

RULE C2 – ZONE STANDARDS

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RULE C2 – ZONE STANDARDS - SUBDIVISION

NB – Words outlined in bold type below have a specific definition contained in Chapter 2 (Definitions).

C2.1 Standards – Residential Zone

(Refer Part 5.3.3 to 5.3.11)

C2.1.1 Greenfields Subdivisions

- A) Any subdivision shall comply with the relevant minimum lot size and frontage widths as set out in Table 1 below for the existing Residential **Zone** and areas shown within the **Growth Precincts**:

Table 1

Area	Minimum Lot Size (Net Site Area)	Minimum Footage Width for each lot
Existing Residential	500m²	-
Growth Precinct – Density 1	2000m²	40.0m
Growth Precinct – Density 2	800m²	25.0m

- B) Access and roading design and construction shall comply with the standards contained within NZS 4404:2010 Land Development. Where common access to six or more allotments is to be provided, this access must be a new legal **road**, to be formed to **Council** standards.
- C) Shape factor - each **site** shall be capable of containing an 18m diameter circle.
- D) Any subdivision proposals shall be designed in accordance with the requirements specified in the relevant Structure Plan (Appendix (9A, 9B, 9C).
- E) Any subdivision shall include a stormwater system design that achieves **stormwater neutrality** at the following scales:
- Over the area of land that is the subject of the subdivision proposal.
 - Over the **Growth Precinct** in which the subdivision proposal is located.
- F) Any subdivision of land within the **National Grid Corridor** shall identify a **building platform** to be located outside the **National Grid Yard**.

- G) Any subdivision that includes a lot smaller than 5,000m² must be connected to reticulated wastewater services.
- H) Any subdivision containing a waterbody shall include:
 - i) consideration and assessment of flood hazard **effects**; and
 - ii) measures to ensure that **effects** of flooding from the waterbody area avoided or mitigated.

C2.1.2 Infill Subdivision

NB: - An application for land use consent will be needed for development of **sites** under 350 m². (Refer Rule B1.2.1).

- A) **Infill** subdivision proposals which do not comply with the minimum lot size, or shape factor rules above shall demonstrate that:
 - i) The **site** can accommodate the proposed new and any existing development in compliance with the standards in Rule B1.3.
 - ii) The proposed sites can be satisfactorily serviced.
- B) **Infill** subdivision proposals shall comply with Rules C2.1.1 B) above.

NB - Overall development plans of the proposed new and any existing development must accompany **infill** subdivision proposals. (Refer Rule A1.2.3)

C2.2 Standards – Village Zones

(Refer Parts 5.3.3 to 5.3.11)

C2.2.1 Performance Standards

- A) Minimum **Site** Areas
 - i) Sewered 500m² **net site area**.
 - ii) Unsewered 800m² **net site area**.
- B) Any **entrance strip** which provides legal access to a rear **site** shall have a minimum width of:
 - i) 3m where the number of sites is not greater than four. If visibility is restricted along the **entrance strip**, spaces visible from one to another shall be provided to enable vehicles to pass.

- ii) 6m where the number of sites is greater than four. This width may be reduced to 3m if the **entrance strip** includes space for vehicles to pass, such spaces being visible from one to another.
- C) Where common access to eight or more residential allotments is to be provided, this access must be a new legal **road**, to be formed to **Council's** standards.

C2.3 Standards – Business, Industrial, Recreation, Manfeild Park and Special Development Zones

(Refer Part 5.3.3 to 5.3.11)

C2.3.1 Suitability Of Lots

The applicant must demonstrate that all new allotments can be used for a permitted activity in a manner that conforms to this Plan. Development plans for the land being subdivided may be required, to prove compliance with the Plan's standards.

C2.3.2 Access To Rear Sites

Any **entrance strips** to rear sites shall be wide enough for heavy vehicle access.

