot can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</i></u></p> <p><u><i>Any lot created for a special purpose, as provided for in SUB-R3, is exempt from this standard where the lot is created for a purpose that does not require the</i></u></p>

provision of a water supply, including a firefighting water supply.

Commented [JKS59]: S57.076 FENZ – Subdivision Topic, Key Issue 2: Codes of Practice and Standards

SUB-S6 Wastewater Disposal

All Zones

1. All new lots for any activity that will create wastewater must be connected to a public reticulated wastewater disposal system, where one is available.
2. Where the new lots will not be connected to a public reticulated wastewater disposal system, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider must demonstrate how an alternative and satisfactory method of wastewater disposal can be provided for each site.

Note: The above does not replace regional rules which control the collection, treatment and disposal of wastewater to land or water. These rules must be complied with prior to the activity proceeding.

SUB-S7 Stormwater Disposal

All Zones

1. All new lots for any activity that will create stormwater must be connected to a public reticulated stormwater disposal system, where one is available.
2. Where the new lots will not be connected to a public reticulated stormwater disposal system, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider must demonstrate how an alternative and satisfactory method of stormwater disposal can be provided for each site.
3. For new lots within the Waipukurau South Precinct (WSP):
 - a. Any land within the subdivision site that is within the 'Proposed Stormwater Catchment' area identified in Figure WSP 1 of Appendix GRZ-APP1 - Waipukurau South Precinct (WSP) Plan shall be vested in the Central Hawke's Bay District Council; and

	<p><u>a.b. Stormwater attenuation within the WSP shall achieve a rate of discharge at the WSP boundary that is no greater than the predevelopment flow in the 100 year Annual Recurrence Interval (ARI) event. A 1 in 5 year ARI shall be contained within a piped network.</u></p> <p><u>Notes:</u></p> <p><u>1. Clause 2. of this standard does not replace regional rules which control the collection, treatment, and disposal of stormwater to land or water. These rules must be complied with prior to the activity proceeding.</u></p> <p><u>4.2. In relation to clause 3(b) of this standard, it is anticipated that the predevelopment flow in the 100 year ARI is 1.6m³/s Peak Flow, but stormwater modelling will be required to support any design.</u></p>
SUB-S8 Property Access	
All Zones	<ol style="list-style-type: none"> 1. All new lots for any activity must have vehicular access to an existing, legal road that complies with the relevant provisions of the TRAN – Transport chapter.
SUB-S9 Road Widening	
All Zones	<ol style="list-style-type: none"> 1. Where the existing road frontage is subject to a road widening designation, provision must be made to enable the Council to acquire such land by separately defining the parcels of land subject to the road widening designation. 2. Where the Council does not, for whatever reason, intend to immediately acquire the parcel, the parcel must be held in conjunction with adjoining land. This will be achieved with a Consent Notice registered which ensures that the parcel of land intended for road widening purposes remains held with the adjoining land until such time as the Council requires that parcel of land.
SUB-SXX Telecommunications	
All Zones	<ol style="list-style-type: none"> 1. <u>All new lots within the General Residential Zone, Commercial Zone, General Industrial Zone and</u>

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Commented [JKS61]: Consequential amendment in relation to S114.003 CHBDC - Rezoning Topic, Key Issue 23

within other zones where a telecommunication network is available to connect to, and which may be used for any activity that will require telecommunications services, shall be connected to the telecommunications network at the legal boundary of the lots.

Commented [JKS62]: S117.064 Chorus, S118.064Spark and S119.064 Vodafone - Subdivision Topic, Key Issue 8: Standards

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

SUB-AM1 Lot Size and Dimensions

1. Whether the area and dimensions of the lot(s) are sufficient to effectively fulfil the intended purpose or land use, having regard to the rules for the relevant zone.
2. Whether the proposed lot sizes and dimensions are sufficient for operational and maintenance requirements and in particular the disposal of effluent on the site, where necessary.
3. The relationship of the proposed lots and their compatibility with the pattern of the adjoining subdivision and land use activities, and access arrangements.
4. The effects of the proposed lot sizes and dimensions on the existing character and amenity of the area, including any cumulative effects of an increase in the density of development.

SUB-AM2 Subdivision Design

1. The size and orientation of the lots in terms of their ability to maximise the amount of sunlight dwellings will receive.
2. The layout and design of streets and the provision for and practicality of creating direct connections between roads, footpaths, walkways, cycleways, reserves (existing or proposed) and public open spaces.
3. The design, location, extent, and construction of any earthworks associated with the subdivision and development of the land.

SUB-AM3 Building Platforms

1. The local ground conditions and suitability of the site for a building, and whether development on the site should be restricted to parts of the site.
2. Where a parcel of land may be subject to inundation, whether there is a need to establish minimum floor heights for buildings in order to mitigate potential damage to them.
3. The positioning and scale of the building platform to facilitate meeting the setback standards applying in the respective zone for buildings.

