

E38. Subdivision – Urban

E38.1. Introduction

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location.

Objectives, policies and rules in this section apply to subdivision in all zones except for the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural - Waitākere Foothills Zone, Rural - Waitākere Ranges Zone, Future Urban Zone, and Special Purpose – Quarry Zone which are located in [E39 Subdivision – Rural](#).

E38.2. Objectives

- (1) Land is subdivided to achieve the objectives of the residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.
- (2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.
- (3) Land is vested to provide for esplanades reserves, roads, stormwater, infrastructure and other purposes.
- (4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.
- (5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (6) Subdivision has a layout which is safe, efficient, convenient and accessible.
- (7) Subdivision manages adverse effects on historic heritage or Maori cultural heritage.
- (8) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the areas.
- (9) Subdivision to protect indigenous vegetation or wetlands is provided for in the residential zones.
- (10) Subdivision:
 - (a) ~~[Deleted] within urban and serviced areas, does not increase the risks of adverse effects to people, property, infrastructure and the environment from natural hazards~~

- (aa) only occurs when the risk from natural hazards, including the potential effects of climate change, to people, property, infrastructure and the environment is tolerable or acceptable;
- (b) avoids, where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and
- (c) maintains the function of flood plains and overland flow paths to safely convey flood waters, and of natural features and buffers in the coastal environment, as natural defenses against coastal hazards, while taking into account the likely long term effects of climate change;
- (d) is enabled where the sites can be adequately serviced by the water supply, wastewater and stormwater networks to avoid adverse effects on the function and capacity of the networks; and
- (e) is only enabled in areas serviced by the combined wastewater network where it is confirmed that there is sufficient capacity in the network to service the subdivision and resulting development.

E38.3. Policies

- (1) Provide for subdivision which supports the policies of the Plan for residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.
- (2) Require subdivision to manage ~~the risk of adverse effects resulting from natural hazards~~ risks in accordance with the objectives and policies in [E36 Natural hazards and flooding](#), ~~and to provide safe and stable building platforms and vehicle access.~~
- (3) Require subdivision design to respond to the natural landscapes by:
 - (a) avoiding building platforms and, where practicable, infrastructure, on identified or dominant ridgelines on sites zoned Residential – Large Lot Zone or Residential – Rural and Coastal Settlement Zone;
 - (b) locating and designing roads, access and infrastructure in a manner which minimises earthworks; and
 - (c) locating roads and development to follow land contours.
- (4) Require subdivision to be designed to retain, protect or enhance scheduled features including those in the Historic Heritage Overlay and Sites and Places of Significance to Mana Whenua Overlay.
- (5) Provide for subdivision of residential zoned sites containing indigenous vegetation scheduled in the [D9 Significant Ecological Areas Overlay](#) where the significant ecological area is to be protected, and enable the same or a similar number of

sites to be created as would be enabled if the site did not contain a significant ecological area.

- (6) Provide for subdivision around existing development, and where it enables creation of sites for uses that are in accordance with an approved land use resource consent and where there is compliance with Auckland-wide and zone rules.
- (7) Provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with Auckland-wide and zone rules.
- (8) Avoid subdivision of minor dwellings or converted dwellings not complying with minimum lot size.
- (9) Require any staged subdivision to be undertaken in a manner that promotes efficient development.
- (10) Require subdivision to provide street and block patterns that support the concepts of a liveable, walkable and connected neighbourhood including:
 - (a) a road network that achieves all of the following:
 - (i) is easy and safe to use for pedestrians and cyclists;
 - (ii) is connected with a variety of routes within the immediate neighbourhood and between adjacent land areas; and
 - (iii) is connected to public transport, shops, schools, employment, open spaces and other amenities; and
 - (b) vehicle crossings and associated access designed and located to provide for safe and efficient movement to and from sites and minimising potential conflict between vehicles, pedestrians, and cyclists on the adjacent road network.
- (11) Require subdivision to be designed to achieve a high level of amenity and efficiency for residents by:
 - (a) aligning roads and sites for maximum sunlight access where topography and parent site shape allows; and
 - (b) aligning sites to the road to maximise opportunities for buildings fronting the road.
- (12) Limiting rear sites to places where the site topography, existing boundaries, natural features, or scheduled places will prevent the creation of front sites.
- (13) Require subdivision to deliver sites that are of an appropriate size and shape for development intended by the zone by:

- (a) providing a range of site sizes and densities; and
 - (b) providing for higher residential densities in locations where they are supportive of pedestrians, cyclists, public transport and the viability and vibrancy of centres.
- (14) Encourage the design of subdivision to incorporate and enhance land forms, natural features, and indigenous trees and vegetation.
- (15) Encourage shared vehicle access by way of rear lanes where appropriate to avoid the proliferation of vehicle crossings that:
- (a) creates adverse effects on the safety of the road and footpath;
 - (b) limits opportunities to plant street trees; or
 - (c) creates inefficiencies in the provision of on-street car parking or areas for bus stops.
- (16) Require shared vehicle access to be of a width, length and form that:
- (a) encourages low vehicle speed environments; and
 - (b) provides for the safety of users of the access and the adjoining road network.
- (17) Require sufficient road reserves to accommodate the needs of:
- (a) different types of transport modes;
 - (b) stormwater networks;
 - (c) network utilities; and
 - (d) lighting, street furniture, landscaping and reticulated infrastructure in a way that will not create future safety and maintenance issues.

Recreation and Amenity Spaces

- (18) Require subdivision to provide for the recreation and amenity needs of residents by:
- (a) providing open spaces which are prominent and accessible by pedestrians;
 - (b) providing for the number and size of open spaces in proportion to the future density of the neighbourhood; and
 - (c) providing for pedestrian and/or cycle linkages.

Infrastructure

- (19) Require subdivision to provide servicing:

- (a) to be coordinated, integrated and compatible with the existing infrastructure network;
 - (b) to enable the existing network to be expanded or extended to adjacent land where that land is zoned for urban development; and
 - (c) to enable electricity and telecommunications services to be reticulated underground to each site wherever practicable.
- (20) Require sites capable of containing a building, in areas where service connections are available to a public reticulated network, to connect to the following networks:
- (a) wastewater;
 - (b) stormwater; and
 - (c) potable water.
- (21) Require sites capable of containing a building, in areas with no reticulated water supply, stormwater or wastewater network, to be of a size and shape that provides for:
- (a) the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding;
 - (b) management of wastewater via:
 - (i) an on-site wastewater treatment system that does not lead to adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding, or
 - (ii) approval to connect to a private wastewater network; and
 - (c) potable water.
- (22) Require subdivision to be designed to manage stormwater:
- (a) in accordance with any approved stormwater discharge consent or network discharge consent;
 - (b) in a manner consistent with stormwater management policies in [E1 Water quality and integrated management](#);
 - (c) by applying an integrated stormwater management approach to the planning and design of development in accordance with stormwater management policies in [E1 Water quality and integrated management](#);
 - (d) to protect natural streams and maintain the conveyance function of overland flow paths;

- (e) to maintain, or progressively improve, water quality;
 - (f) to integrate drainage reserves and infrastructure with surrounding development and open space networks; and
 - (g) in an integrated and cost-effective way.
- (23) ~~Manage~~ Require subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure including reverse sensitivity effects, which may compromise the operation and capacity of existing or authorised infrastructure.

Esplanade Reserves and Strips

- (24) Require esplanade reserves or strips when subdividing land adjoining the coast and other qualifying water-bodies.
- (25) Avoid reducing the width of esplanade reserve or strip, or the waiving of the requirement to provide an esplanade reserve or strip, except where any of the following apply:
- (a) safe public access and recreational use is already possible and can be maintained for the future;
 - (b) the maintenance and enhancement of the natural functioning and water quality of the adjoining sea, river or other water body will not be adversely affected;
 - (c) the land and water-based habitats on, and adjoining, the subject land area will not be adversely affected;
 - (d) the natural values, geological features and landscape features will not be adversely affected;
 - (e) any scheduled historic heritage places and sites and places of significance to Mana Whenua will not be adversely affected;
 - (f) it can be demonstrated that the reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the ~~likely~~ potential long term effects of climate change;
 - (g) it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural character and amenity of the coastal environment;
 - (h) a reduced width in certain locations can be offset by an increase in width in other locations or areas which would result in a positive public benefit, in terms of access and recreation;
 - (i) restrictions on public access are necessary to ensure a level of security for business activities in limited circumstances having regard to the policies in

[B8.4](#) relating to public access and open space in the coastal marine area;
or

- (j) direct access to the sea or other water body is required for a business activity in limited circumstances.

(26) Require esplanade reserves rather than esplanade strips unless any of the following apply:

- (a) land has limited conservation and recreational value;
- (b) conservation and historic heritage values that are present can be adequately protected in private ownership;
- (c) the opportunity to acquire an esplanade reserve is unlikely to arise but continuity of access is desirable;
- (d) creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership;
- (e) land is subject to natural hazards or stability issues taking into account the ~~likely~~ potential long term effects of climate change; or
- (f) a marginal strip of at least 20 metres under the Conservation Act 1987 has not been set aside on land that is Treaty Settlement Land.

Subdivision Variation Control identified in the planning maps

- (27) Manage the existing pattern and density of subdivision in locations identified in the Subdivision Variation Control shown on the planning maps to protect their low density character.
- (28) Avoid subdivision that detracts from the natural landscape qualities which are defined by the low density settlement pattern.
- (29) Manage subdivision of land where there are known infrastructure constraints.

Subdivision in Special Character Areas Overlay – Residential and Business

- (30) Maintain the distinctive pattern of subdivision as identified in the character statements for special character areas.

Subdivision in areas subject to the Infrastructure – Combined Wastewater Network Control as identified in the planning maps

- (31) Avoid subdivision in areas identified on the planning maps as being subject to combined wastewater infrastructure constraints unless the proposed subdivisions is able to demonstrate that there is sufficient capacity available in the combined wastewater network to enable servicing of the proposed subdivision, and this is confirmed by the wastewater services provider.

E38.4. Activity table

Tables E38.4.1 to E38.4.5 specify the activity status of subdivision pursuant to section 11 of the Resource Management Act 1991.

For subdivision within [the D26 National Grid Corridor Overlay](#), the activity status for subdivision in the urban zones as listed in Tables E38.4.1 to E38.4.5 below will apply unless there are different provisions in [D26 National Grid Corridor Overlay](#) in which case the overlay provisions will take precedence.

For subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural - Waitākere Foothills Zone, Rural - Waitākere Ranges Zone, Future Urban Zone, and Special Purpose – Quarry Zone see [E39 Subdivision – Rural](#).

The activities listed in Table E38.4.1 Subdivision for specific purposes may only comprise a specific element of a subdivision activity. The other elements of a subdivision may also be listed in Tables E38.4.2, E38.4.3, E38.4.4, and E38.4.5. Where the proposed subdivision activity fits into activities listed in Table E38.4.1 Subdivision for specific purposes and those listed in tables E38.4.2, E38.4.3, E38.4.4, and/or E38.4.5 then the activity status listed for each activity in each table also applies.

Note 1

The rules that have immediate legal effect are identified in Table E38.4.1 as below. Any associated standards, matters of discretion, assessment criteria, special information requirements, maps, definitions and appendices applicable to those rules also have immediate legal effect.

Table E38.4.1 Activity table - Subdivision for specific purposes

	Activity	Activity status
(A1)	Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease, or unit title subdivision is not involved	P
(A2)	Subdivision for a network utility	P
(A3)	Conversion of a cross lease to a fee simple title	C
(A4)	Cross lease, company lease, unit title and strata-title subdivision	C
(A5)	Amendments to a cross lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners	C
(A6)	Boundary adjustments which do not exceed 10 per cent of the net site area of each site	C
(A7)	Subdivision of a site with two or more zones or subdivision along an undefined zone boundary	RD
(A8)	Subdivision establishing an esplanade reserve	RD
(A9)	Subdivision establishing an esplanade strip	D
(A10)	Any reduction or waiver of esplanade reserves or strips	D
(A11)	Subdivision of land within any of the following natural hazard areas: • [Deleted] 1 per cent annual exceedance probability floodplain • <u>flood hazard areas (excluding overland flow paths);</u> • [Deleted] coastal storm inundation 1 per cent annual exceedance probability (AEP) area • <u>coastal hazard areas;</u> • [Deleted] coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area • <u>medium landslide susceptibility assessment areas; or</u> • [Deleted] coastal erosion hazard area	RD

Immediate legal
effect under
s86B(3)(f) RMA

Qualifying
matter as per
Sch 3C, cls
8(1)(a) of the
RMA

Immediate legal
effect under
s86B(3)(f) RMA

Qualifying
matter as per
Sch 3C, cls
8(1)(a) of the
RMA

	• <u>high landslide susceptibility assessment areas;</u> or • [Deleted] land which may be subject to land instability.	
(A12)	Any subdivision listed in this activity table not meeting the standards in E38.6 General standards for subdivision	D
(A13)	Any subdivision listed in this activity table not meeting the permitted, controlled, or restricted discretionary activities standards in E38.7 Standards for subdivision for specific purposes	D

Table E38.4.2 Activity table - Subdivision in residential zones

	Activity	Activity status
(A14)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.2.1	RD
(A15)	Subdivision around existing buildings and development complying with Standard E38.8.2.2	RD
(A16)	Vacant sites subdivision involving parent sites of less than 1ha complying with Standard E38.8.2.3	RD
(A17)	Vacant sites subdivision involving parent sites of less than 1ha not complying with Standard E38.8.2.3.	D
(A18)	Vacant sites subdivision involving parent sites of 1ha or greater complying with Standard E38.8.3.1	D
(A19)	Vacant sites subdivision involving parent sites of 1ha or greater not complying with Standard E38.8.3.1	NC
(A20)	Subdivision of sites identified in the Subdivision Variation Control complying with Standard E38.8.2.4	RD
(A21)	Subdivision of sites identified in the Subdivision Variation Control not complying with Standard E38.8.2.4	NC
(A22)	Subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay complying with Standard E38.8.2.5	RD
(A23)	Subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay not complying with Standard E38.8.2.5	NC
(A24)	Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business complying with Standard E38.8.2.6	RD