C2.3.3 Stormwater Neutrality (Industrial Zone only)

Every subdivision must include a stormwater system designed to achieve **stormwater neutrality**, appropriate for the activities, use and development of the **site**, including any connection to **Council** network infrastructure, at the following scales:

- i) Over the area of land that is the subject of the subdivision proposal; and
- ii) Over the **Growth Precinct** in which the subdivision proposal is located.

C2.4 Standards - Rural Zones and Flood Channel Zones

(Refer Parts 5.3.1 to 5.3.7 and 5.3.11)

C2.4.1 Performance Standards

A) Average Lot Size Rule - General

- i) The maximum number of additional allotments which may be created by subdivision of any title shall not exceed the subdivision entitlement (SE) or remaining entitlement (RE) calculated in accordance with B) or C) below.
- ii) If the subdivision entitlement (SE) or remaining entitlement (RE) calculated for any title

is less than one, no subdivision of that title shall be permitted. Fractions shall be disregarded.

- iii) Any land which comprises the “base portion” of the title concerned, as determined

EXAMPLE

Farmer Brown has a title which is zoned partly Rural 1 and partly Flood Channel 1. It is 92.7ha in area and has existed since 1967. To find out its subdivision potential he divides 92.7ha by 8 (R1 from above).

His calculator gives an answer of 11.58, and he then subtracts one to give an answer of 10.58. The fraction of .58 is disregarded.

The property can therefore be divided to produce a maximum of ten extra lots plus a balance area (SE = 10).

Farmer Brown then calculates his “base portion”, which is half of the original title (i.e. 46.35ha, or 20ha, whichever is smaller). The answer he finds is therefore 20ha.

The 10 extra allotments plus balance area can be of any size the farmer chooses, as long as the base portion (i.e. at least 20ha) remains in one piece and the Plan’s other rules (e.g. 0.8ha minimum size) are met.

under b. ii) below, shall not at any time be subdivided further.

- iv) If the land being subdivided includes more than one title, or involves a title which is zoned partly Rural 1 and partly Rural 2, the subdivision entitlement or remaining entitlement for that land shall be calculated by adding together the entitlements of the individual titles or parcels of land concerned.

B) Average Lot Size Rule- Parent Titles.

- i) Titles which existed on 1 August 1998 shall be termed “parent titles.” The subdivision entitlement (SE) of such titles shall be calculated by taking the total area of the title (A) and dividing it by:

Rural 1 **Zone**, with or without Flood Channel **zone** land- 8 (R1)

Rural 2 **Zone**, with or without Flood Channel **zone** land- 4 (R2)

Flood Channel **zone** land without Rural 1 or 2 **zone** land- 8 (FC)

And then subtracting 1.0 from the resulting number, ie:

$$SE = \left(\frac{A}{R1 \text{ or } R2 \text{ or } FC} \right) - 1.0$$

- ii) An area comprising one half of the parent title or an area comprising 20 hectares, whichever is a smaller area of land, shall be identified within each subdivision of a parent title as a “base portion”. This area of land must be wholly retained within one of the new allotments being created.

iii) When a parent title is subdivided, the entitlement to subdivide shall be recalculated and distributed among the resulting titles as follows:

- a) The number of additional allotments (N) which have been subdivided from the parent title shall be subtracted from the maximum number of additional allotments which could have been subdivided from the parent title (SE from above), to give the total remaining entitlement (tRE), i.e.

$$tRE = (SE - N)$$

EXAMPLE

Farmer Brown subdivided the 92.7ha property into three pieces, i.e. created two extra lots (N = 2). It was however allowed to be subdivided to provide up to 10 extra lots (SE = 10). The total remaining entitlement (tRE) is therefore either extra allotments. This entitlement is then divided amongst the three pieces of land (the resulting titles) as described below. (NB If Farmer Brown’s subdivision has already created the maximum of ten additional allotments from his property, no further subdivision would be allowed.)