Commented [JKS63]: S129.110 Kainga Ora – Subdivision Topic, Key Issue 9: Assessment Matters

SUB-AM4 Natural Hazards

1. Whether the land, or any potential structure on that land, will be subject to material damage by erosion, falling debris, subsidence, slippage or inundation or other natural hazard event from any source.
2. Whether there are any methods/measures available to overcome or reduce the risk of any hazard(s), and whether these methods/measures may have adverse effects on the environment.
3. Adequacy of access during and after natural hazard events.
4. In assessing the above matters, the Council will have regard to the following:
 - a. Any information held on the Council's Natural Hazard registers and the Hawke's Bay Hazards Information Portal;
 - b. Information obtained by suitably qualified experts, whose investigations are supplied for subdivision applications; and
 - c. The objectives, policies, and methods in the NH – Natural Hazards chapter of the District Plan.

SUB-AM5 Water Supply, Wastewater Disposal, Stormwater Disposal

1. The location and capacity of reticulation facilities to allow suitable servicing of the lot(s) and reasonable access for the maintenance of the facilities.
2. ~~The need for/Whether~~ a local purpose reserve ~~is needed~~ to be set aside and vested in the Council as a site for a public utility.
3. Where the lot(s) is/are not proposed to be connected to a public water supply, the ability to effectively and efficiently meet firefighting requirements and the ability to show how the lot(s) will be serviced by a water supply, for which consent has been obtained from the Hawke's Bay Regional Council (if required).
4. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.
5. Where the lot(s) is/are not proposed to be connected to a public wastewater system or public stormwater system, how the lot(s) will be serviced by an on-site wastewater and stormwater treatment and disposal system causing no environmental contamination on or beyond the subdivision site.
6. The objectives, policies, and methods in the SSB – Sustainable Subdivision and Building chapter of the District Plan.
7. The provisions of the [Code of Practice for Urban Land Development and Subdivision Infrastructure](#) (New Zealand Standard NZS 4404: 201004).
8. ~~The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of water supply, wastewater disposal and stormwater disposal servicing.~~
9. ~~The protection of any historic heritage items or notable trees (listed in HH-SCHED2 and TREE-SCHED4), wāhi tapu, wāhi taonga, and sites of significance (listed in SASM-SCHED3), or risk to archaeological sites.~~

Note: The Hastings District Council Engineering Code of Practice provides detailed technical standards on the design and construction of water supply, wastewater disposal and stormwater disposal servicing which may provide an acceptable means of compliance.

Commented [JKS64]: S129.112 Kāinga Ora – Subdivision Topic, Key Issue 2: Codes of Practice and Standards

Commented [JKS65]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendations in response to evidence from CHBDC and HBRC in relation to submission points S89.002 and S11.033

Commented [JKS66]: S89.002 CHBDC, S105.017 James Bridge - Subdivision Topic, Key Issue 2: Codes of Practice and Standards

Commented [RM67]: S129.113 Kāinga Ora - Subdivision Topic, Key Issue 2: Codes of Practice and Standards

Commented [JKS68]: S129.112 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules

Commented [JKS69]: S89.003 CHBDC - Subdivision Topic, Key Issue 2: Codes of Practice and Standards

SUB-AM6 Property Access

1. The provision, location, design, and construction of access for vehicles, pedestrians and cyclists.
2. Whether the road frontage is of sufficient width to cater for the expected traffic generated by the possible land uses that will be established on the lots being created, and whether there is any need to widen and/or upgrade the frontage road.
3. Where any proposed subdivision in any zone has frontage to any existing road(s) that is/are not constructed to the relevant vehicle access standards set out in the TRAN – Transport chapter of the District Plan and/or where road widening is required, whether the land uses that will be established on the proposed lots will increase the use of that road(s) to the degree that forming or upgrading the existing road(s) is required.
4. Any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties, and the need for tree planting in the open space of the road to enhance the character and identity of the neighbourhood.
5. The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.
6. The provisions of the [Code of Practice for Urban Land Development and Subdivision Infrastructure](#) (New Zealand Standard NZS 4404: 201004) for the design and construction of roads.
7. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 with respect to ~~Whether whether~~ the width of the legal road, right of way, vehicle access lot or vehicle access leg ~~is sufficient is~~ **sufficient** for fire appliances to access the lot(s).
8. ~~The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of roading~~
9. The requirements of New Zealand Transport Agency and Part IV of the Government Roadway Powers Act 1989 with regard to vehicle entrances onto state highways.
10. The need to provide alternative access for car-parking and vehicle loading in the COMZ – Commercial Zone and GIZ – General Industrial Zone by way of vested service lanes at the rear of properties having regard to alternative means of access and performance standards for activities within such zones.
11. Any need to require provision to be made in a subdivision for the vesting of road reserves for the purpose of facilitating connections to future roading extensions to serve surrounding land, or planned road links that may need to pass through the subdivision and the practicality of creating such easements at the time of subdivision application in order to facilitate later development.
12. Any need to require subdividers to enter into agreements that will enable the Council to require the future owners to form and vest roads when other land becomes available.
13. The need to provide for appropriate standards of street lighting or private vehicular access lighting.