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(A25)	Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business not complying with Standard E38.8.2.6	NC
(A26)	Subdivision of a minor dwelling from the principal dwelling where the proposed sites comply with the minimum site size requirement for subdivision in the applicable zone	RD
(A27)	Subdivision of a minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A28)	Subdivision of a converted dwelling established from the conversion of a principal dwelling existing as at 30 September 2013 where the proposed sites comply with the minimum site size requirement for subdivision in the applicable zone	RD
(A29)	Subdivision of a converted dwelling established from the conversion of a principal dwelling existing as at 30 September 2013 where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
<u>(A29A)</u>	<u>Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control complying with Standard E38.8.27</u>	<u>RD</u>
<u>(A29B)</u>	<u>Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control not complying with Standard E38.8.27</u>	<u>NC</u>
(A30)	Any subdivision listed in this activity table not meeting E38.6 General standards for subdivision	D
(A31)	Any subdivision listed in this activity table not meeting the standards in E38.8 Standards for subdivision in residential zones	D
(A32)	Any subdivision not otherwise provided for in Tables E38.4.1 and E38.4.2	D

Table E38.4.3 Activity table - Subdivision in business zones

	Activity	Activity status
(A33)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.9.2.1	RD
(A34)	Subdivision around existing buildings and development complying with Standard E38.9.2.2	RD
(A35)	Vacant sites subdivision complying with Standard E38.9.2.3	RD
(A36)	Vacant sites subdivision not complying with Standard E38.9.2.3	NC
(A37)	Any subdivision listed in this activity table not meeting the standards in E38.6 General standards for subdivision	D
(A38)	Any subdivision listed in this activity table not meeting standards in E38.9 Standards for subdivision in the business zones	D
(A39)	Any subdivision not otherwise provided for in Tables E38.4.1 and E38.4.3	D

Table E38.4.4 Activity table - Subdivision in open space zones

	Activity	Activity Status
(A40)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.10.1.1	RD
(A41)	Subdivision around existing buildings and development complying with Standard E38.10.1.2	RD
(A42)	Any subdivision listed in this activity table not meeting the standards in E38.6 General standards for subdivision	D
(A43)	Any subdivision not otherwise provided for in Tables E38.4.1 and E38.4.4	D

Table E38.4.5 Activity table - Subdivision in all other zones excluding those covered by E39 Subdivision - Rural

	Activity	Activity status
(A44)	Any subdivision not meeting the standards in E38.6 General standards for subdivision	D
(A45)	Subdivision not otherwise provided for in Table E38.4.1	D

E38.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E38.4.1 Activity table - Subdivision for Specific Purposes will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Tables E38.4.1 to E38.4.5 Activity tables and which is not listed in E38.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

E38.6. General standards for subdivision

All subdivision listed in Tables E38.4.1 to E38.4.5 Activity tables must comply with the standards set out in E38.6 General standards for subdivision unless otherwise specified, as well as the standards in E38.7 Standards for subdivision for specific purposes to E38.10 Standards for subdivision in open space zones as relevant.

E38.6.1. Site size and shape

- (1) Except where the purpose of the site is for a network utility (including a site to be vested in Council), sites must meet one of the following:
 - (a) in residential zones and business zones - a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones;
 - (b) be in accordance with an approved land use resource consent; or
 - (c) be around an existing lawfully established development.

E38.6.2. Access and entrance strips

- (1) All proposed sites must be provided with legal and physical access to a road, unless they meet one of the following:
 - (a) are being created for reserves and network utilities; or
 - (b) will be amalgamated with another site that already has legal and physical access to a road.
- (2) Entrance strips must be less than 7.5 metres wide unless otherwise stated.

E38.6.3. Services

- (1) For all proposed sites capable of containing a building, or for cross lease or unit title, strata title, company lease, each lot must be designed and located so that provision is made for the following services:
 - (a) collection, treatment and disposal of stormwater;
 - (b) collection, treatment and disposal of wastewater;
 - (c) water supply;
 - (d) electricity supply; and
 - (e) telecommunications.
- (2) Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.
- (3) The proposed sites and lots must be able to connect to a functioning water supply, wastewater and stormwater network with sufficient capacity to service the proposed subdivision and development.

E38.6.4. Staging

- (1) Where a subdivision is to be carried out in stages, the applicant must provide adequate detail of the proposed timetable and sequencing of the staging at the time they apply for the overall subdivision consent. This must include all of the following:
 - (a) the time period over which the development is likely to take place;
 - (b) the areas of land subject to the proposed stages; and
 - (c) the balance area of the site remaining after the completion of each stage.

E38.6.5. Overland flow paths

- (1) All subdivision must be designed to incorporate overland flow paths on the site.
- (2) Stormwater must exit the site in a location that does not increase the risk of hazards to downstream properties.

E38.6.6. Existing vegetation on the site

- (1) All subdivision plans, excluding subdivision plans for boundary adjustments, must show any of the following features that exist on, or on the boundary of, the land being subdivided:

- (a) any areas identified as Significant Ecological Area in the Significant Ecological Areas Overlay; or
- (b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.

E38.7. Standards for subdivision for specific purposes

E38.7.1. Standards – specific purposes permitted activities

Subdivision listed as permitted activities in Table E38.4.1 Subdivision for specific purposes must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.7.1 Standards – specific purposes permitted activities.

E38.7.1.1. Lease in excess of 35 years of a building or part of a building where a cross lease, company lease or unit title subdivision is not involved:

- (1) The subject building must be lawfully established.
- (2) The boundaries of the proposed sites must follow existing or proposed walls, ceilings and floors.
- (3) The scheme plan must show the proposed sites in relation to the exterior of the building and provide upper and lower elevations in terms of a datum to be established.
- (4) Each lease area must have either frontage to a legal road or allow for access through common areas to a legal road.

E38.7.1.2. Subdivision for a network utility

- (1) The network utility activity must:
 - (a) be a permitted activity pursuant to [E26 Infrastructure](#); or
 - (b) have all resource consents or notices of requirements approved.
- (2) A covenant or consent notice will be required to state that land that is no longer required for the network utility after it disestablishes must be amalgamated with the adjoining land.
- (3) The balance sites must comply with the relevant overlays, Auckland-wide and zone standards, other than the minimum site size, unless resource consent has been granted for any infringements.
- (4) Sites must have access to a legal road through an appropriate legal mechanism.

E38.7.2. Standards – specific purposes controlled activities

Subdivision listed as controlled activities in Table E38.4.1 Subdivision for specific purposes must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.7.2 Standards – specific purposes controlled activities.

E38.7.2.1. Boundary adjustments which do not exceed 10 per cent of the net site area of each site

- (1) All sites prior to the boundary adjustment must be contained within the same zone.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.

E38.7.2.2. Conversion of a cross-lease to a fee simple title

- (1) All existing development must meet one of the following:
 - (a) comply with the relevant overlays, Auckland-wide and zone rules;
 - (b) be in accordance with an approved resource consent;
 - (c) have existing use rights;
 - (d) be in accordance with an approved building consent,
 - (e) have a code of compliance certificate, or
 - (f) have a certificate of acceptance.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.

E38.7.2.3. Cross lease, company lease, unit title and strata-title subdivision; and Amendments to a cross lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners

- (1) All buildings must meet one of the following:
 - (a) have existing use rights;
 - (b) comply with the relevant Auckland-wide and zone rules; or
 - (c) be in accordance with an approved land use resource consent.
- (2) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.

- (3) Subdivision consent affecting a building or any part of a building and any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant overlays, Auckland-wide and zone rules.
- (4) Parking spaces must not be created as principal units, unless provided for by a resource consent. Instead parking spaces must be created as accessory units or common areas when associated with an approved use or activity.
- (5) All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.

E38.7.3. Standards – specific purposes restricted discretionary activities

Subdivision listed as restricted discretionary activities in Table E38.4.1 Subdivision for specific purposes must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.7.3 Standards – specific purposes restricted discretionary activities.

E38.7.3.1. Subdivision of a site with two or more zones or subdivision along an undefined zone boundary

- (1) Where a site has two or more zones the lot boundaries of the subdivision must follow, as near as possible to, the zone boundaries.
- (2) Where a proposed site is located entirely within a single zone, the proposed site must comply with the relevant subdivision standards for that zone.
- (3) The lots created must comply with the overlay, Auckland-wide and zone rules applying to that particular part of the site.

E38.7.3.2. Subdivision establishing an esplanade reserve

- (1) Any subdivision involving the creation of sites less than 4 hectares and the proposed site adjoins the line of mean high water springs or the bank of a river or stream 3 metres or more in width or any lake, must provide a minimum 20 metre wide esplanade reserve in accordance with section 230 of the Resource Management Act 1991. This must be shown on the application plan and the subsequent land transfer plan.
- (2) The width of any esplanade reserve must be measured in a landward direction at 90 degrees to the line of mean high water spring, or the bank of a river or stream or margin of any lake.
- (3) Standards E38.7.3.2(1) and (2) do not apply to the subdivision of Treaty Settlement Land where a marginal strip of at least 20 metres has been set aside under the Conservation Act 1987.

E38.7.3.3. Subdivision of land within flood hazard areas (excluding overland flow paths), coastal hazard areas, medium landslide susceptibility assessment areas or high landslide susceptibility assessment areas of a site within the one per cent annual exceedance probability floodplain

- (1) Each proposed site within the ~~one per cent floodplain that is to contain a more vulnerable activity~~ flood hazard areas (excluding overland flow paths), coastal hazard areas, medium landslide susceptibility assessment areas or high landslide susceptibility assessment areas must ~~meet one of the following:~~
- (a) ~~[Deleted] in residential zones and business zones – a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones; or~~
 - (b) be in accordance with a land use consent that authorises development or building in the floodplain natural hazard area; or
 - (c) in residential zones and business zones, contains a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones; and
 - (d) demonstrate that access to all proposed building platforms or areas are located outside any:
 - (i) high or very high flood hazard area
 - (ii) coastal hazard area 1 or 2
 - (iii) high (significant) landslide hazard risk area identified in accordance with Appendix 24 Landslide hazard risk assessment methodology; and
 - (e) demonstrate that all on-site private infrastructure required to service the intended use of the site is located outside any:
 - (i) coastal hazard area 1 or 2
 - (ii) high (significant) landslide hazard risk area identified in accordance with Appendix 24 Landslide hazard risk assessment methodology

E38.7.3.4. ~~Subdivision of land in the coastal erosion hazard area; or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area~~

- (1) ~~Each proposed site on land in the coastal erosion hazard area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area must demonstrate that all of the relevant areas/features in E38.7.3.4(a) to (c) below are located outside of any land that may be subject to coastal erosion or coastal storm inundation:~~
- ~~(a) in residential zones and business zones – a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones;~~
 - ~~(b) access to all proposed building platforms or areas; and~~
 - ~~(c) on-site private infrastructure required to service the intended use of the site.~~

E38.8. Standards for subdivisions in residential zones

Subdivision listed in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision in E38.6 General standards for subdivision and E38.8.1 General standards in residential zones.

E38.8.1. General standards in residential zones

E38.8.1.1. Site shape factor in residential zones

- (1) Access and manoeuvring must meet the requirements of [E27 Transport](#).
- (2) All vacant sites must be able to contain a rectangle of 8 metres by 15 metres except the Residential - Terrace Housing and Apartment Buildings Zone must contain a rectangle of 15 metres by 20 metres, to accommodate a building that complies with all applicable standards of the zone and is located outside:
- (a) ~~[Deleted] the 1 per cent annual exceedance probability floodplain~~
 - (aa) flood hazard areas (excluding overland flow paths);
 - (b) ~~[Deleted] the coastal erosion hazard area;~~
 - (ba) coastal hazard areas;
 - (c) ~~[Deleted] the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; and the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;~~
 - (d) ~~[Deleted] land which may be subject to land instability;~~
 - (da) high (significant) landslide hazard risk areas identified in accordance with Appendix 24 Landslide hazard risk assessment methodology;

- (e) the protected root zone of trees identified in the Notable Trees Overlay;
- (f) areas identified as significant ecological areas, outstanding natural features, outstanding natural landscapes, outstanding natural character areas or high natural character areas in the Significant Ecological Areas Overlay, the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay, or the Outstanding Natural Character and High Natural Character Overlay.
- (g) areas identified as scheduled historic heritage places, or sites and places of significance to Mana Whenua in the Historic Heritage Overlay or the sites and Places of Significance to Mana Whenua Overlay;
- (h) network utilities, including private and public lines;
- (i) right-of-way easements;
- (j) area of esplanade reserves required by Standard E38.7.3.2 Subdivision establishing an esplanade reserve;
- (k) yard setback requirements of the zone including riparian, lakeside or coastal protection yards; and
- (l) the National Grid Yard.

E38.8.1.2. Access to rear sites

- (1) A single jointly owned access lot or right-of-way easement must not serve more than ten proposed rear sites.
- (2) Vehicle access to proposed sites without direct vehicular access to a formed legal road must be by way of an entrance strip, jointly owned access lot or right-of-way easement over adjoining land, or by a combination of these mechanisms, provided the total width and other dimensions of the access comply with the standards in Table E38.8.1.2.1 Access to rear sites below.

Table E38.8.1.2.1 Access to rear sites

	Total number of rear sites served		
	1	2 – 5	6 - 10
Minimum legal width	3.0m	3.5m	6.5m
Minimum formed width	2.5m	3.0m	5.5m
Minimum service strip	0.5m	0.5m	1.0m
Maximum length	50m	50m	100m Note 1
Maximum gradient	1 in 4	1 in 5	

PC 79 (see
Modifications)

PC 79 (see
Modifications)

Minimum vertical clearance from buildings or structures	3.8m
Minimum inside turning radius for bends	6.5m

PC 79 ([see Modifications](#))

Note 1

For accessways greater than 50 metres in length speed management measures should be considered.

(3) Accessways serving six or more rear sites must provide separate pedestrian access, which may be located within the formed driveway.

(4) The pedestrian access required by E38.8.1.2(3) must meet all of the following:

- (a) have a minimum width of 1 metre;
- (b) can include the service strip; and
- (c) be distinguished from the vehicle carriageway through the use of a raised curb or different surface treatment.

PC 79 ([see Modifications](#))

[new text to be inserted]

E38.8.2. Standards – residential restricted discretionary activities

Subdivision listed as a restricted discretionary activity in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions, E38.8.1 General standards in residential zones and E38.8.2 Standards – residential restricted discretionary activities as relevant.

E38.8.2.1. Subdivision in accordance with an approved land use resource consent

- (1) Any subdivision relating to an approved land use consent must comply with that resource consent.

E38.8.2.2. Subdivision around existing buildings and development

- (1) Prior to subdivision occurring, all development must meet one of the following:
- (a) have existing use rights;
 - (b) comply with the relevant overlay, Auckland-wide and zone rules; or
 - (c) be in accordance with an approved land use resource consent.