iv) The total remaining entitlement (tRE), if any, shall be apportioned amongst the resulting titles (RT) by dividing the area of each resulting title by the area of the parent title (PT), and then multiplying the result by the total remaining entitlement (tRE). For this calculation the area of the base portion (BP) shall be excluded from the parent title and from any resulting title within which it is located.

$$RE \text{ for each Resulting Title} = tRE \times \left(\frac{RT \text{ Area} - BP}{PT \text{ Area} - BP} \right)$$

EXAMPLE

The three titles created from Farmer Brown’s 92.7ha property had areas of 50ha, 18ha, and 24.7ha. The 50ha Lot 1 contains the 20ha base portion. This 20ha is subtracted from the parent title, and from Lot 1. The three new titles (with Lot 1 now being a net area of 30ha) are each divided by the net area of the parent title (72.7ha), and then multiplied by the total remaining entitlement of 8, as follows:

Lot 1 is 30ha/72.7ha = 0.412	then 0.412 x 8 = 3.30
Lot 2 is 18ha/72.7ha = 0.248	then 0.248 x 8 = 1.98
Lot 3 is 24.7ha/72.7ha = 0.340	then 0.340 x 8 = 2.72

Lot 1 can therefore have three additional lots (i.e. can be subdivided into up to four pieces). Lot 2 can have one additional lot, and Lot 3 can have two additional lots.

C) Average Lot Size Rule – Resulting Titles and Subsequent Subdivisions

- i) In any subdivision of “resulting titles”, and in any subdivisions thereafter, the subdivision entitlement shall be recalculated for each new title. This recalculation shall be done in the manner described in b. above, except that the “parent title” shall be deemed to be the title being subdivided rather than that which existed on 1 August 1998.

EXAMPLE

Farmer MacDonald buys one of Farmer Brown’s three resulting titles, namely Lot 1 of 50ha. She knows that it can be potentially subdivided to provide three additional lots, and cuts it into two blocks of 12ha and 38ha. The subdivision potential of the two pieces is then recalculated. The potential of her block was three additional lots, and she has subdivided to provide only one. The total remaining entitlement is therefore two.

This total remaining entitlement then needs to be apportioned between the two new pieces of land which Farmer MacDonald has created. The 38ha block contains the 20ha base portion, which needs to be subtracted from the area of both that allotment and the 50ha Lot 1.

To do this the net areas of both allotments (12 and 18ha) are each divided by the net area of the title from which they came (30ha), and then multiplied by the total remaining entitlement of the whole 50ha block (2 new lots), as follows:

Lot 1 is $12\text{ha}/30\text{ha} = 0.40$ then $0.40 \times 2 = 0.80$
 Lot 2 is $18\text{ha net}/30\text{ha} = 0.60$ then $0.60 \times 2 = 1.20$

Lot can therefore be subdivided to provide one additional allotment, i.e. cut into two pieces. Lot 1 cannot be subdivided since its entitlement is less than one additional lot.

NB: **Council** will place a consent notice on the titles of newly-subdivided allotments which have no further subdivision potential under this Plan, to alert potential purchasers to that fact (Refer Rule A1.3.2 a. xiii)).

D) Minimum Lot Size

All allotments shall be at least 0.8ha in area.

E) Separation Factor For Potential Houses

All allotments shall be capable of containing a notional **dwelling site** which is at least 35 metres from all boundaries of that allotment. The notional **dwelling site** shall consist of a 20 metre diameter circle, and shall meet the requirements of H) below as a suitable **building site**.

F) Effluent Disposal

- i) All allotments being created shall have a demonstrated suitability for the disposal of effluent from a **dwelling** on the land.
- ii) Effluent shall be disposed of either within the **site** or into a **Council-** approved

collective disposal system. Sewage drainage easements into neighbouring properties will not be permitted.