Commented [JKS70]: S89.003 Central Hawke's Bay District Council

Commented [JKS71]: S129.113 Kāinga Ora - Subdivision Topic, Key Issue 2: Codes of Practice and Standards

Commented [JKS72]: S89.005 CHBDC, S129.113 Kāinga Ora - Subdivision Topic, Key Issue 2: Codes of Practice and Standards

14. The need to provide distinctive names for private vehicular accesses – the name to be agreed to by the Council.
15. The protection of any historic heritage items or notable trees (listed in HH-SCHED2 and TREE-SCHED4), wāhi tapu, wāhi taonga and sites of significance (listed in SASM-SCHED3), or risk to archaeological sites.

Commented [JKS73]: S129.113 Kainga Ora – Subdivision Topic, Key Issue 7: Rules.

Note: The Hastings District Council Engineering Code of Practice provides detailed technical standards on the design and construction of water supply, wastewater disposal and stormwater disposal servicing which may provide an acceptable means of compliance.

Commented [JKS74]: S89.006 CHBDC - Subdivision Topic, Key Issue 2: Codes of Practice and Standards

SUB-AM7 Subdivision resulting in the creation of new sites/lots within:
- 50m of the State Highway Network with a speed limit of less than 70km/h; or
- 100m of the State Highway Network with a speed limit of 70km/h or more (measured from the nearest painted edge of the carriageway)

1. The potential adverse effects of noise generated from the road network.
2. The potential adverse effects of site/lot development on the efficient use and operation of the State Highway network and the suitability of any mitigation measures relating to noise and vibration to enable the continued operation of the network.
3. Whether any consultation with the NZ Transport Agency has occurred and the outcome of that consultation.
4. Whether a consent notice with regard to reverse sensitivity effects on the State Highway network is proposed.
5. Whether any proposed building platform or development should be restricted to parts of the site/lot(s).
6. Whether there are any special topographical features or ground conditions which may mitigate effects on the operation of the State Highway network.

Commented [JKS75]: Clause 16(2) of the First Schedule of the RMA and consequential amendments in relation to the Reporting Officer's recommendations on Hearing Stream 2 on S129.140, FS23.177 Kainga Ora, and FS16.38 Waka Kotahi

SUB-AM8 General

1. Any potential cumulative effects that may occur as a result of the subdivision.
2. Potential constraints to the development of the site, such as the National Grid Subdivision Corridor or stormwater drains, and the ability for any resulting adverse effects to be avoided, remedied, or mitigated.
3. The potential effects from a proposed subdivision or development of land on the safe and efficient operation of network utilities.
4. The provision of electricity to the site boundary for any urban zone (GRZ – General Residential Zone, COMZ – Commercial Zone, GIZ – General Industrial Zone), to be confirmed by the electricity network utility as a condition of consent.
- 4.5. The alternative provision of telecommunications to each site.

Commented [JKS76]: Chorus (S117.065), Spark (S118.065) and Vodafone (S119.065) – Subdivision Topic, Key Issue 9: Assessment Matters

SUB-AM9 Esplanade Reserves, Esplanade Strips and Access Strips

1. The purposes for the creation of esplanade reserves and/or esplanade strips set out in section 229 of the RMA.

2. Whether an esplanade reserve or esplanade strip of up to 20 metres wide is needed to be created or vested:
 - a. when a lot is created along any priority waterbody shown on the District Planning Maps;
 - b. when a lot is created along the bank of any other waterbody/river or lake identified on the District Planning Maps, or along the coast; (including consideration of the adverse effects of not providing the full potential width and the benefits of providing the full width).

Note: This does not apply to subdivisions that are required for a boundary adjustment.
3. Whether any waiver or reduction in size or width of an esplanade reserve or esplanade strip will adversely affect:
 - a. The ecological characteristics of the land that contribute to the maintenance and enhancement of the natural functioning of the adjacent river, lake or sea;
 - b. The water quality of the adjoining river, lake or sea;
 - c. The land and water-based habitats present on or adjoining the subject land area;
 - d. The public's ability to gain access to and along the lake, river or sea;
 - e. The recreational use of the land and adjacent water;
 - f. The natural character and visual amenity of the river, lake, or coast; and
 - g. The ability of the Central Hawke's Bay District Council and/or the Hawke's Bay Regional Council to gain access to and along the margins of the river, lake, or sea for maintenance purposes.
4. Whether any waiver or reduction in size or width of the esplanade reserve or esplanade strip will:
 - a. Ensure the security of private property or the safety of people;
 - b. Maintain or enhance the protection of wāhi taonga, including wāhi tapu and mahinga kai as well as the provision of access to areas of importance to Māori;
5. Whether the land is within a natural hazard area or in an area where there is an identified risk from one or more natural hazards.
6. Whether there is another protection mechanism, such as QEII Trust Covenant, that will be more appropriate than an esplanade reserve or esplanade strip.
7. Whether an access strip will provide enhanced public access to existing esplanade reserves which are currently landlocked and which have significant natural, cultural or recreational value.