E38.8.2.3. Vacant sites subdivisions involving parent sites of less than 1 hectare

- (1) The following standards do not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings and development.
- (2) Site sizes for proposed sites must comply with the minimum net site areas specified in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare below.

Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare

Zone	Minimum net site area for vacant proposed sites
Residential - Terrace Housing and Apartment Buildings Zone	1,200m ²
Residential - Mixed Housing Urban Zone	300m ²
Residential - Mixed Housing Suburban Zone	400m ²
Residential - Single House Zone	600m ²
Residential - Large Lot Zone	4,000m ²
Residential - Rural and Coastal Settlement Zone	2,500m ²

E38.8.2.4. Subdivision of sites identified in the Subdivision Variation Control

- (1) E38.8.2.3 Vacant sites subdivision involving parent sites of less than 1 hectare and E38.8.3.1 Vacant sites subdivision involving parent sites of 1 hectare or greater do not apply to sites identified in the Subdivision Variation Control in the planning maps.
- (2) Proposed sites identified in the Subdivision Variation Control in the planning maps must comply with the minimum net site area in Table E38.8.2.4.1 Subdivision of sites identified in the Subdivision Variation Control

Table E38.8.2.4.1 Subdivision of sites identified in the Subdivision Variation Control

Area	Minimum net site area
Beachlands	700m ²
Bombay	800m ² for proposed sites serviced by a private wastewater network 2,500m ² for proposed sites serviced by on-site wastewater systems
Buckland	800m ²
Clarks Beach	800m ²
Eastern Whangaparaoa Peninsula	700m ²
Glenbrook Beach	800m ²
Herald Island	800m ²
Maraetai/Omana Beach	700m ²
Patumahoe	800m ²
Point Wells	1,000m ²
Waiau Beach	800m ²
Waimauku	800m ² for proposed sites serviced by a private wastewater network 2,500m ² for proposed sites serviced by on-site wastewater systems
Parau	4,000m ²
Huia	4,000m ²
Little Huia	4,000m ²
Karekare	4,000m ²
Piha	4,000m ²
Bethells/ Te Henga	4,000m ²
Cornwallis	4,000m ²
Snells Beach	1,000m ²
I458 Beachlands South Precinct: Large Lot Zone in Sub-precinct D, Coastal	1,000m ²

E38.8.2.5. Subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay

(1) The subdivision scheme plan must identify the following areas:

(a) the indigenous vegetation scheduled in the Significant Ecological Areas Overlay and to be marked for protection; and

- (b) the areas available for residential subdivision.
- (2) The following standards apply to the areas available for residential subdivision:
 - (a) the total number of lots created must not exceed the total number of lots which could be created over the net site area of the parent site subject to meeting Table E38.8.2.3.1 Minimum net site area for subdivision involving parent sites of less than 1 hectare or Table E38.8.3.1.1 Minimum net site area for subdivision involving parent sites of 1 hectare or greater;
 - (b) residential lots to be created must be located entirely within the areas available for residential subdivision;
 - (c) the minimum net site areas in Table E38.8.2.3.1 Minimum net site area for subdivision involving parent sites of less than 1 hectare or Table E38.8.3.1.1 Minimum net site area for subdivision involving parent sites of 1 hectare or greater do not apply to the area available for residential development of the parent site outside the Significant Ecological Areas Overlay as determined under E38.8.2.5(1)(b) above;
 - (d) a plan showing the proposed development on the areas available for residential subdivision must be provided;
 - (e) the proposed development must meet the relevant standards in the residential zones; and
- (3) The indigenous vegetation area scheduled in the Significant Ecological Areas Overlay must be legally protected and maintained in accordance with the process outlined in [Appendix 15 Subdivision information and process](#); and
- (4) The subdivision resource consent must be made subject to a consent condition which requires that the subdivision scheme plan creating the sites is to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation, or area of restoration planting to be protected, as applicable.

E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business

- (1) Proposed sites identified in the Special Character Areas Overlay – Residential and Business must comply with the minimum net site area in Table E38.8.2.6.1 Special Character Overlay – Residential and Business subdivision controls.
- (2) Proposed sites identified in the Special Character Areas Overlay – Residential and Business that are not listed in Table E38.8.2.6.1 must

comply with the relevant minimum net site area for that site's zone in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.

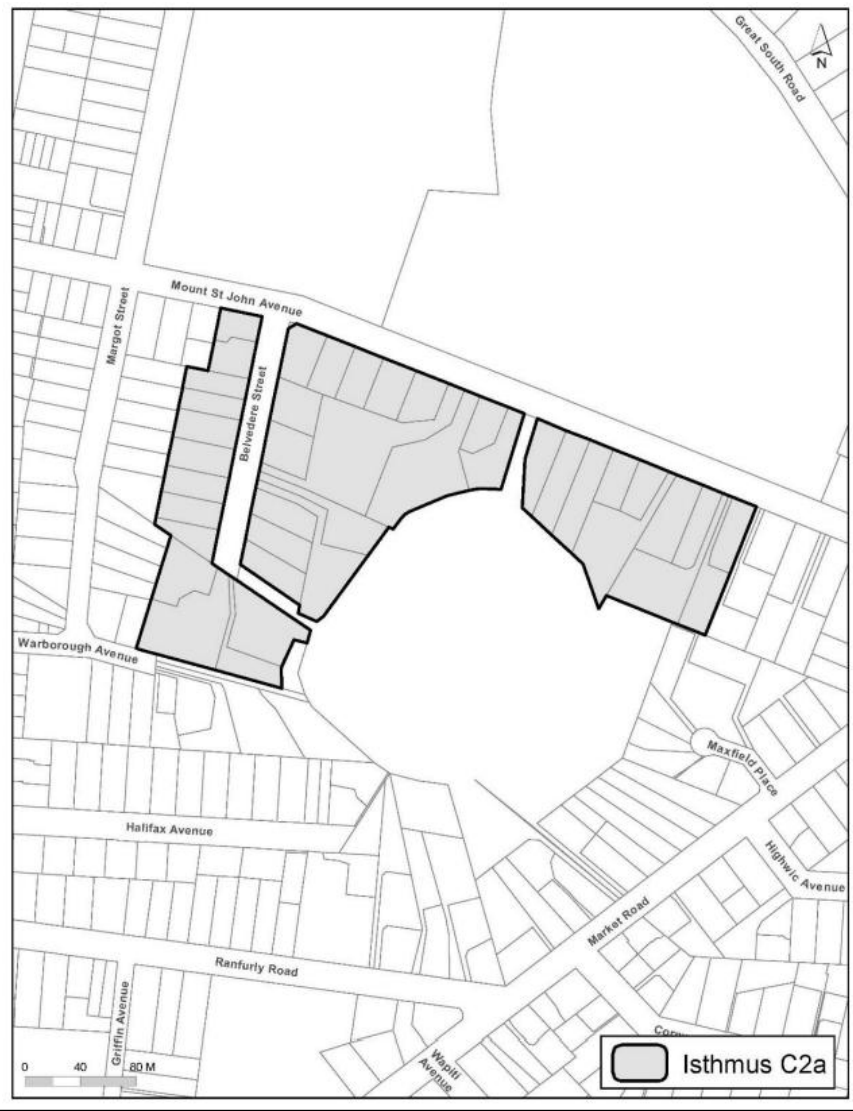
Table E38.8.2.6.1 Special Character Areas Overlay – Residential and Business subdivision controls

Special Character Areas Overlay – Residential and Business – Sub area	Minimum net site area
Isthmus A	400m ² or 500m ² where the site does not comply with the shape factor
Isthmus B1 and B3	1,000m ²
Isthmus B2	600m ²
Isthmus C1	400m ² or 500m ² where the site does not comply with the shape factor
Isthmus C2	600m ²
Isthmus C2a (refer to Figure E38.8.2.6 below)	1,000m ² on sites identified in Figure E38.8.2.6 below
North Shore Area A*	450m ²
North Shore Area B*	500m ²
North Shore Area C*	600m ²

~~*The maps showing North Shore Area A, North Shore Area B, and North Shore Area C can be found in Schedule 15 Special Character Schedule, Statements and Maps. Where a site within the Special Character Areas Overlay – Residential and Business is within one of the sub-areas identified in Table E38.8.2.6.1, this information is shown in the planning maps.~~

Figure E38.8.2.6 Isthmus C2a sites





E38.8.2.7. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control

- (1) Applications must be accompanied by a technical report prepared by a suitably qualified and experienced person.
- (2) For the proposed subdivision, the technical report must demonstrate that there is sufficient capacity available in the combined wastewater network, and this is confirmed by the wastewater services provider.

E38.8.3. Standards – residential discretionary activities

Subdivision listed as a discretionary activity in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions, E38.8.1 General

standards in residential zones and E38.8.3 Standards – residential discretionary activities, as relevant.

E38.8.3.1. Vacant sites subdivision involving parent sites of 1 hectare or greater

- (1) The following standards do not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings and development.
- (2) Site sizes for proposed vacant sites subdivision in the Residential - Large Lot Zone, Residential - Rural and Coastal Settlement Zone and Residential - Terrace Housing and Apartment Buildings Zone, must meet the minimum net site area for subdivision in the relevant zone as set out in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare above.
- (3) For other residential zones, each vacant site must comply with the minimum net site area in Table E38.8.3.1.1 Minimum net site areas for subdivisions involving parent sites of 1 hectare or greater.
- (4) The minimum average net site area calculated over the total of all sites created must comply with Table E38.8.3.1.1 Minimum net site areas for subdivisions involving parent site of 1 hectare or greater.

Table E38.8.3.1.1 Minimum net site areas for subdivisions involving parent sites of 1 hectare or greater

Zone	Minimum Net Site Area	Minimum Average Net Site area	Maximum Average Net Site area
Single House Zone	480m ²	600m ²	720m ²
Mixed Housing Suburban Zone	320m ²	400m ²	480m ²
Mixed Housing Urban Zone	240m ²	300m ²	360m ²

- (5) When calculating the minimum average net site area for the purpose of Standard E38.8.3.1(3), any proposed site with a net site area greater than the maximum average net site area specified for the applicable zone in Table E38.8.3.1.1 Minimum net site areas for subdivision involving parent sites of 1 hectare or greater must be included in the averaging calculation at the figure specified as the maximum average net site area for the applicable zone.
- (6) For all subdivision on a parent site greater than 1 hectare where 30 or more vacant sites are proposed, the total number of rear sites must not exceed five per cent of the total number of proposed sites.

E38.9. Standards for subdivisions in the business zones

Subdivision listed in Table E38.4.3 Subdivision in business zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivision and E38.9.1 General standards for business zones.

E38.9.1. General standards for business zones

E38.9.1.1. Site shape factor in business zones

- (1) All vacant sites must be able to contain a rectangle with an area equal to half the area of the site where the longer sides are no greater than twice the length of the shorter sides to accommodate a building that complies with all applicable controls of the zone and is located outside all of the following:
 - (a) ~~[Deleted] the 1 per cent annual exceedance probability floodplain;~~
 - (aa) flood hazard areas (excluding overland flow paths);
 - (b) ~~[Deleted] the coastal storm inundation 1 per cent annual exceedance probability (AEP) area;~~
 - (ba) coastal hazard areas;
 - (c) ~~[Deleted] the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise area;~~
 - (d) ~~[Deleted] the coastal erosion hazard area;~~
 - (e) ~~[Deleted] land which may be subject to land instability;~~
 - (ea) high (significant) landslide hazard risk areas identified in accordance with Appendix 24 Landslide hazard risk assessment methodology
 - (f) the protected root zone of trees identified in the Notable Trees Overlay;
 - (g) areas identified as significant ecological areas, outstanding natural features, outstanding natural landscapes, outstanding natural character areas or high natural character areas in the Significant Ecological Areas Overlay, the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay, or the Outstanding Natural Character and High Natural Character Overlay.
 - (h) areas identified as scheduled historic heritage place, or sites and places of significance to Mana Whenua in the Historic Heritage Overlay or the Sites and Places of Significance to Mana Whenua Overlay;
 - (i) private and public network utilities;
 - (j) private and public stormwater and wastewater lines;

- (k) building line restrictions;
- (l) right-of-way easements;
- (m) area of esplanade reserves required by Standard E38.7.3.2 Subdivision establishing an esplanade reserve;
- (n) yard setback requirements of the zone including riparian, lakeside or coastal protection yards; and
- (o) National Grid Yard (Uncompromised) (except that if the subdivision is for an activity sensitive to the National Grid, the building platform must not be located within the National Grid Yard (Uncompromised or Compromised)).

E38.9.1.2. Parking areas

- (1) Where parking spaces are permitted in association with a development or proposed as part of a development, where resource consent has been obtained and any such development is subdivided under the Unit Titles Act 2010, the parking spaces must be:
 - (a) held together with the principal units; or
 - (b) form a part of the common property.
- (2) Any parking spaces identified as a principal unit must be tied to the approved land use by way of a legal instrument on the title.
- (3) Discretion may be applied where specific approval has been granted by resource consent for shared car parking with other development within close proximity to the site.
- (4) This standard does not apply to buildings or land used exclusively for car parking.

E38.9.1.3. Signs and billboards

- (1) Where signs or billboards have been approved on a building with resource consent and the development is subdivided under the Unit Titles Act 2010, the signs or billboards must not be created as principal units on the survey plan. The sign or billboard must be identified as an accessory unit or alternatively form a part of the common property.

E38.9.2. Standards – business restricted discretionary activities

Subdivision listed as a restricted discretionary activity in Table E38.4.3 Subdivision in business zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions, E38.9.1 General standards in business zones and E38.9.2 Standards – business restricted discretionary activities, as relevant.

E38.9.2.1. Subdivision in accordance with an approved land use resource consent

- (1) Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans.

E38.9.2.2. Subdivision around existing buildings and development

- (1) Prior to subdivision occurring, all development must:
- (a) have existing use rights;
 - (b) comply with the relevant overlay, Auckland-wide and zone rules; or
 - (c) be in accordance with an approved land use resource consent.

E38.9.2.3. Vacant sites subdivision

- (1) The following standards do not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings.
- (2) Site sizes for proposed sites must comply with the minimum net site areas specified in Table E38.9.2.3.1 Minimum net site size and frontage for vacant site subdivision below.
- (3) Rear sites must not exceed 20 per cent of the total number of proposed sites.
- (4) Entrance strips and accessways for rear sites must comply with [Table E27.6.4.3.2 Vehicle crossing and vehicle access widths](#).