G) Access To Land Drainage & Water

- i) All allotments shall be demonstrated to have direct or legal access to natural or practical land drainage.
- ii) All allotments being created for other than purely residential purposes shall have an adequate piped supply of water for stock watering purposes. This water supply may be by means of a supply easement from another property, or by means of a piped supply from a fenced farm dam.
- iii) Allotments being created for a purpose which involves large areas of parking, **buildings** or other impervious surfaces shall make appropriate provision for stormwater disposal.

H) Suitable **Building Site**

All allotments shall have at least one suitable **site** where a **dwelling** could be erected, together with associated effluent and stormwater disposal systems. For the purposes of this rule a suitable **dwelling site** is one which complies with this Plan's performance standards, is not within the Air Noise Area, (Refer Appendix 3A), and has been demonstrated to be free of land stability hazards.

I) Access To Allotments

- i) All allotments shall have at least one place for a vehicular access point which meets the sight distance requirements in Appendix 3B.3. This access point may be shared with other property, provided that any necessary legal arrangements are entered into.
- ii) Any **entrance strip** which provides legal access to a **site**, shall have a minimum width of:
 - a) 8m where the number of sites is two or less,
 - b) 10m where the number of sites is three or four.
 - c) 12m where the number of sites is five or more.
- iii) Any vehicle crossings proposed by a subdivision and located less than 50 metres apart shall be combined to create a joint crossing place, if located on the same side of the **road** concerned.
- iv) Where common access to eight or more allotments is to be provided, this access must be a new legal **road**, to be formed to the **Council's** standards.

NB: Where a new vehicle crossing is proposed to, or near, an **arterial route**, land use consent may be required if the relevant standards are not met. (Refer Rules B3.3.1 Q) and B7.3.1 E).

J) Fragmentation of **Natural Areas**

No subdivision shall result in:

- i) Any new boundary within any area of **indigenous forest**, or within any **wetland** listed in Appendix 1A, or
- ii) The fringes or bed of a lake being comprised in a greater number of titles than is currently the case, unless that area is to be protected by a **legal covenant**.

K) New Intersections

Spacing and visibility guidelines – Refer Appendix 3B.3.

C2.5 Further Standards Applying In All Zones

A) Exception To Frontage Requirements

Council may approve allotments without **road** frontage where it is satisfied with alternative access. (Section 321(3) Local Government Act 1974).

B) Concept Plans

In respect of any land capable of providing more than 50 housing allotments, **Council** may require an overall concept plan to be submitted, prior to any application for subdivision consent being considered.

C) Party Walls

Where a subdivision creates a party wall, that wall must comply with the Building Act's fire rating and structural requirements.

D) Services In Residential, Village, Business, Industrial, Manfeild Park and Special Development **Zones**

- i) Sites in these **zones** shall be connected to reticulated services, and shall not cause existing services to be overloaded.
- ii) All cables, including for power, telephone, and street lighting, shall be placed underground, except where existing services are above ground or where in **Council's** opinion, underground services are economically unjustifiable due to problems associated with such issues as topography, geology, land stability or operational requirements.

- iii) Where **rear sites** are being created, or a multi-unit development is being subdivided, easements shall be created over all underground services.

E) Separation From Boundaries

All proposed boundaries shall be sited at a sufficient distance from **buildings** to comply with the **yard** and **height** requirements of this Plan, and to meet the fire rating requirements of the Building Act 1991.

F) High-Voltage Electricity Transmission Lines

Where land being subdivided contains high voltage (110kV or higher) transmission lines the subdivision design shall provide for **building** sites no closer than 20m either side of the centre point of the transmission line.

G) Access to sites within the Manfeild Park **Zone**

- i) Any vehicle crossings proposed along Kawakawa Road must be located 50m apart. Any crossings within this distance must be joined to form one access.

H) Access to **sites** within the Special Development **Zone**

- i) Access to **sites** from South Street must be accommodated by a service lane adjacent to South Street.
- ii) Any vehicle crossings proposed along Kawakawa Road must be located 50m apart. Any crossings within this distance must be joined to form one access.