Commented [RM77]: consequential amendment in response to S121.049 & S121.050 Federated Farmers (relating to Policies PA-P1 & PA-P2) - 'Open Space and Recreation, Public Access and Activities on the Surface of Water' Topic, Key Issue 2

Note: the wording of this has been altered to reduce repetition in the wording that was recommended in the s42A Report (with no consequence for interpretation)

SUB-AM10 Easements

1. Whether there is a need for easements:
 - a. where a service or access is required by the Council;
 - b. for stormwater passing through esplanade reserves where drainage will run to the river;
 - c. to meet network operator requirements;
 - d. in respect of other parties in favour of nominated lots or adjoining Certificates of Title;

- e. for private ways;
- f. for stormwater, sanitary sewer, water supply, electric power, gas reticulation, telecommunications;
- g. party walls and floors/ceilings;
- h. for servicing with sufficient width to permit maintenance, repair, or replacement.

SUB-AM11 **Sites/Lots in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing horticultural or primary production activities, including intensive primary production activities, rural industry and industrial activities**

1. The design of the subdivision to ensure that, as a consequence of the development it will accommodate, reverse sensitivity effects will not be created or exacerbated. In particular, in assessing the development, the following factors will be considered:
 - a. The scale, design, and location of the development such that the number of sites and potential house sites adjoining the above activities is minimised.
 - b. The location of the house sites which will avoid where practicable, or otherwise mitigate, any potential for reverse sensitivity effects.
 - c. The ability of the development to include methods which will mitigate against reverse sensitivity effects being created or exacerbated/experienced.
 - d. The registration of restrictive covenants and/or consent notices (where they are offered by the applicant) against the certificate of title(s) for any site where reverse sensitivity effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided or mitigated by other conditions of consent, and which are necessary to achieve the relevant objectives, policies and anticipated environmental outcomes for the zone, particularly those relating to reverse sensitivity effects.

Commented [JKS78]: Consequential amendments in relation to amendments to Policy SUB-P16 in response to submission points.

Commented [JKS79]: S129.118 Kainga Ora – Subdivision Topic, Key Issue 9: Assessment Matters

Commented [RM80]: S116.024 Silver Fern Farms - Rural Topic, Key Issue 11

Commented [JKS81]: Clause 16(2) of the First Schedule of the RMA.

SUB-AM12 **Lifestyle Sites in the Rural Production Zone**

1. Maximum area exceeded
 The Council will have regard to whether one or more of the following factors apply in deciding whether the use of an area of land greater than 4000m² for a lifestyle site is appropriate:
 - a. Enabling minimum yard requirements for Rural Production Zone lifestyle sites to be met.
 - b. Position of topographical features, such as rivers, drains, hills, terraces, or roads forming physical boundaries for the lifestyle site(s).
 - c. Site configuration, where due to the shape of the site before subdivision the excess land incorporated within the lifestyle site(s) could not be effectively utilised as part of the amalgamated balance.

- d. Provision of the continued utilisation of existing accessory buildings, gardens, and other facilities such as effluent fields, water supply points or accessways relating to the house.
- e. Soil quality, where the soil of the land incorporated within the lifestyle site is not identified as Class 1 or 2 (as defined in the New Zealand Land Inventory Worksheets) and is of a lesser quality than the soil of the amalgamated balance.
- f. Provision for buffer areas (greater than the minimum yard requirements) to avoid or mitigate reverse sensitivity where specific site characteristics and the nature of adjoining land uses are likely to generate the potential for complaints about adjoining primary production or rural industry activities.

Commented [RM82]: S116.025 Silver Fern Farms - Rural Topic, Key Issue 11

2. Balance area smaller than 12 hectares

In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamated balance area of less than 12ha is appropriate, the Council will have regard to whether any of the following factors apply:

- a. The amalgamated site has a greater potential for sustained independent production in accordance with the Rural Production Zone policies than either of the sites involved in the amalgamation had prior to the subdivision.
- b. An amalgamated site of less than 6ha will not generally be considered to have any potential under (a) above unless it contains existing capital improvements for an intensive horticultural land use.

3. Amalgamated sites not adjoining

In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamation of titles not adjoining, the Council will have regard to whether any of the following factors apply:

- a. The titles are positioned in a manner that allows them to be effectively used together for sustained independent production in accordance with Rural Production Zone policy.
- b. The likelihood of a successful application being made to subdivide the titles in the future on the basis that they cannot effectively be used together is low.