Table E38.9.2.3.1 Minimum net site size and frontage for vacant site subdivision

Standard	Business - City Centre Zone	Business - Metropolitan Centre Zone	Business - Town Centre Zone	Business - Local Centre Zone	Business - Neighbourhood Centre Zone
Minimum net site size	200m ²	200m ²	200m ²	200m ²	200m ²
Minimum frontage	10m for sites over 2,000m ²	10m for sites over 2,000m ²	10m for sites over 2,000m ²	N/A	N/A
Standard	Business - Mixed Use Zone	Business - General Business Zone	Business - Business Park Zone	Business - Light Industry Zone	Business - Heavy Industry Zone

Minimum net site size	200m ²	200m ²	1,000m ²	1,000m ²	2,000m ²
Minimum average site size	N/A	N/A	N/A	2,000m ²	5,000m ²
Minimum frontage	N/A	N/A	10m	20m	20m

E38.10. Standards for subdivision in open space zones

E38.10.1. Standards – open space restricted discretionary activities

Subdivision listed in Table E38.4.4 Subdivision in open space zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.10.1 Standards – open space restricted discretionary activities as relevant.

E38.10.1.1. Subdivision in accordance with an approved land use resource consent

- (1) Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans.

E38.10.1.2. Subdivision around existing buildings and development

- (1) Prior to subdivision occurring, all development must meet one of the following matters:
- (a) have existing use rights;
 - (b) comply with the relevant overlay, Auckland-wide and zone rules; or
 - (c) be in accordance with an approved land use resource consent.

E38.11. Assessment – controlled activities

E38.11.1. Matters of control

The Council will reserve control over all of the following matters when assessing a controlled activity resource consent application:

- (1) all controlled activities:
- (a) compliance with an approved resource consent except for boundary adjustment subdivision;
 - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;
 - (c) the effects of infrastructure provision;
 - (ca) the effects on water supply, wastewater and stormwater networks required to support the subdivision; and

- (d) the effects on historic heritage and cultural heritage items.

E38.11.2. Assessment criteria

The Council will consider the relevant assessment criteria for controlled activities from the list below:

- (1) all controlled activities:

- (a) compliance with an approved resource consent except for boundary adjustment subdivision:

- (i) refer to Policy E38.3(6);

- (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:

- (i) the extent to which the design, size, shape, gradient and location of any site including access, existing buildings, manoeuvring areas and outdoor living space affect the safety of pedestrians and cyclists and other users of the space or access;

- (ii) whether the sites created are able to accommodate development in accordance with the relevant Auckland-wide and zone rules; and

- (iii) refer to Policy E38.3(1), (10) and (22);

- (c) the effects of infrastructure provision:

- (i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and

- (ii) refer to Policy E38.3(17); and

- (ca) the effects on the infrastructure networks required to support the subdivision:

- (i) whether there is sufficient capacity available to support the subdivision; and

- (ii) refer to Policy E38.3(23); and

- (d) the effects on historic heritage and cultural heritage items;

- (i) whether the protection or avoidance of any Scheduled Historic Heritage Place, or Site and Places of Significance to Mana Whenua is ensured; and

- (ii) refer to Policy E38.3(4).

E38.12. Assessment – restricted discretionary activities

E38.12.1. Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) subdivision of land within flood hazard areas (excluding overland flow paths), coastal hazard areas, medium landslide susceptibility assessment areas or high landslide susceptibility assessment areas of a site within the 1 per cent annual exceedance probability floodplain:
 - (a) ~~the effects of the~~ natural hazards exposure on of the intended use of the sites or sites ~~created~~ enabled by the subdivision and the vulnerability sensitivity of these uses to ~~flood~~ natural hazard events.
- (2) ~~[Deleted] subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:~~
 - (a) ~~the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events.~~
- (3) ~~[Deleted] subdivision of a site in the coastal erosion hazard area:~~
 - (a) ~~the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion.~~
- (4) ~~[Deleted] subdivision of a site subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:~~
 - (a) ~~the effects of remediating the land instability hazard and the effect of the hazard on the intended use.~~
- (5) subdivision establishing an esplanade reserve:
 - (a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features.
- (6) subdivision around existing buildings and development; and subdivision in accordance with an approved land use resource consent:
 - (a) the effect of the design and layout of the proposed sites created.
- (7) all other restricted discretionary activity subdivisions:

- (a) the effect of the design and layout of sites to achieve the purposes of the zone or zones and to provide safe legible and convenient access to a legal road;
- (b) the effect of infrastructure provision and management of effects of stormwater
- (c) the effect on the functions of floodplains and provision for any required overland flow paths:
 - (ca) the effect on function of natural buffers and features in the coastal environment as protections from coastal hazards and provision for their continued performance;
- (d) the effect on historic heritage and cultural heritage items:
- (e) the effect of the layout, design and pattern of blocks and roads in so far as they contribute to enabling a liveable, walkable and connected neighbourhood;
- (f) the effect of layout and orientation of blocks and sites on the solar gain achieved for sites created, if relevant;
- (g) the effects arising from any significant increase in traffic volumes on the existing road network;
- (h) the visual effect on landscape and on topographical features and vegetation arising from subdivision of sites zoned Residential - Large Lot Zone and Residential - Rural and Coastal Settlement Zone;
- (i) the provision made for the incorporation and enhancement of land forms, natural features and indigenous trees and vegetation;
- (ia) the effect of wildfire risk from any forestry vegetation within 20 meters of a building platform enabled in a subdivision;
- (j) the effect on recreation and open space.
- (k) the effect of the design and layout of sites on transport infrastructure and facilities within roads.
- (8) subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay:
 - (a) the matters in E38.12.1(7); and
 - (b) the effects on the significant ecological area.
- (9) subdivision of sites identified in the Subdivision Variation Control:
 - (a) the matters in E38.12.1(7); and

- (b) the effects of the pattern and density of subdivisions on the low-density settlement pattern of those areas.

(10) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control:

- (a) the ability to provide for a connection to a separated stormwater pipe that is part of the public network, including in the future if separation is in progress; and
- (b) the effect of the subdivision on the function and available capacity of the combined wastewater network that the site and future development enabled connects to.

(11) any application for subdivision associated with a resource consent application for the construction and use of 4 or more dwellings, or where a vacant sites subdivision application proposes the establishment of 4 or more vacant sites in the Residential – Mixed Housing Urban zone:

- (a) the extent to which the adjacent road network provides or can potentially provide for the safe and convenient movement for pedestrians.

(12) any application for subdivision in in the Residential – Terraced Housing and Apartment Building zone:

- (a) the extent to which the local transport network provides or can potentially provide for the safe and convenient movement for pedestrians, public transport users and cyclists.

E38.12.2. Assessment Criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

- (1) ~~subdivision of a site within the 1 per cent annual exceedance probability floodplain~~ land within flood hazard areas (excluding overland flow paths), coastal hazard areas, medium landslide susceptibility assessment areas or high landslide susceptibility assessment areas:
 - (a) ~~the effects of the natural hazards exposure on~~ of the intended use of the sites or sites created enabled by the subdivision and the ~~vulnerability~~ sensitivity of these uses to flood ~~natural~~ hazard events:
 - (i) ~~[Deleted] whether measures are proposed to ensure the long term protection of flood plain conveyance functions;~~
 - (ii) ~~[Deleted] whether the location and design of development including building platforms and access ways are located to avoid the hazard;~~

- (iii) ~~[Deleted] the extent to which changes to the landform and the design of mitigation structures/features are necessary for the subdivision; and~~
 - (iv) refer to Policy E38.3(2).
- (2) ~~[Deleted] subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise area:~~
 - ~~(a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events:~~
 - ~~(i) whether the location and design of development including proposed and existing building platforms and access ways include the ability to relocate uses within the proposed site area, taking into account in urban and serviced areas a 1 metre rise in sea levels;~~
 - ~~(ii) whether the use of defences to protect the land and any buildings or structures on the land from coastal storm inundation are necessary;~~
 - ~~(iii) whether there is any residual risk posed by coastal storm inundation to the site(s) associated with any existing or proposed coastal defences;~~
 - ~~(iv) whether there are effects on landscape values resulting from associated built and/or land form modifications required to provide for the intended use of the site; and~~
 - ~~(v) refer to Policy E38.3(2).~~
- (3) ~~[Deleted] subdivision of a site in the coastal erosion hazard area:~~
 - ~~(a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:~~
 - ~~(i) whether public access to the coast is affected;~~
 - ~~(ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and~~
 - ~~(iii) refer to Policy E38.3(2).~~
- (4) ~~[Deleted] subdivision of a site subject to land instability including those areas defined in the Plan as "land which may be subject to land~~

~~instability”, or other unstable soils as identified through a specific site assessment:~~

~~(a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use:~~

~~(i) the extent to which the proposed sites are stable and suitable;~~

~~(ii) the extent to which the site instability will affect the intended use, including the provision for onsite infrastructure (where applicable) and accessways; and~~

~~(iii) refer to Policy E38.3(2).~~

(5) subdivision establishing an esplanade reserve:

(a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features:

(i) the extent to which the design purpose and location of the esplanade reserve enables public access and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features; and

(ii) refer to Policies E38.3(24), (25) and (26).

(6) subdivision around existing buildings and development, and subdivision in accordance with an approved land use resource consent:

(a) the effect of the design and layout of the proposed sites created:

(i) whether the design and layout of the proposed sites create result in new or increased non-compliance with Auckland-wide and zone rules;

(ii) whether there is appropriate provision made for infrastructure;

(iii) 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; and

(iv) refer to Policies E38.3(1) and (6).

(7) all other restricted discretionary activity subdivisions:

(a) the effect of the design and layout of sites to achieve the purposes of the zone or zones and to provide safe legible and convenient access to a legal road;

(i) refer to Policies E38.3(1), (10), (12) and (13).

- (b) the effect of infrastructure provision and management of effects of stormwater
 - (i) whether there is appropriate provision of and adequate access to existing and new infrastructure, and provision of appropriate management of effects of stormwater;
 - (ii) the extent to which drainage reserves are integrated into the layout of the subdivision and neighbourhood;
 - (iii) whether the design and implementation of any necessary physical works including those associated with site preparation works, infrastructure and access are carried out in accordance with recognised best engineering practice or in accordance with Section 2 - Earthworks and Geotechnical Requirements of the Auckland Council Code of Practice for Land Development and Subdivision Version 1.6 dated 24 September 2013.
 - (iv) refer to Policies E38.3(19) to (23).
- (c) the effect on the functions of floodplains and provision for any required overland flow paths:
 - (i) refer to Policy E38.3(2).
- (d) the effect on historic heritage and cultural heritage items:
 - (i) the extent to which any sites identified in the Historic Heritage Overlay, or Sites and Places of Significance to Mana Whenua Overlay are protected or avoided; and
 - (ii) refer to Policy E38.3(4).
- (e) the effect of the layout, design and pattern of blocks and roads in so far as they contribute to enabling a liveable, walkable and connected neighbourhood;
 - (i) refer to Policy E38.3(10).
- (f) the effect of layout and orientation of blocks and sites on the solar gain achieved for sites created, if relevant;
 - (i) refer to Policy E38.3(11).
- (g) the effects arising from any significant increase in traffic volumes on the existing road network;
 - (i) refer to Policies E38.3(15) to (17).

- (h) the visual effect on landscape and on topographical features and vegetation arising from subdivision of sites zoned Residential - Large Lot Zone and Residential - Rural and Coastal Settlement Zone;
 - (i) refer to Policy E38.3(3).
- (i) the provision made for the incorporation and enhancement of land forms, natural features and indigenous trees and vegetation;
 - (i) refer to Policy E38.3(14).
- (j) the effect on recreation and open space:
 - (i) the extent to which reserves and open space are provided and their integration with the surrounding open space network and suitability for the intended function and future requirements of the area;
 - (ii) refer to Policy E38.3(18).
- (k) the effect of the design and layout of sites on transport infrastructure and facilities within roads
 - (i) refer to Policy E38.3(15); and
 - (ii) the extent to which the location and design of driveways and vehicle crossings compromises access to and the operation of transport infrastructure and facilities in roads including on-street parking, bus stops, street trees, network utilities and stormwater infrastructure.
- (l) The extent to which the subdivision needs to provide or contribute towards improvements to the adjacent transport network to enable safe and convenient movement of pedestrians, for any application for subdivision associated with a resource consent application for the construction and use of 4 or more dwellings, or where a vacant sites subdivision application proposes the establishment of 4 or more vacant sites in the Residential – Mixed Housing Urban zone.
- (m) The extent to which the subdivision needs to provide or contribute towards improvements to the local transport network to enable safe and convenient movement of pedestrians, public transport users and cyclists, for any subdivision within the Residential – Terraced Housing and Apartment Building zone.
- (8) subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay:
 - (a) the matters in E38.12.1(7);
 - (i) the assessment criteria listed in E38.12.2(7); and

(b) the effects on the significant ecological area:

- (i) whether the legal protection proposed for the significant ecological area is appropriate;
- (ii) whether there are positive effects associated with the protection of the significant ecological area; and
- (iii) refer to Policy E38.3(5).

(9) subdivision of sites identified in the Subdivision Variation Control

(a) the matters in E38.12.1(7): and

- (i) the assessment criteria listed in E38.12.2(7); and

(b) the effects of the pattern and density of subdivisions on the low-density settlement pattern of those areas:

- (i) refer to Policies E38.3(27), (28) and (29).

(10) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control:

(a) whether separation is in progress and whether the new site can connect to a separated stormwater pipe that is part of the public stormwater network; and

(b) whether there is an effect on the function and capacity of the Combined Wastewater Network that the subdivision connects to as a result of the subdivision.

E38.13. Special information requirements

~~[Deleted] There are no special information requirements in this section.~~

- (1) A hazard risk assessment must be undertaken when subdivision, use or development requiring resource consent is proposed to be undertaken on land which are within any one or more natural hazard areas.

The level of information required to be provided should be proportionate to the hazard risk, the nature of the hazard. It should also be appropriate to the scale, nature and location of the development and reflective of the scale of the activity proposed. For coastal hazards this should include a consideration of the potential effects of climate change over at least a 100 year timeframe.

- (2) A hazard risk assessment report must accompany a resource consent application for the subdivision, use or development referenced in E36.9(1) above and must identify which natural hazard(s) that the land is potentially at risk of being exposed to over at least the next 100 years and which addresses all the matters outlined in Policies E36.3(3), E36.3(4A) and

E36.4(4B), including climate scenarios in Auckland Council Guideline Document 15: Climate change scenarios (GD15) November 2024.