SUB-AM13 Subdivisions within the General Rural Zone and Rural Production Zone – Lifestyle Sites

- 1. That the location and shape of the lifestyle site enables the balance site to be farmed efficiently and effectively. The Council will also take into account the ability to avoid, mitigate or manage any potential reverse sensitivity effects generated from the lifestyle site, within the subject site itself, the balance area of the property and with adjoining properties.
- 2. The ability to mitigate any actual or potential reverse sensitivity effects where specific site characteristics and/or the nature of surrounding or existing land uses are likely to generate the potential for complaints about lawfully established activities. The Council will take into account the following factors (but is not restricted to these):

Commented [RM83]: S116.026 Silver Fern Farms - Rural Topic, Key Issue 11

- a. Railway lines and whether access to a lifestyle site or rural site is sought via a private level crossing (Note: this requires the formal approval of Kiwirail Holdings Ltd);
 - b. Any new access, upgraded access, or additional sites accessing a state highway (Note: this requires the formal approval of the New Zealand Transport Agency);
 - c. Any lifestyle site proposed within 400 metres of an existing rural [industry or primary production activity](#) [including intensive primary production](#);
 - d. Any rural airstrip; and
 - e. Any other nearby lawfully established activity, which a residential use of a lifestyle site is likely to be sensitive to, or incompatible with.
3. Methods to mitigate any potential reverse sensitivity effects. Landowner(s) associated with a lifestyle site subdivision application may offer the use of a 'No-Complaints Covenant' as a condition of consent, to help mitigate potential reverse sensitivity effects. This method is only available if the landowner(s) offers it; such covenants cannot be required by the Council.
- Note: 'No Complaints Covenants' of themselves will generally not be considered sufficient to deal with reverse sensitivity effects.*
4. The location and shape of any rural site enables it to be farmed efficiently and effectively, with particular regard to boundary shape.
 5. That the subdivision does not result in any more than one lifestyle site being created from the title subject to the subdivision application.
 6. Whether the proposed lifestyle site in the General Rural Zone is being created within 3 years of any prior lifestyle sites being created from the subject title, or any previous title that has become part of the subject title. If more than one lifestyle site is created within the 3-year period, the application may be declined on this basis.
 7. Where multiple sites greater than 20 hectares are being created in one subdivision or over successive applications, site configuration, shape and timing will be given particular consideration with regard to appropriateness for primary production activities. Such subdivisions should not be undertaken with the intention of 'setting up' future lifestyle site subdivisions. If this is found to be the case, the application may be declined on this basis.
 8. Whether the design of the subdivision and the development it will accommodate, is designed to avoid, remedy, or mitigate any adverse effects on any wāhi tapu, wāhi taonga, archaeological site, or any other area of historic or cultural significance.

Commented [RM84]: S81.085 Hort NZ - Rural Topic, Key Issue 11

Commented [RM85]: S42.027 Pork Industry - Rural Topic, Key Issue 11

SUB-AM14 Sites for Special Purposes

1. Whether the lot is of sufficient area and dimensions to facilitate the intended use of the site.
2. A Consent Notice may be registered on the Certificate of Title to any special purpose site, pursuant to section 221 of the RMA, requiring enforcement of a condition that, in the event that the site is no longer required for a special purpose, the site be amalgamated with an adjoining site, unless it is a fully complying lot for the respective zone.

SUB-AM15 Conservation Lots

To assess the significance of the feature being protected, and whether it can be protected successfully, the following criteria will be used as a guide:

1. Significant Natural Areas (ECO-SCHED5), Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna
 - a. The extent to which the size of the proposed Conservation Lot(s) might adversely affect the usability of the balance area.
 - b. The design of the subdivision and the development it will accommodate, to ensure that it will not have adverse effects on the values of any Conservation Lots. Reference will be made to the proposed nature and location of building platforms, roads and accessways and earthworks.
 - c. The provision of an appropriate legal protection for the Conservation Lot, in perpetuity, on the title of the land. All applications must outline how the conservation feature will be protected, including: an agreement regarding an encumbrance, bond, consent notice or covenant that must be entered into before the issue of the section 224 Certificate under the RMA. The covenant, bond, consent notice or encumbrance will as a minimum require that the stand of native vegetation or other feature of significance be fenced with a stock-proof fence where appropriate, kept free of livestock, be subject to any specified protective or enhancement measures to maintain or enhance its value or physical security, and must include monitoring and enforcement provisions.
2. Heritage Items (HH-SCHED2) and Wāhi Tapu, Wāhi Taonga and Sites of Significance to Tangata Whenua (SASM-SCHED3)
 - a. The ability to effectively protect the item or site with an appropriate legal protection for the Conservation Lot, in perpetuity, on the title of the land.
 - b. Whether sufficient area is provided to enable the item or site to be sensitively integrated into the Conservation Lot, particularly where the land contributes significantly to the value of the item or site.
 - c. Where an additional residential dwelling is proposed to be co-located with a heritage item (where not identified on HH-SCHED2 as 'Wāhi Tapu'), the extent of setback of that dwelling from the heritage item will be considered with a view to protecting the item's heritage values.

SUB-AM16 Subdivision of land, including Lifestyle Sites within Outstanding Natural Landscapes and Features, Significant Amenity Features, and the Coastal Environment (including identified areas of High Natural Character)

1. The design of the subdivision and the development it will accommodate, to ensure that it will not have adverse visual or landscape effects on the values of the feature, landscape or area (identified in ECO-SCHED5, NFL-SCHED6, and CE-SCHED7 of the District Plan) and will not detract from the natural character of the coastal environment. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping,

and planting. In particular, the development subdivision will be assessed in terms of its ability to achieve the following:

- a. Be of a scale, design and location that is sympathetic to the visual form of the coastal environment or the natural character area, landscape, or feature, and will not dominate the landscape.
- b. Avoid large scale earthworks on rural ridgelines, hill faces and spurs.
- c. Be sympathetic to the local character, to the underlying landform and to surrounding visual landscape patterns.
- d. Be designed to minimise cuttings across hill faces and through spurs, and to locate boundaries so the fencing is kept away from visually exposed faces and ridges.
- e. Where planting is proposed, its scale, pattern and location is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
- f. Where necessary, for the avoidance or mitigation of adverse effects, any proposals to ensure the successful establishment of plantings.
- g. Be sympathetic to the natural science, perceptual and associational values (including for tangata whenua) associated with the natural character area, landscape, or feature.