- (3) A landslide hazard risk assessment prepared by a suitably qualified and experienced person in accordance with Appendix 24 Landslide hazard risk assessment methodology must accompany a resource consent application for the subdivision, use or development of land within a landslide hazard area.
- (4) Geotechnical reports prepared by a suitably qualified and experienced person in accordance with Auckland Council Code of Practice for Land Development and Subdivision, Section 2 (Earthworks and Geotechnical Requirements) must accompany a resource consent application for the subdivision, use or development of land within a landslide hazard area.

E39. Subdivision – Rural

E39.1. Introduction

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location. While the provisions generally encourage the retention of large site sizes to promote productive rural activities, limited subdivision opportunities are provided to respond to the protection and enhancement of indigenous vegetation, wetlands, and the relocation of identified marae and urupā which are likely to be subject to significant natural hazard risks over time.

Objectives, policies and rules in this section apply to subdivision in the following zones:

- Rural – Rural Production Zone, Rural - Mixed Rural Zone, Rural - Rural Coastal Zone, Rural – Rural Conservation Zone and Rural – Countryside Living Zone;
- Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone;
- Future Urban Zone; and
- Special Purpose – Quarry Zone.

For subdivision provisions in all other zones refer to [E38 Subdivision – Urban](#).

E39.2. Objectives

- (1) Land is subdivided to achieve the objectives of the zones, the relevant overlays and Auckland-wide provisions.
- (2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.
- (3) Land is vested to provide for esplanades, reserves, roads, stormwater, infrastructure and other purposes.
- (4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.
- (5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (6) Subdivision has a layout which is safe, efficient, convenient and accessible.
- (7) Subdivision manages adverse effects on historic heritage or Māori cultural heritage.
- (8) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the areas.
- (9) The productive potential of rural land is enhanced through the amalgamation of smaller existing land holdings sites, particularly for sites identified in Appendix 14 Land amalgamation incentivised area, and the transfer of titles to certain Rural – Countryside Living Zone areas.

- (10) Fragmentation of rural production land by:
- (a) subdivision of land containing elite soil is avoided;
 - (b) subdivision of land containing prime soil is avoided where practicable; and
 - (c) subdivision of land avoids inappropriate rural lifestyle lots dispersed throughout rural and coastal areas.
- (11) Subdivision avoids or minimises the opportunity for reverse sensitivity effects between agriculture, horticulture, mineral extraction activities, rural industry, infrastructure and rural lifestyle living opportunities.
- (12) Rural lifestyle subdivision is primarily limited to the Rural – Countryside Living Zone, and to sites created by protecting, restoring or creating significant areas of indigenous vegetation or wetlands.
- (13) Subdivision of any minor dwellings and workers' accommodation from the parent site is avoided.
- (14) Subdivision is provided for, by either:
- (a) Limited in-situ subdivision through the protection and enhancement of significant indigenous vegetation or wetlands and/or indigenous revegetation planting; or
 - (aa) Very limited rural subdivision to provide for the relocation of identified marae and urupā from sites subject to significant natural hazard risks; or
 - (b) Transfer of titles to the Rural-Countryside Living Zone, through the protection and enhancement of indigenous vegetation and wetlands and/or through indigenous revegetation planting.
- (15) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of rural areas.
- (16) Rural subdivision avoids or minimises adverse effects in areas identified in the Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscape Overlay and Significant Ecological Areas Overlay.
- (16A) Sites to accommodate the relocation of marae and urupā are provided for in areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character if the adverse effects on those values are avoided and or minimised.
- (17) Subdivision:
- (a) ~~[Deleted] outside of urban and serviced areas avoids adverse effects to people, property, infrastructure and the environment from natural hazards~~

(aa) only occurs when the risk from natural hazards, including the potential effects of climate change, to people, property, infrastructure and the environment is tolerable or acceptable;

- (b) avoids where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and
- (c) maintains the function of flood plains and overland flow paths to safely convey flood waters, and of natural features and buffers in the coastal environment as natural defenses against coastal hazards, while taking into account the likely long term effects of climate change;

E39.3. Policies

- (1) Provide for subdivision which supports the policies of the zones.
- (2) Require subdivision to manage ~~the risk of adverse effects resulting from natural hazards risks~~ in accordance with the objectives and policies in [E36 Natural hazards and flooding](#), ~~and to provide safe and stable building platforms and vehicle access.~~
- (3) Manage rural subdivision and boundary adjustments to facilitate more efficient use of land for rural production activities by:
 - (a) restricting further subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone for a range of rural production activities; and
 - (b) providing for the transfer of titles to certain Rural – Countryside Living Zones.
- (4) Require subdivisions to be designed to retain, protect or enhance features including those in the Historic Heritage Places Overlay and Sites and Places of Significance to Mana Whenua Overlay, or otherwise remedy adverse effects.
- (5) Provide for subdivision around existing development and subdivision where it enables creation of sites for uses that are in accordance with an approved land use resource consent, where there is compliance with Auckland-wide and zone rules and appropriate provision is made for areas of common use.
- (6) Provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with Auckland-wide and zone rules.
- (6A) Provide for other boundary adjustments only where they enable the relocation of identified existing marae and urupā which are subject to significant natural hazard risks.
- (7) Require any staged subdivision to be undertaken in a manner that promotes efficient development.

- (8) Avoid the fragmentation by subdivision of land containing elite soil and avoid where practicable fragmentation by subdivision of land containing prime soil.
- (9) Encourage the amalgamation of small fragmented land parcels identified in [Appendix 14 Land amalgamation incentivised area](#) through transferable rural site subdivision.
- (10) Require any proposal for rural lifestyle subdivision to demonstrate that any development will avoid or mitigate potential reverse sensitivity effects between it and any rural production activities, mineral extraction activities, rural industries and infrastructure.
- (11) Restrict subdivision for rural lifestyle living to where:
 - (a) the site is located in the Rural – Countryside Living Zone;
 - (b) the site is created through the protection/enhancement of significant indigenous vegetation and wetlands; or
 - (c) the site is created through indigenous revegetation planting.
- (12) Enable the transfer of titles to sites in the Rural – Countryside Living Zone which are identified using the subdivision variation control on the planning maps.
- (13) Manage reverse sensitivity conflicts between rural lifestyle living and countryside living and rural production activities by the design and layout of subdivisions and locations of identified building areas and house sites.
- (14) Avoid the subdivision of minor dwellings and workers' accommodation from the parent site in the rural areas.

Protection of indigenous vegetation and wetland and revegetation planting

- (15) Enable:
 - (a) Transfer of titles; and
 - (b) Limited in-situ subdivision through the protection of indigenous vegetation or wetlands identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control or areas meeting the factors for Significant Ecological Areas in Policy B7.2.2(1) and in terms of the descriptors contained in Schedule 3 Significant Ecological Areas - Terrestrial Schedule and indigenous revegetation planting.
- (16) *[deleted]*
- (17) Require indigenous vegetation or wetland within a site being subdivided to be legally protected in perpetuity.
- (18) Provide limited opportunities for in-situ subdivision in rural areas while ensuring that:

- (a) there will be significant environmental protection of indigenous vegetation including restoration, or wetlands;
 - (b) subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;
 - (c) subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay and the coastal environment;
 - (d) adverse effects on rural and coastal character are avoided, remedied or mitigated;
 - (e) sites are of sufficient size to absorb and manage adverse effects within the site; and
 - (f) reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production.
- (19) Avoid the subdivision of sites in the Quarry Buffer Area Overlay and in areas of significant mineral resources that would result in development that could compromise the operation of mineral extraction activities.

Relocation of identified marae and urupā from significant natural hazard risk (a Te Wāhi Hūnuku Site)

- (19A) Provide for limited rural subdivision to create a Te Wāhi Hūnuku Site for identified existing marae and urupā which are subject to significant natural hazard risks, while ensuring that:
- (a) natural hazard risk assessments incorporate the cultural perspectives of the potentially affected iwi, hapū, whānau and haukāinga.
 - (b) a decision to relocate a marae and/or urupā is made in accordance with the agreed tikanga of all affected iwi, hapū, whānau and haukāinga.
 - (c) the Te Wāhi Hūnuku Site will be used for the relocation of the identified marae and/or urupā and is agreed between the landowner of the parent site and the mandated marae / urupā representatives;
 - (d) the original marae and urupā site is no longer used for land use or development which will result in significant natural hazard risks.
 - (e) the Te Wāhi Hūnuku Site is of a sufficient size to accommodate all necessary services and to absorb and manage adverse effects within the site;
 - (f) where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character and are affected by relocated marae and urupā development, adverse effects on those values are avoided, remedied or mitigated;
 - (g) reverse sensitivity effects are managed in a way that does not compromise the viability of surrounding rural sites for continued production;

- (h) the subdivision avoids, remedies or mitigates adverse effects on the rural or coastal character and complements the rural or coastal character of the area.

Natural features and landscape

- (20) Require subdivision, including site boundaries and specified building areas and access, to:
 - (a) recognise topography including steep slopes, natural features, ridgelines, aspect, water supplies, and existing vegetation;
 - (b) avoid inappropriately located buildings and associated accessways including prominent locations as viewed from public places;
 - (c) avoid adverse effects on riparian margins and protected natural features; and
 - (d) except in the case of Te Wāhi Hūnuku subdivision, avoid fragmentation of features and landscape in the Significant Ecological Areas Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscapes Overlay, Outstanding Natural Features Overlay or Sites and Places of Significance to Mana Whenua Overlay, or areas between sites.

Esplanade Reserves and Strips

- (21) Require esplanade reserves or strips when subdividing land adjoining the coast and other qualifying water-bodies.
- (22) Avoid reducing the width of esplanade reserves or strips, or the waiving of the requirement to provide an esplanade reserve or strip, except where any of the following apply:
 - (a) safe public access and recreational use is already possible and can be maintained for the future;
 - (b) the maintenance and enhancement of the natural functioning and water quality of the adjoining sea, river or other water body will not be adversely affected;
 - (c) the land and water-based habitats on and adjoining the subject land area will not be adversely affected;
 - (d) the natural values, geological features and landscape features will not be adversely affected;
 - (e) any Scheduled Historic Heritage Places and Sites and Places of Significance to Mana Whenua will not be adversely affected;
 - (f) it can be demonstrated that the reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long-term effects of climate change;

- (g) it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural character and amenity of the coastal environment;
 - (h) a reduced width in certain locations can be offset by an increase in width in other locations or areas, which would result in a positive public benefit in terms of access and recreation;
 - (i) restrictions on public access are necessary to ensure a level of security for business activities in limited circumstances having regard to Policy B8.4.2(3) relating to public access in the coastal marine area; or
 - (j) direct access to the sea or other water body is required for a business activity in limited circumstances.
- (23) Require esplanade reserves rather than esplanade strips unless any of the following apply:
- (a) land has limited conservation and recreational value;
 - (b) conservation and historic heritage values that are present can be adequately protected in private ownership;
 - (c) opportunity to acquire an esplanade reserve is unlikely to arise but continuity of access is desirable;
 - (d) creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership;
 - (e) land is subject to natural hazards or stability issues taking into account the likely long term effects of climate change; or
 - (f) a marginal strip of at least 20 metres under the Conservation Act 1987 has not been set aside on land that is Treaty Settlement Land.

Amenity

- (24) Require subdivision to avoid creating ribbon development along public roads or multiple access points that may adversely affect the character or amenity values or the adequate functioning of rural roads.
- (25) Require accessways, public walkways and roads to be designed so rural and coastal character and amenity values are maintained or enhanced.
- (26) Restrict the location and design of sites and specified building areas to:
- (a) integrate development with the existing landscape; and
 - (b) ensure the character and amenity values of adjacent sites and the locality are not adversely affected.

- (27) Require rural subdivision to avoid, remedy or mitigate adverse effects on the rural or coastal character and to complement the rural or coastal character of the area.

Infrastructure

- (28) Require infrastructure servicing rural subdivision to avoid, remedy or mitigate adverse effects on rural character and amenity.
- (29) Require all sites capable of containing a building, in areas where service connections are available to a public reticulated network, to be able to connect to the following networks:
 - (a) wastewater;
 - (b) stormwater; and
 - (c) potable water.
- (30) Require all new sites capable of containing a building, in areas with no reticulated water supply, stormwater or wastewater network, to be of a size and shape that provides for:
 - (a) the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding;
 - (b) management of wastewater via an on-site wastewater treatment system, or approval to connect to a private wastewater network; and
 - (c) potable water.
- (31) Require subdivision to manage stormwater:
 - (a) in accordance with any approved stormwater discharge consent or network discharge consent;
 - (b) in a manner consistent with stormwater management policies in [E1 Water quality and integrated management](#);
 - (c) by applying an integrated stormwater management approach to the planning and design of development in accordance with stormwater management policies in [E1 Water quality and integrated management](#);
 - (d) to protect natural streams and maintain the conveyance function of overland flow paths;
 - (e) to maintain or progressively improve water quality;
 - (f) to integrate drainage reserves and infrastructure with surrounding development and public open space networks; and
 - (g) in an integrated and cost-effective way.

- (32) Manage subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure including reverse sensitivity effects, which may compromise the operation and capacity of existing or authorised infrastructure.
- (33) Enable subdivision for network utility purposes while avoiding, remedying or mitigating the adverse effects.

E39.4. Activity table

Tables E39.4.1 to E39.4.5 specify the activity status of subdividing land pursuant to section 11 of the Resource Management Act 1991 within the following zones:

- Rural – Rural Production Zone,
- Rural - Mixed Rural Zone,
- Rural – Rural Coastal Zone,
- Rural – Rural Conservation Zone
- Rural – Countryside Living Zone;
- Rural – Waitākere Foothills Zone
- Rural – Waitākere Ranges Zone;
- Future Urban Zone; and
- Special Purpose – Quarry Zone.

For subdivision within the National Grid Corridor Overlay, the activity status for subdivision in the rural zones as listed in Tables E39.4.1 to E39.4.5 below will apply unless there are different provisions in [D26 National Grid Corridor Overlay](#) in which case the overlay provisions will take precedence.

For all other subdivision refer to [E38 Subdivision – Urban](#).

An activity listed in Table E39.4.1 Subdivision for specified purposes may only comprise a specific element of a subdivision activity. The other elements of a subdivision may also be listed in Tables E39.4.2 Subdivision in rural zones, E39.4.3 Subdivision in Future Urban Zone, E39.4.4 Subdivision in Special Purpose – Quarry Zone and E39.4.5 Subdivision in Rural - Waitākere Foothills Zone and Rural – Waitākere Ranges Zone.