Commented [JKS86]: S129.120 Kāinga Ora – Subdivision Topic, Key Issue 9: Assessment Matters

SUB-AMXX Subdivision of land partly or wholly containing an identified heritage item (identified in HH-SCHED2), notable tree (identified in TREE-SCHED4), Significant Natural Area (identified in ECO-SCHED5), archaeological site, or wāhi tapu, wāhi taonga, and site or area of significance to Māori (identified in SASM-SCHED3)

1. Whether subdivision will enable the establishment of land use activities likely to result in adverse effects on the heritage item, notable tree, significant natural area, archaeological sites, wāhi tapu, wāhi taonga or site of significance to Māori that would not otherwise be enabled without subdivision
2. Any potential adverse effects on each item, tree, area, or site, including but not limited to:
 - a. Whether sufficient land is provided around the item, tree, area or site to retain and protect its values;
 - b. Whether the subdivision will fragment the item, area, or site; and
 - c. whether the subdivision will involve land disturbance that may have adverse effects on the item, tree, area, or site, including building platforms and vehicle accessways.
3. Findings and/or recommendations of investigations from any impact assessment undertaken on the effects of the subdivision on the item, tree, area, or site that are is supplied with the application.
4. Any relevant consultation and/or engagement with tangata whenua and/or Heritage New Zealand Pouhere Taonga, where appropriate.
5. Measures to avoid or mitigate any adverse effects on the cultural, spiritual, indigenous biodiversity, and/or heritage values of the item, tree, area, or site associated with the land being subdivided, including the provision of any protective covenants.

Commented [JKS87]: S129.123 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules.

SUB-AM17 Subdivisions with building platforms and/or vehicle access within the National Grid Subdivision Corridor

1. The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply within the safe **separate separation** distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001.
2. The ability for continued access to existing National Grid transmission lines for maintenance, inspections and upgrading.
3. The ability to provide a complying building platform outside of the National Grid Yard.
4. The extent to which the design and construction of the subdivision allows for activities to be set back from National Grid transmission lines to ensure adverse effects on and from the National Grid Transmission Network and on public safety are appropriately avoided, remedied or mitigated e.g. through the location of roads and reserves under the route of the line.
5. The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid transmission lines, and how such landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid.
6. The provision for the ongoing efficient operation, maintenance, and planned upgrade of the National Grid transmission lines.
7. The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity and nuisance effects on the transmission asset.
8. The outcome of any technical advice provided by Transpower.
9. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- 9-10. **The extent to which the subdivision design and consequential development are consistent with the objectives and policies of the NU – Network Utilities chapter.**

Commented [JKS88]: Clause 16(2) of the First Schedule of the RMA.

SUB-AM18 Subdivisions with building platforms and/or vehicle access within proximity of the Gas Transmission Network

1. Any effects on the safe, effective, and efficient operation, maintenance, and upgrade of the Gas Transmission Network.
2. Any effects on the ability for vehicles to access the Gas Transmission Network.
3. Risks relating to health or public safety and the risk of property damage.
4. Reverse sensitivity effects.
5. Technical advice provided by First Gas Ltd.

Commented [JKS89]: S79.085 Transpower – Subdivision Topic, Key Issue 1: National Grid Subdivision Corridor and Gas Transmission Network

SUB-AM19 Subdivision of Land within the Waipukurau South Precinct (WSP)

1. **The degree to which the subdivision may impact on the ability to service other existing or future sites in the WSP area that are compliant with SUB-S1.**
2. **Where the subdivision is located within or partly within the WSP area, the cumulative effects of the subdivision on the environment, taking into account:**

- a. Any subdivision consents already granted; and
- b. The extent of development that could occur as a controlled activity under Rule SUB-R1.
- 3. The extent to which the design and construction of the subdivision achieves the Precinct Plan Outcomes in Appendix GRZ-APP1 - Waipukurau South Precinct (WSP) Plan.

Commented [JKS90]: S114.004, S114.005, S114.006, S114.007 CHBDC - Rezoning Topic, Key Issue 23

SUB-AM20 Subdivision of Land Subject to an approved land use consent in the General Residential Zone, Commercial Zone, General Industrial Zone and/or Large Lot Residential Zone

- 1. The effect of the design and layout of the proposed sites created;
- 2. Whether the design and layout of the proposed site will result in new or increased non-compliance with District-wide and zone rules;
- 3. Whether there is appropriate provision made for infrastructure; and
- 4. Whether there is appropriate creation of common areas over parts of the parent site that require access by more than one site within the subdivision.