Where a proposed subdivision activity fits into activities listed in Table E39.4.1 and those listed in Tables E39.4.2, E39.4.3, E39.4.4, or E39.4.5, then the activity status listed for each activity in each table also applies.

Refer to [D12 Waitākere Ranges Heritage Area Overlay](#) for areas and sites subject to specific subdivisions provisions in the Waitākere Ranges Heritage Area.

Note 1

The rules that have immediate legal effect are identified within the activity tables as below. Any associated standards, matters of discretion, assessment criteria, special information requirements, maps, definitions and appendices applicable to those rules also have immediate legal effect.

Table E39.4.1 Subdivision for specified purposes

Activity		Activity status
(A1)	Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease, or unit title subdivision is not involved	P
(A2)	Subdivision for a network utility	P
(A3)	Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners	C
(A4)	Boundary adjustments not exceeding 10 per cent of the original site area and meeting Standard E39.6.3.2	C
(A4A)	<u>Te Wāhi Hūnuku boundary adjustments which enable the relocation of identified existing marae and urupā which are subject to significant natural hazard risks meeting Standard E39.6.3.2A</u>	<u>C</u>
(A5)	Subdivision establishing an esplanade reserve	RD
(A6)	Subdivision establishing an esplanade strip	D
(A7)	Any reduction or waiver of esplanade reserves or strips	D
(A8)	Subdivision of land within any of the following natural hazard areas: • [Deleted] 1 per cent annual exceedance probability floodplain • <u>flood hazard areas (excluding overland flow paths);</u> • [Deleted] coastal storm inundation 1 per cent annual exceedance probability (AEP) area • <u>coastal hazard areas;</u> • [Deleted] coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area • <u>medium landslide susceptibility assessment areas; or</u> • [Deleted] coastal erosion hazard area • <u>high landslide susceptibility assessment areas; or</u> • [Deleted] land which may be subject to land instability.	RD
(A9)	Any subdivision listed in this table not meeting standards in E39.6.1	D
(A10)	Boundary adjustments unable to comply with controlled activity rule and standards in E39.6.3.2 and <u>E39.6.3.2A</u> E39.6.3	D

Immediate legal effect under s86B(3)(f) RMA

Immediate legal effect under s86B(3)(f) RMA

Qualifying matter as per Sch 3C, cls 8(1)(a) of the RMA

Immediate legal effect under s86B(3)(f) RMA

Table E39.4.2 Subdivision in rural zones (excluding Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone)

Activity		Activity status
(A11)	Subdivision for open spaces, reserves or road realignment	D
(A12)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone complying with Standard E39.6.5.1	D
(A13)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone not complying with Standard E39.6.5.1	NC
(A13A)	<u>Te Wāhi Hūnuku Site subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone for the relocation of identified marae and urupā from significant natural hazard risk complying with Standard E39.6.4.3A.</u>	<u>RD</u>
(A13B)	<u>Te Wāhi Hūnuku Site subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone for the relocation of identified marae and urupā from significant natural hazard risk not complying with Standard E39.6.4.3A.</u>	<u>NC</u>
(A14)	Subdivision in the Rural – Countryside Living Zone complying with Standard E39.6.5.2	D
(A15)	Subdivision in the Rural – Countryside Living Zone not complying with Standard E39.6.5.2	NC
(A16)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay, and complying with Standard E39.6.4.4	RD
(A17)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay not complying with Standard E39.6.4.4	NC
(A17A)	In-situ subdivision creating additional sites through protection of indigenous vegetation or freshwater wetland shown on the Kawau Island Rural Subdivision SEA Control up to a maximum of 6 sites from protection of indigenous vegetation and 2 sites from protection of freshwater wetland complying with Standards E39.6.4.4(2) to (12) (except that Standard E39.6.4.4(2B) does not apply) on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA 106B/436) and Part Island of Kawau (CFR NA55B/931).	RD
(A17B)	In-situ subdivision creating additional sites through protection of indigenous vegetation or freshwater wetland shown on the Kawau Island Rural Subdivision SEA Control on land described as at 14 March 2018 as Lot 1 Deposited Plan	NC

Immediate legal
effect under
s86B(3)(f) RMA

	173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA 106B/436) and Part Island of Kawau (CFR NA55B/931) not complying with Standards E39.6.4.4(2) to (12) (except that Standard E39.6.4.4(2B) does not apply).	
(A17C)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and complying with Standard E39.6.4.4	RD
(A17D)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and not complying with Standard E39.6.4.4	NC
(A18)	In-situ subdivision creating additional sites through establishing revegetation planting and complying with Standard E39.6.4.5	RD
(A19)	In-situ subdivision creating additional sites through establishing revegetation planting not complying with Standard E39.6.4.5	NC
(A20)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay complying with Standard E39.6.4.6	RD
(A21)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay not complying with Standard E39.6.4.6	NC
(A21A)	Transferable rural sites subdivision through protection of indigenous vegetation or freshwater wetland shown on the Kawau Island Rural Subdivision SEA Control up to a maximum of 76 sites from protection of indigenous vegetation and 6 sites from protection of freshwater wetland complying with Standard E39.6.4.6 (except that Standards E39.6.4.4(1) and E39.6.4.4(2B) do not apply) on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA1068/436) and Part Island of Kawau (CFR NA558/931).	RD
(A21B)	Transferable rural sites subdivision through protection of indigenous vegetation or freshwater wetland shown on the Kawau Island Rural Subdivision SEA Control on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA1068/436) and Part Island of Kawau (CFR NA558/931) not complying with Standard E39.6.4.6 (except that Standards E39.6.4.4(1) and E39.6.4.4(2B) do not apply).	NC
(A21C)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and complying with Standard E39.6.4.6	RD

(A21D)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and not complying with Standard E39.6.4.6	NC
(A22)	Transferable rural sites subdivision through establishing revegetation planting complying with Standard E39.6.4.6	RD
(A23)	Transferable rural sites subdivision through establishing revegetative planting not complying with Standard E39.6.4.6	NC
(A24)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area complying with Standard E39.6.4.7	RD
(A25)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area not complying with Standard E39.6.4.7	NC
(A26)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A27)	Any other subdivision not provided for in Tables E39.4.1 or E39.4.2	NC

Table E39.4.3 Subdivision in Future Urban Zone

Activity		Activity status
(A28)	Subdivision for open spaces, reserves or road realignment	D
(A28A)	<u>Te Wāhi Hūnuku Site subdivision in the Future Urban Zone for the relocation of the Makaurau Marae urupā (Sec 2A ML 14173 Parish of Manurewa) from significant natural hazard risk complying with Standard E39.6.5.4.</u>	<u>D</u>
(A29)	Any other subdivision not provided for in Table E39.4.1 or E39.4.3	NC

Table E39.4.4 Subdivision in Special Purpose – Quarry Zone

Activity		Activity status
(A30)	Any other subdivision not provided for in Table E39.4.1	D

Immediate legal
effect under
s86B(3)(f) RMA

Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone

Activity		Activity status
(A31)	Subdivision in the Rural – Waitākere Foothills Zone creating site size with a minimum site size of 4ha complying with Standard E39.6.3.2	C
(A32)	Subdivision in the Rural – Waitākere Foothills Zone creating site size less than 4ha in site area and not complying with Standard E39.6.3.2, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	D
(A33)	Subdivision in the Rural – Waitākere Ranges Zone creating a minimum net site area of 2ha and complying with Standard E39.6.5.3	D
(A34)	Subdivision in the Rural – Waitākere Ranges Zone not complying with Standard E39.6.5.3, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	Pr
(A35)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A36)	Subdivision in the Rural – Waitākere Foothills Zone or Rural – Waitākere Ranges Zone not otherwise provided for in Tables E39.4.1 and E39.4.5, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	NC
(A37)	<i>[deleted]</i>	

E39.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E39.4.1 or Table E39.4.5 will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Tables E39.4.1 to E39.4.5 and which is not listed in E39.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

E39.6. Standards

Subdivision listed in Tables E39.4.1 to E39.4.5 must comply with the relevant standards in E39.6.1 General standards (except as otherwise provided in Standard E39.6.5.1(2)), and the relevant standards for permitted, controlled, restricted discretionary and discretionary activities in E39.6.2 to E39.6.5.

E39.6.1. General standards

E39.6.1.1 Specified building area

- (1) A specified building area must be clearly identified on every site on a subdivision scheme plan on which a building is to be constructed.
- (2) Where the site contains an existing dwelling at the time the subdivision application is made, the specified building area must include:
 - (a) the location of the existing dwelling;
 - (b) indicate that the dwelling will be removed from the site; or
 - (c) the new location of the existing dwelling that will be relocated.
- (3) The specified building area must meet all of the following:
 - (a) include a single area of at least 2,000m² clear of all of the following:
 - (i) all yards;
 - (ii) ~~[Deleted] one per cent annual exceedance probability floodplain areas;~~
 - (iia) flood hazard areas (excluding overland flow paths);
 - (iii) ~~[Deleted] coastal storm inundation 1 per cent annual exceedance probability (AEP) area;~~
 - (iia) coastal hazard areas;
 - (iv) ~~[Deleted] coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;~~
 - (v) ~~[Deleted] coastal erosion hazard area;~~
 - (vi) ~~land which may be subject to land instability~~
 - (via) high (significant) landslide hazard risk areas identified in accordance with Appendix 24 Landslide hazard risk assessment methodology;
 - (vii) access to all proposed building platforms or areas; and
 - (viii) on-site private infrastructure required to service the intended use of the site.
 - (b) be able to be linked by adequate and appropriate vehicle access to a formed public road;
 - (c) be identified as the only place within the site where dwellings, any accessory buildings, and related parking and manoeuvring areas can be located; and

(d) be located outside of the Quarry Buffer Area Overlay.

E39.6.1.2 Access and entrance strips

- (1) All proposed sites must be provided with legal and physical access to a road, unless they meet one of the following:
 - (a) are being created for reserves, network utilities or road closure; or
 - (b) will be amalgamated with another site that already has legal and physical access to a road.

E39.6.1.3 Services

- (1) For all proposed sites capable of containing a building, or for cross-lease, unit title, strata title or company lease, each building must be designed and located so that provision is made for all of the following services:
 - (a) collection, treatment and disposal of stormwater;
 - (b) collection, treatment and disposal of wastewater;
 - (c) water supply;
 - (d) electricity supply; and
 - (e) telecommunications.
- (2) Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.

E39.6.1.4 Staging

- (1) Where a subdivision is to be carried out in stages, the applicant must provide adequate detail of the proposed timetable and sequencing of the staging at the time they apply for the overall subdivision consent. This detail must include all of the following:
 - (a) the time period over which the development is likely to take place;
 - (b) the areas of land subject to the proposed stages; and
 - (c) the balance area of the site remaining after the completion of each stage.

E39.6.1.5 Overland flow paths

- (1) All subdivision must be designed to incorporate overland flow paths existing on the site.

- (2) Stormwater must exit the site in a location that does not increase the risks of hazards to downstream properties.

E39.6.1.6 Existing vegetation on the site

- (1) All subdivision plans, excluding boundary adjustments subdivision plans, must show any of the following features that exist on, or on the boundary of, the land being subdivided:
 - (a) any areas identified as an Significant Ecological Area in the [D9 Significant Ecological Areas Overlay](#); or
 - (b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.

E39.6.2. Standards – permitted activities

Subdivision listed as a permitted activity in Table E39.4.1 Subdivision for specified purposes must comply with the relevant standards in E39.6.1 General standards, and E39.6.2 Standards – permitted activities.

E39.6.2.1 Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease or unit title subdivision is not involved

- (1) The subject building must be lawfully established.
- (2) The boundaries of the proposed sites must follow existing or proposed walls, ceilings and floors.
- (3) The scheme plan must show the proposed sites in relation to the exterior of the building and provide upper and lower elevations in terms of a datum to be established.
- (4) Each lease area must have either frontage to a legal road or allow for access through common areas to a legal road.

E39.6.2.2 Subdivision for a network utility

- (1) The network utility activity must meet one of the following:
 - (a) be a permitted activity pursuant to [E26 Infrastructure](#); or
 - (b) have all resource consents or notices of requirements approved.
- (2) A covenant or consent notice must be required to state that land that is no longer required for the network utility after it disestablishes, must be amalgamated with the adjoining land.
- (3) The balance sites must comply with the relevant overlays, Auckland-wide and zone standards, other than the minimum site size, unless resource consent has been granted for any infringements.

- (4) Sites must have access to a legal road through an appropriate legal mechanism.

E39.6.3. Standards - controlled activities

Subdivision listed as a controlled activity in Table E39.4.1 Subdivision for specified purposes and Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone must comply with the relevant standards in E39.6.1 General standards and in E39.6.3 Standards – controlled activities.

E39.6.3.1 Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners

- (1) All buildings must meet one of the following:
 - (a) have existing use rights;
 - (b) comply with the relevant overlays, Auckland-wide and zone standards;
or
 - (c) be in accordance with an approved land use resource consent.
- (2) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.
- (3) Subdivision consent affecting a building or any part of a building, any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant overlays, Auckland-wide and zone rules.
- (4) Parking spaces must not be created as principal units, unless provided for by a resource consent, and only created as accessory units or common areas when associated with an approved use or activity.
- (5) All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.

E39.6.3.2 Boundary adjustments that do not exceed 10 per cent of the original site size

- (1) All sites prior to the boundary adjustment must be contained within the same zone.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.

- (3) All sites must remain compliant with the applicable minimum site area and minimum average site area for the relevant zones.
- (4) Boundary adjustments must not result in the creation of additional titles.
- (5) If any boundary adjustment under this control creates the potential for additional subdivision creating additional sites or additional dwellings over and above what was possible for each site prior to the boundary adjustment a legal covenant or consent notice under s. 221 of the RMA is to be registered on the titles prohibiting any further such subdivision or new dwellings under Rules in Chapters E39 and H19.

E39.6.3.2A Te Wāhi Hūnuku boundary adjustments which enable the relocation of identified existing marae and urupā which are subject to significant natural hazard risks

- (1) The subdivision adjusts a boundary of one of the identified listed sites below:
 - (a) Te Kia Ora Marae (Kakanui Marae): 2263 Kaipara Coast Highway, Makaurau 0984;
 - (b) Te Kiri Marae (Ōmaha Marae): Omaha Block Access Road, Leigh 0985;
 - (c) Umupuia Marae: 163 Maraetai Coast Road, Clevedon 2582;
 - (d) Whaataapaka Marae: 258C Whatapaka Road, Karaka 2580.
- (2) The existing marae or urupā must have an active trusteeship.
- (3) All sites prior to the boundary adjustment must be contained within the same zone.
- (4) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.
- (5) Boundary adjustments must not result in the creation of additional titles.
- (6) An encumbrance is registered on the marae or urupā site identifying that the boundary relocation entitlement has been used under rule E39.4.1(A4A) and that a suitable legal mechanism is used to ensure no future land use or development will be undertaken which results in a significant natural hazard risk.
- (7) The adjusted portion of the marae and/or urupā site is limited for use as a marae and/ or urupā through one of the following mechanisms:

- (a) an encumbrance is registered on the adjusted portion of the marae and/or urupā site,
- (b) the adjusted portion of the marae and/or urupā site must be classified as a Māori Reservation and remain vested in the existing trust of the marae or urupā as determined by the Māori Land Court

E39.6.4. Standards – restricted discretionary activities

Subdivision listed as a restricted discretionary activity in Table E39.4.1 Subdivision for specified purposes or Table E39.4.2 Subdivision in rural zones must comply with the relevant standards set out in E39.6.1 General standards and E39.6.4 Standards – restricted discretionary activities unless otherwise specified.

E39.6.4.1 Subdivision establishing an esplanade reserve

- (1) Any subdivision involving the creation of sites less than 4 hectare which adjoins the line of the mean high water springs, or the bank of a river or stream 3 metres or more in width, or any lake, must provide a minimum 20 metre wide esplanade reserve in accordance with section 230 of the Resource Management Act 1991. This must be shown on the application plan and the subsequent land transfer plan.
- (2) The esplanade reserve must be measured in a landward direction at 90 degrees to the line of mean high water springs, or the bank of a river, stream or the margin of any lake.
- (3) Standards E39.6.4.1(1) and (2) do not apply to the subdivision of Treaty Settlement Land where a marginal strip of at least 20 metres has been set aside under the Conservation Act 1987.

E39.6.4.2 Subdivision of land within flood hazard areas (excluding overland flow paths), coastal hazard areas, medium landslide susceptibility assessment areas or high landslide susceptibility assessment areas of a site within the one per cent annual exceedance probability floodplain

- (1) Each proposed site within ~~the one per cent floodplain that is to contain a more vulnerable activity~~ flood hazard areas (excluding overland flow paths), coastal hazard areas, medium landslide susceptibility assessment areas or high landslide susceptibility assessment areas must ~~meet one of the following:~~
 - (a) ~~[Deleted] contain a specified building area that meets the requirements of Standard E39.6.1 General standards; or~~
 - (b) be in accordance with a land use consent that authorises development or building in the ~~floodplain~~ natural hazard area; or

- (c) contain a specified building area that meets the requirements of Standard E39.6.1 General standards; and
- (d) demonstrate that access to all proposed building platforms or areas are located outside any:
 - (i) high or very high flood hazard area
 - (ii) coastal hazard area 1 or 2
 - (iii) high (significant) landslide hazard risk area identified in accordance with Appendix 24 Landslide hazard risk assessment methodology; and
- (e) demonstrate that all on-site private infrastructure required to service the intended use of the site is located outside any:
 - (i) coastal hazard area 1 or 2
 - (ii) high (significant) landslide hazard risk area identified in accordance with Appendix 24 Landslide hazard risk assessment methodology.

E39.6.4.3 Subdivision of land in the coastal erosion hazard area; or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area

- (1) ~~Each proposed site on land in the coastal erosion hazard area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area must demonstrate that all of the relevant areas/features in (a) to (c) below are located outside of any land subject to coastal erosion or coastal storm inundation:~~
 - ~~(a) a specified building area that meets the requirements of Standard E39.6.1 General standards;~~
 - ~~(b) access to all proposed building platforms or areas; and~~
 - ~~(c) on-site private infrastructure required to service the intended use of the site.~~

E39.6.4.3A Te Wāhi Hūnuku Site subdivision for the relocation of identified marae and urupā from significant natural hazard risk

Refer to Appendix 15 Subdivision information and process for further information in relation to Te Wāhi Hūnuku subdivisions.

- (1) The significant natural hazard risk applies to one of the following eligible marae and/or associated urupā:
 - (a) Te Kia Ora Marae (Kakanui Marae): 2263 Kaipara Coast Highway, Makaurau 0984.

- (b) Te Kiri Marae (Ōmaha Marae): Omaha Block Access Road, Leigh 0985.
- (c) Umupuia Marae: 163 Maraetai Coast Road, Clevedon 2582.
- (d) Whaataapaka Marae: 258C Whatapaka Road, Karaka 2580.
- (2) The existing marae or urupā must have an active trusteeship.
- (3) Only one new Te Wāhi Hūnuku Site may be created for each listed site up to a maximum of 4 hectares in size. No minimum site size applies.
- (4) A natural hazard risk assessment must be undertaken in accordance with Chapter E36 and include the cultural perspectives of the trustees to confirm the eligible marae and/or associated urupā is subject to a significant natural hazard risk.
- (5) The Te Wāhi Hūnuku Site must be the subject of a binding legal sale and purchase agreement between the marae or urupā trust and the landowner of the parent site subject to the subdivision.
- (6) An encumbrance is registered on the original marae or urupā site identifying that the subdivision entitlement has been used under rule E39.4.2(A13A) and that a suitable legal mechanism is used to ensure no future land use or development will be undertaken which results in an significant natural hazard risk.
- (7) The Te Wāhi Hūnuku Site is limited for use as a marae and/or urupā through one of the following legal mechanisms:
 - (a) an encumbrance is registered on the new site,
 - (b) the new site must be classified as a Māori Reservation and remain vested in the existing trust of the marae or urupā as determined by the Māori Land Court

E39.6.4.4 In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; and in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Areas factors identified in Policy B7.2.2(1)

Refer to Appendix 15 Subdivision information and process for further information in relation to in-situ subdivisions.

- (1) The indigenous vegetation or wetland to be protected must either be:
- (a) identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; or
 - (b) must be assessed by a suitably qualified and experienced person (e.g. for example, ecologist) who must determine that it meets one or more of the Significant Ecological Areas factors identified in Policy B7.2.2(1) and detailed in the factors and sub-factors listed in Schedule 3 Significant Ecological Areas – Terrestrial Schedule. A report by that person must be prepared and must be submitted to support the application.
- (2) The maximum number of sites created from the protection of an indigenous vegetation or wetland must comply with Table E39.6.4.4.1

Table E39.6.4.4.1 Maximum number of new rural residential sites to be created from protection of indigenous vegetation or wetland either identified in Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control or meeting the Significant Ecological Areas factors identified in Policy B7.2.2(1).

FEATURE PROTECTED	TRANSFERABLE RURAL SITE SUBDIVISION (TRSS) YIELD		IN-SITU SUBDIVISION YIELD	
	AREA OF FEATURE PROTECTED	MAXIMUM NUMBER OF NEW SITES FOR TRSS	AREA OF FEATURE PROTECTED	MAXIMUM NUMBER OF NEW IN-SITU SITES
INDIGENOUS VEGETATION	2ha – 9.9999ha	1	4ha – 9.9999ha	1
	10ha-14.9999ha	2	10ha – 20ha	2
	15ha – 19.9999ha	3	Thereafter for every additional 10ha	+1 To a total of 12 maximum
	20ha – 30ha	4		
	Thereafter for every additional 10ha	+1 No maximum		
WETLAND	0.5ha – 0.9999ha	1	0.5ha – 1.9999ha	1
	1ha – 1.9999ha	2	2ha – 3.9999ha	2
	2ha – 3.9999ha	3	4ha and over	3 maximum
	4ha – 9ha	4		
	Thereafter for every additional 5ha	+1 No maximum		

Note 1 for Table E39.6.4.4.1:

Where indigenous vegetation is proposed to be protected using Table E39.6.4.4.1. the area of indigenous vegetation protected can consist of either indigenous vegetation identified in

the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) or a combination of both. Where a wetland is proposed to be protected using Table E39.6.4.4.1 the area of wetland can consist of either wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) or a combination of both. For example, where the indigenous vegetation comprises 1 ha of indigenous vegetation identified in the Significant Ecological Areas Overlay and 1 ha meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) the 2ha area will be sufficient to generate one site for TRSS.

Note 2 for Table E39.6.4.4.1:

If Rules (A17A) or (A17B) are used to create in-situ sites through protection of indigenous vegetation or freshwater wetland, the number of in-situ sites created must be subtracted from the maximum number of sites that may be created for Transferable Rural Site Subdivision under Rules (A21A) or (A21B).

Note 3 for Table E39.6.4.4.1:

If Rules (A21A) or (A21B) are used to create Transferable Rural Site Subdivision through protection of indigenous vegetation or freshwater wetland, any number of sites created over 70 through the protection of indigenous vegetation or any number of sites created over 4 through the protection of freshwater wetland must be subtracted from the maximum number of in-situ sites that may be created under Rules (A17A) or (A17B).

- (2A) The maximum number of in-situ sites created through any combination of the protection of indigenous vegetation, wetland and established native revegetation planting under E39.6.4.4 and E39.6.4.5 must not exceed a cumulative total of 12 sites.
- (2B) Where a combination of TRSS and in-situ sites are proposed to be created in one subdivision application through the protection of indigenous vegetation (SEA) or wetland, the number of new sites for TRSS must be calculated first using the upper threshold of the area required by Table E39.6.4.4.1 for each TRSS site. The number of new in-situ sites shall then be calculated using the area required by Table E39.6.4.4.1 for each in-situ site. The cumulative maximum number of in-situ sites must not be exceeded.
- (3) A 20 metre buffer is to be applied to the perimeter of the wetland and included as part of the protected area.
- (4) The additional in-situ sites must be created on the same site as the indigenous vegetation subject to protection.

Note: Standard E39.6.4.6 provides a separate subdivision option to enable the transfer of additional lots created via Standard E39.6.4.4.

- (5) The additional in-situ sites must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.
- (6) Any indigenous vegetation or wetland proposed to be legally protected in accordance with [Appendix 15 Subdivision information and process](#) must be identified on the subdivision scheme plan.
- (7) Areas of indigenous vegetation or wetland to be legally protected as part of the proposed subdivision must not already be subject to legal protection.
- (8) Areas of indigenous vegetation or wetland to be legally protected as part of the proposed subdivision must not have been used to support another transferable rural site subdivision or subdivision under this Plan or a previous district plan.
- (9) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the sites to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation or wetland.
- (10) All applications must include all of the following:
 - (a) a plan that specifies the protection measures proposed to ensure the indigenous vegetation or wetland and buffer area remain protected in perpetuity. Refer to legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in [Appendix 15 Subdivision information and process](#) for further information;
 - (aa) the planting plan for restorative planting must follow the specifications as set out in Appendix 15 Subdivision information and process that specifies any restoration measures proposed to be carried out within or adjacent to the indigenous vegetation or wetland proposed to be protected;
 - (b) the plans required in E39.6.4.4(10)(a) must be prepared by a suitably qualified and experienced person.
- (11) Indigenous vegetation or wetland to be protected must be made subject to a legal protection mechanism meeting all of the following:
 - (a) protection of all the indigenous vegetation or wetland and buffer existing on the site at the time the application is made, even if this means protecting vegetation or a wetland larger than the minimum qualifying area; and
 - (b) consistent with the legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in [Appendix 15 Subdivision information and process](#).

(12) All applications must include a management plan that includes all of the following matters, which must be implemented prior to the Council issuing a section 224(c) certificate:

- (a) the establishment of secure stock exclusion;
- (b) the maintenance of the indigenous vegetation or wetland must ensure that all invasive plant pests are eradicated; and
- (c) the maintenance of the indigenous vegetation or wetland must ensure animal and plant pest control occurs.

E39.6.4.5 In-situ subdivision creating additional sites through establishing indigenous revegetation planting

(1) Any established revegetation planting must meet all of the following:

- (a) not be located on land containing elite soil or prime soil;
- (b) be located outside any Outstanding Natural Character, High Natural Character or Outstanding Natural Landscape overlays;
- (c) be contiguous with existing indigenous vegetation or wetland identified in the Significant Ecological Area Overlay or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1); and
- (d) the criteria as set out in Appendix 15 Subdivision information and process and [Appendix 16 Guideline for native revegetation plantings](#).

(2) The maximum number of new sites created through establishing revegetation planting must comply with Table E39.6.4.5.1.

Table E39.6.4.5.1 Maximum number of new sites from establishing native revegetation planting (to be added to existing indigenous vegetation or wetland identified in the Significant Ecological Area Overlay or meeting the Significant Ecological Areas factors identified in Policy B7.2.2.(1)) subject to protection

TRANSFERABLE RURAL SITE SUBDIVISION (TRSS) YIELD		IN-SITU SUBDIVISION YIELD	
ESTABLISHED AREA OF NATIVE REVEGETATION PLANTING PROTECTED	MAXIMUM NUMBER OF NEW SITES FOR TRSS	ESTABLISHED AREA OF NATIVE REVEGETATION PLANTING PROTECTED	MAXIMUM NUMBER OF NEW IN-SITU SITES
5ha – 9.9999ha	1	5ha – 9.9999ha	1
10ha – 14.9999ha	2	10ha – 14.9999ha	2
15ha – 19.9999ha	3	15ha and over	3 maximum
20ha – 24.9999ha	4		
Thereafter for every additional 5ha	+1 to maximum of 6		

- (2A) The maximum number of in-situ sites created through any combination of the protection of established native revegetation planting, indigenous vegetation and wetland under E39.6.4.4 and E39.6.4.5 must not exceed a cumulative total of 12 sites.
- (2B) Where a combination of TRSS and in-situ sites are proposed to be created in one subdivision application through the protection of established native revegetation planting, the number of new sites for TRSS must be calculated first using the upper threshold of the area required by Table E39.6.4.5.1 for each TRSS site. The number of new in-situ sites shall then be calculated using the area required by Table E39.6.4.5.1 for each in-situ site. The cumulative maximum number of in-situ sites must not be exceeded.
- (3) Any new in-situ site must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.
- (4) Any established revegetation planting proposed must be legally protected.
- (5) Areas subject to revegetation planting must be subject to a legal protection mechanism that:
 - (a) protects all the existing indigenous vegetation on the site at the time of application as well as the additional area subject to any revegetation planting; and
 - (b) meets the requirements as set out in [Appendix 15 Subdivision information and process](#).
- (6) All applications must include all of the following:
 - (a) a plan that specifies the protection measures proposed to ensure the indigenous vegetation and buffer area remain protected in perpetuity. Refer to the legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in [Appendix 15 Subdivision information and process](#) for further information;
 - (b) a planting plan for revegetation planting which outlines the revegetation planting proposed to be carried out within or adjacent to the indigenous vegetation proposed to be protected in accordance with [Appendix 15 Subdivision information and process](#) and [Appendix 16 Guideline for native revegetation plantings](#) ; and
 - (c) the plans required in 0(6)(a) and (b) must be prepared by a suitably qualified and experienced person.
- (7) All applications must include a management plan that includes all of the following matters, which must be implemented prior to the Council issuing a section 224(c) certificate:
 - (a) the establishment of secure stock exclusion;

- (b) the maintenance of plantings that must occur until the plantings have reached a sufficient maturity to be self-sustaining, and have reached 80 per cent canopy closure. The survival rate must ensure a minimum 90 per cent of the original density and species;
 - (c) the maintenance of plantings must include the ongoing replacement of plants that do not survive;
 - (d) the maintenance of plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on-going basis to ensure adequate growth; and
 - (e) the maintenance of plantings must ensure animal and plant pest control occurs.
- (8) The subdivision resource consent must be made subject to a condition that requires the subdivision plan creating the sites to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation to be protected.