Commented [JKS91]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendations in response to evidence from Kainga Ora in relation to submission point S129.097

Methods

Methods, other than the above rules, for implementing the policies:

SUB-M1 Other Provisions in the District Plan

Implementation of objectives and policies of the relevant zones and district-wide activities in the District Plan, including those set out in the following sections of the District Plan:

- 1. SSB – Sustainable Subdivision & Building
- 2. TW – Ngā Tangata Whenua o Tamatea
- 3. UFD – Urban Form and Development
- 4. TRAN – Transport
- 5. NH – Natural Hazards
- 6. HH – Historic Heritage
- 7. SASM – Sites and Areas of Significance to Māori
- 8. ECO – Ecosystems and Indigenous Biodiversity
- 9. NFL – Natural Landscapes and Features
- 10. CE – Coastal Environment
- 11. EW – Earthworks

SUB-M2 Codes of Practice

- 1. The current Hastings District Council Engineering Code of Practice (used by Central Hawke’s Bay District Council) includes standards for the design and construction of roading and service infrastructure, which may be used as a means of compliance with the objectives, policies, rules, and standards of the District Plan (subject to minor amendments).

2. [Code of Practice for Urban Land Development and Subdivision Infrastructure](#) (New Zealand Standard NZS 4404:2004/2010).
3. The New Zealand Fire Service Fire-Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 applies to all new subdivision and development in all areas, for both reticulated and non-reticulated water supplies.

Commented [JKS92]: S89.009 CHBDC – Subdivision Topic, Key Issue 2: Codes of Practice and Standards

SUB-M3 Council Bylaws

Central Hawke's Bay District Council's Water Supply (Part 07), Stormwater (Part 21) and Wastewater (Part 22) Bylaws.

SUB-M4 National Policy Statements and National Environmental Standards

1. Resource Management (National Policy Statement on Electricity Transmission) 2010.
2. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

SUB-M5 Natural Hazard Information

Natural hazard information, such as the Council's natural hazard database on the GIS system, the natural hazards historical database and ongoing consultation and information sharing with the Hawke's Bay Regional Council, including via the Hawke's Bay Hazard Information Portal (<http://www.hbemergency.govt.nz/hazards/portal>).

SUB-M6 Covenants and Consent Notices

Covenants and Consent Notices issued under section 221 of the RMA and registered on Certificates of Title.

SUB-M7 s222 RMA Completion Certificates

Completion Certificates issued under section 222 of the RMA for the completion of works (e.g. works to provide or upgrade service facilities).

SUB-M8 Heritage New Zealand Pouhere Taonga Act

The Heritage New Zealand *Pouhere Taonga* Act makes it an offence to destroy or modify an archaeological site without first obtaining an 'archaeological authority' (applies to both recorded and unrecorded archaeological sites). Contact with Heritage New Zealand *Pouhere Taonga* is advised if the subdivision involves any activity may modify, damage or destroy any archaeological site (e.g. such as earthworks, fencing or landscaping).

Principal Reasons

The principal reasons for adopting the policies and methods:

It is important that subdivision is undertaken in a way that achieves the objectives and policies of the various zones and district-wide activity provisions of the District Plan.

The District Plan includes minimum lot size standards that provide landowners with sufficient flexibility and certainty to create sites which are of an appropriate size to achieve the scale, density and type of development provided for by the objectives, policies and methods for each zone and district-wide activity.

Consistent with the objectives and policies of the ECO – Ecosystems and Indigenous Biodiversity chapter, the HH – Historic Heritage chapter, and SASM – Sites of Significance to Māori chapter in the District Plan, includes subdivision rules that allow the creation of a separate in-situ Lifestyle Site (and an associated house site) in return for legally and physically protecting in perpetuity: nominated significant indigenous vegetation and/or significant habitats of indigenous fauna (including Significant Natural Areas identified in ECO-SCHED5 of the District Plan), Heritage Items identified in HH-SCHED2, or Wāhi Tapu, Wāhi Taonga and Sites of Significance identified in SASM-SCHED3 of the District Plan located on the land being subdivided.

Given the highly variable nature of circumstances and public needs associated with the creation of sites for special purposes (including public works, network utility operations and renewable electricity generation activities), it is impractical to specify what size or dimension these sites should be. The subdivision rules therefore provide flexibility to allow the creation of sites of various sizes and dimensions for special purposes.

Subdivision is often followed by intensification or changes in land use that increase the demand for reticulated water supply, wastewater disposal and stormwater disposal services. However, unless the provision of such services is proposed and identified as works in the Council's Long Term Plan or Annual Plan, and are necessary to protect the environment, the Council will not provide services. Subdividers will be required to ensure that independent provision can be made for an on-site water supply, and for the disposal of wastewater and stormwater on the site, sufficient to meet the likely needs of subsequent development.

Where a method, other than connection to a public reticulated system will be used to provide new lots with a water supply or means of disposing of wastewater or stormwater from lots, subdividers will be required to demonstrate how the method can achieve the protection of the health and safety of residents and avoid any significant adverse effects on the environment.

Vehicular and pedestrian access to lots created must be practicable, safe, and convenient for users, and should avoid adverse effects on the environment, including adjoining activities. Where new roads are required to connect a subdivision to the District road network, it is important that they are designed and constructed to be compatible with the roads they are connecting to.

It will be the subdividers, or subsequent lot owners', responsibility to ensure that telecommunication or electricity reticulation is available, where needed. Electricity requires the provision of power lines and associated structures. New underground reticulation is considered more visually appropriate.

The Council uses the [Code of Practice for Urban Land Development and Subdivision Infrastructure](#) (NZS 4404: 2010) and the [Hastings District Council Engineering Code of Practice](#) (and any future amendments) as methods to assess detailed engineering requirements for subdivision consent applications, along with the [Hastings District Council Engineering Code of Practice](#). These Codes of Practice are therefore referred to in the [Methods assessment matters for resource consents – although the Code of Practice itself is but are](#) not part of the District Plan.

Commented [RM93]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - minor change pursuant to clause 16(2) of the Schedule 1 of the RMA

There are areas within the District which, because of risk from natural hazards, are unsuitable for development, or require specific measures to be undertaken to overcome these hazards (refer to the NH – Natural Hazards chapter of the District Plan).

Commented [JKS94]: S89.007 CHBDC, S129.125 Kāinga Ora – Subdivision Topic, Key Issue 2: Codes of Practice and Standards

The Council has the ability under section 106 of the RMA to decline consent to any subdivision in areas where there is a significant risk from natural hazards. It is also necessary to consider the effects of the mitigation measures (as part of a risk management approach) which may also create adverse environmental effects.

Earthworks associated with construction of access, building platforms or services on land being subdivided may potentially have an adverse impact on the amenity of the area, including dust and visual amenity, and may result in the modification, damage or destruction of historic heritage and sites and places of significance to tangata whenua; or accelerate or worsen the risk and effects of natural hazards in the area. The Council may impose conditions on subdivision consents regarding the design, location, construction, and extent of earthworks associated with the subdivision or development of the land.

Inappropriately designed or located subdivision has potential to create reverse sensitivity effects, particularly when it provides for the establishment of sensitive activities (e.g. residential and lifestyle development) close to existing primary production activities, [rural industry](#), industrial activities, public works, network utility operations and renewable electricity generation sites. Such effects can significantly affect the ability of the existing activities to continue to [legally operate, upgrade or expand](#) (e.g. through complaints about noise and odour). Therefore, recognising and avoiding reverse sensitivity effects when planning for subdivision and land use development will provide for the continued efficient and effective operation of existing activities.

Commented [JKS95]: S116.027 Silver Fern Farms – Subdivision Topic, Key Issue 12.

[While the Waipukurau South Precinct \(WSP\) area has been residentially zoned for a number of years, the ability to develop the land within it has been significantly hindered by servicing constraints, particularly in relation to 3-waters infrastructure \(most notably stormwater and wastewater\) and through land parcels being held in multiple ownership. Active faultlines also exist within the area. Subdivision proposals within the WSP will be assessed with respect to their ability to achieve the Structure Plan Outcomes in Appendix GRZ-APP1 – Waipukurau South Precinct \(WSP\) Structure Plan.](#)

Commented [JKS96]: S114.008 CHBDC - Rezoning Topic, Key Issue 23

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- SUB-AER1** Achievement of the objectives and policies of the various zones and district-wide activity provisions.
- SUB-AER2** Creation of sites which are of a sufficient size and shape to accommodate the variety of activities allowed by the zones and district-wide activity rules.
- SUB-AER3** Appropriate flexibility in the size of lots that can be created and the means of achieving the servicing of lots.
- SUB-AER4** Sites which are of a size and shape that enable the maintenance or enhancement of the character or amenity of the environment, including landscape values, and avoid any potential reverse sensitivity issues in the area where they are located.
- SUB-AER5** Sites of a size and shape suitable for current and future requirements of public works, network utilities, renewable electricity generation, and other special purposes.
- SUB-AER6** A safe and efficient roading network.
- SUB-AER7** Safe, efficient and convenient vehicular and pedestrian access to and from subdivided lots.
- SUB-AER8** Water supplies that are sufficient in volume and of potable (drinkable) quality to meet reasonable needs and expectations over time.
- SUB-AER9** Adequate treatment and disposal of stormwater and wastewater.
- SUB-AER10** Adequate provision for electricity/energy and telecommunications services.
- SUB-AER11** Maintenance and enhancement of public health and safety.
- SUB-AER12** Cost effective provision of services for redevelopment and growth without additional financial burdens on District rate payers.
- SUB-AER13** A pattern of subdivision complementary and appropriate to the character of the land uses in the area concerned.
- SUB-AER14** A pattern of subdivision consistent with planned density, roading patterns and open space requirements appropriate in residential environments.
- SUB-AER15** Avoidance or mitigation of potential significant risk from natural hazards, including flooding, erosion or subsidence.