E39.6.4.6 Transferable rural site subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; or transferable rural sites subdivision through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1); or transferable rural sites subdivision through establishing revegetation planting

Refer to [Appendix 15 Subdivision information and process](#) and [Appendix 16 Guideline for native revegetation plantings](#) for further information on transferable rural sites subdivisions and revegetation planting.

- (1) All transferable rural sites subdivisions applications involving protection of indigenous vegetation or wetlands must meet all of the standards that are applicable for:
- (a) the protection of indigenous vegetation or wetlands identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control as set out in Standard E39.6.4.4; or
 - (aa) the protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) as set out in Standard E39.6.4.4: or
 - (b) the creation of sites through establishing revegetation planting as set out in Standard 0.

(2) *[deleted]*

- (3) A donor site (being the site with the indigenous vegetation, wetland or the revegetation planting to be protected) must not be the same site as a receiver site.
- (4) The receiver site must be located within a Rural – Countryside Living Zone and be identified as an eligible receiver site by the subdivision variation control on the planning maps.
- (5) Sites being subdivided must have a minimum net site area and average net site area that complies with the transferable rural sites subdivision in the Rural – Countryside Living Zone as set out in Table E39.6.5.2.1 Minimum and average net site areas.
- (6) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the receiver site or sites to be deposited after, and not before, the protective covenant has been legally registered against the title containing the covenanted indigenous vegetation or wetland as applicable.

E39.6.4.7 Transferable rural site subdivision through the amalgamation of donor sites, including sites identified in Appendix 14 Land amalgamation incentivised area

- (1) Prior to amalgamation of donor sites, all applications for amalgamation of donor sites must meet the following:
 - (a) donor sites must be abutting;
 - (b) one of the two donor sites must not contain a dwelling unless the resulting amalgamated site is permitted by this Plan to have more than one dwelling;
 - (c) donor sites must be zoned either Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone or Rural - Rural Conservation Zone;
 - (d) the land must contain at least 90 per cent elite soil or prime soil. The applicant must provide a detailed Land Use Capability (LUC) soil assessment confirming that donor sites contain at least 90 per cent elite land or prime land. The assessment must be prepared by a suitably qualified and experienced person;
 - (e) each site must have a net site area of between 1 and 20 hectares;
 - (f) sites must have been in existence, or be shown on an approved scheme plan of subdivision; and
 - (g) sites must not comprise part or all of a closed road, road severance, or designation.

(2) Following amalgamation of donor sites, all donor sites must meet all of the following:

- (a) be held in a single certificate of title;
- (b) rescinded in such a way that replacement titles cannot be reissued;
- (c) made subject to a legal protection mechanism that states all of the following:
 - (i) the residential development rights attaching to the donor sites have been used to create a transferable rural sites subdivision under the Plan and must not accommodate any further residential development unless it is allowed as a permitted activity subject to the relevant zone rules or by the granting of a resource consent;
 - (ii) the new site cannot be further subdivided other than by amalgamation with another qualifying site or by boundary adjustment; and
 - (iii) the new site has no further potential to be used for the purpose of a transferable rural sites subdivision.

(3) Following amalgamation of donor sites, all receiver sites must meet all of the following:

- (a) be subdivided into no more sites than those permitted by Table E39.6.4.7.1 Maximum number of new sites for transfer from the amalgamation of sites;

Table E39.6.4.7.1 Maximum number of new sites for transfer from the amalgamation of sites

Transferable rural sites subdivision by way of amalgamation	
Criteria	Maximum Number of new sites for transfer
Amalgamation of two eligible donor sites as identified in Appendix 14 Land amalgamation incentivised area and complying with Standard E39.6.4.7(1)	Two new sites for every two donor sites amalgamated
Amalgamation of two eligible donor sites outside the land amalgamation incentivised area and complying with Standard E39.6.4.7(1)	One new site for every two donor sites amalgamated

- (b) the donor site must not be the same site as a receiver site;
- (c) be located within sites zoned as Rural – Countryside Living Zone and be identified as an eligible receiver site by the Subdivision Variation Control on the planning maps;

- (d) have a minimum net site area complying with the minimum net site area and average net site area with transferable rural sites subdivision as set out in Table E39.6.5.2.1 Minimum and average net site areas;
- (e) be made subject to a condition of subdivision consent that requires the subdivision plan creating the receiver site or sites to be deposited after, and not before, the plan of subdivision for the amalgamation of donor sites has been deposited.

E39.6.5. Standards – discretionary activities

Subdivision listed as a discretionary activity in Table E39.4.2 and Table E39.4.5 must comply with the relevant standards in E39.6.1 General standards and E39.6.5 Standards – discretionary activities.

E39.6.5.1 Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, and Rural – Rural Conservation Zone

- (1) Subdivision in these rural zones must meet the minimum average site size and minimum site size requirement as set out in Table E39.6.5.1.1 Minimum average site size and minimum site size for subdivision.

Table E39.6.5.1.1 Minimum average site size and minimum site size for subdivision

Zone	Minimum average site size (ha)	Minimum site size (ha)
Rural – Rural Production	100	80
Rural – Mixed Rural	50	40
Rural – Rural Coastal	50	40
Rural – Rural Conservation	20	10

- (2) Subdivision of the land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931)
 - (a) Is not required to comply with General Standards E39.6.1.1 to E39.6.1.5 where the subdivision resource consent is made subject to a legal mechanism to ensure no dwellings can be established on the new sites created (although this mechanism shall not affect the establishment of dwellings on the balance parent site):
 - (b) Shall be deemed to meet the access requirements in Standards E39.6.1.1(3)(b) and E39.6.1.2 if access by sea to the proposed sites is provided.

E39.6.5.2 Subdivision in the Rural – Countryside Living Zone

- (1) Subdivision in the Rural – Countryside Living Zone must meet all of the following:

- (a) proposed site sizes and average net site areas must comply with the minimum net site areas specified in Table E39.6.5.2.1 Minimum and average net site areas;
- (b) the average net site area of all sites following subdivision must be calculated per subdivision scheme plan, and no credits will be carried forward to future subdivision scheme plans;
- (c) the minimum frontage for all front sites must be 15 metres; and
- (d) the minimum frontage for rear sites must be 6 metres.

Transferable rural site subdivision receiver sites must be located in the Rural – Countryside Living Zone locations listed in Table E39.6.5.2.1 Minimum and average net site areas and be identified as eligible receiver sites by the Subdivision Variation Control on the planning maps.

In this table, N/A means the transferable rural site subdivision mechanism is not provided for in that particular location.

Table E39.6.5.2.1 Minimum and minimum average net site areas

Location of Rural – Countryside Living Zone	Minimum net site area and average net site area without transferable rural site subdivision	Minimum net site area and average net site area with transferable rural site subdivision
Rural – Countryside Living Zone areas not identified below	Minimum: 2ha	N/A
Wellsford Kaukapakapa Helensville	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Warkworth	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Matakana Kumeu - Huapai Paremoremo - Albany Heights	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Algies Bay	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Puhoi Parakai	Minimum: 2ha	Minimum: 8,000m ² Average: 1ha
Waimauku	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
South Rodney	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha

Location of Rural – Countryside Living Zone	Minimum net site area and average net site area without transferable rural site subdivision	Minimum net site area and average net site area with transferable rural site subdivision
Whitford (excluding precinct and Caldwell's Road)	Minimum: 2ha Minimum average: 4ha	N/A
Whitford – Caldwell's Road	Minimum: 1ha Minimum average: 2ha	N/A
Papakura	Minimum: 1ha	N/A
Point Wells	Minimum: 5,000m ² Minimum average: 7,500m ²	N/A
Runciman	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Swanson (outside precinct)	Minimum: 4ha	N/A
Okura East	Minimum: 4ha	N/A

E39.6.5.3 Subdivision in Rural – Waitākere Ranges Zone

- (1) The average site size must be greater than 4 hectares.
- (2) The average site size must be calculated over the net site area of the site as it existed as of 14 October 1995.
- (3) The minimum net site area must be 2 hectares.
- (4) The subdivision must not create any new road.
- (5) Subdivision must not create development or establishment of buildings within land areas identified in the Significant Ecological Areas Overlay.

E39.6.5.4 Te Wāhi Hūnuku Site subdivision in the Future Urban Zone for the relocation of the Makaurau Marae urupā

- (1) The urupā must have an active trusteeship.
- (2) Only one new Te Wāhi Hūnuku Site may be created up to a maximum of 1 hectare in size. No minimum site size applies.
- (3) A natural hazard risk assessment must be undertaken in accordance with Chapter E36 and include the cultural perspectives of the trustees to confirm the eligible urupā is subject to a significant natural hazard risk.
- (4) The Te Wāhi Hūnuku Site must be the subject of a binding legal sale and purchase agreement between the urupā trust and the

landowner of the parent site subject to the subdivision.

- (5) An encumbrance is registered on the original urupā site identifying that the subdivision entitlement has been used under rule E39.4.3(A28A) and that a suitable legal mechanism is used to ensure no future land use or development will be undertaken which results in a significant natural hazard risk.
- (6) The Te Wāhi Hūnuku Site is limited for use as an urupā through one of the following legal mechanisms:
 - (a) an encumbrance is registered on the new site,
 - (b) the new site must be classified as a Māori Reservation and remain vested in the existing trust of the urupā as determined by the Māori Land Court

E39.7. Assessment – controlled activities

E39.7.1. Matters of control

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

- (1) all controlled activities:
 - (a) compliance with an approved resource consent except for boundary adjustment subdivision;
 - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;
 - (c) the effects of infrastructure provision; and
 - (d) the effects on historic heritage and cultural heritage items.

E39.7.2. Assessment criteria

The Council will consider the relevant assessment criteria for controlled activities from the list below:

- (1) all controlled activities:
 - (a) compliance with an approved resource consent except for boundary adjustment subdivision:
 - (i) refer to Policy E39.3(6);
 - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:
 - (i) the extent to which the design, size, shape, gradient and location of any site including access, existing buildings, manoeuvring areas and outdoor living space affect the safety of pedestrians and cyclists and other users of the space or access;

- (ii) whether the sites created are able to accommodate development in accordance with the relevant Auckland-wide and zone rules; and
- (iii) refer to Policy E39.3(6A), (19A)(e), (19A)(f), (19A)(g), (25), (26) and (27);
- (c) the effects of infrastructure provision:
 - (i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and
 - (ii) refer to Policy E39.3(28) and (32).
- (d) the effects on historic heritage and cultural heritage items:
 - (i) whether the protection or avoidance of any Scheduled Historic Heritage Place, or Site and Places of Significance to Mana Whenua is ensured; and
 - (ii) refer to Policy E39.3(4).
- (2) Subdivision in the Rural – Waitākere Foothills Zone:
 - (a) Policies E39.3(1), (4), (6), (10), (11), (13), (16), (17), (20), (25) and (28) – (33).

E39.8. Assessment – restricted discretionary activities

E39.8.1. Matters of discretion

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

- (1) ~~subdivision of a site within the 1 per cent annual exceedance probability floodplain land within flood hazard areas (excluding overland flow paths), coastal hazard areas, medium landslide susceptibility assessment areas or high landslide susceptibility assessment areas:~~
 - (a) ~~the effects of the natural hazards exposure on of the intended use of the sites or sites created enabled by the subdivision and the vulnerability sensitivity of these uses to flood natural hazard events.~~
- (2) ~~[Deleted] subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:~~
 - (a) ~~the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events.~~
- (3) ~~[Deleted] subdivision of a site in the coastal erosion hazard area:~~
 - (a) ~~the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion.~~

(4) ~~[Deleted]-subdivision of sites subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:~~

~~(a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use.~~

(5) subdivision establishing an esplanade reserve:

(a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features.

(5A) Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone for the relocation of identified marae and urupā from significant natural hazard risk complying with Standard E39.6.4.3A:

(a) effects associated with the following matters, having regard to the need to ensure that the cultural benefits of providing a Te Wāhi Hūnuku Site for at risk marae and urupā do not unnecessarily compromise other elements of rural character and amenity:

(i) the potential effects of the natural hazard risk affecting the original marae or urupā site

(ii) the site size, building platforms locations and access;

(iii) the rural character, landscapes and amenity;

(iv) measures proposed to avoid, remedy or mitigate adverse effects on natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character;

(v) the location and configuration of the proposed site with respect to the tikanga of the mandated marae/or and urupā representatives;

(vi) the compliance with the Auckland-wide rules;

(vii) legal mechanisms to restrict land use and development on the original marae and/or urupā site to avoid significant risks and to ensure the new site is only used for the intended cultural purpose;

(viii) The site is of sufficient size for the provision of adequate access to existing and new infrastructure and provision of

appropriate management of effects of stormwater;

(ix) any reverse sensitivity effects; and

(x) the location of identified building areas platforms relative to areas of significant mineral resources

(6) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay areas but meeting the Significant Ecological Area factors in Policy B7.2.2(1) as set out in Standard E39.6.4.4; in-situ subdivision creating additional sites through establishing revegetation planting:

(a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas, do not unnecessarily compromise other elements of rural character and amenity:

(i) the number of sites created, site size, building platforms locations, access;

(ii) the rural character, landscapes and amenity;

(iii) the location of the indigenous vegetation, wetland and/or revegetation planting relative to proposed new sites and to existing vegetation;

(iv) the quality of the indigenous vegetation, wetland and/or revegetation planting to be protected;

(v) the compliance with Auckland-wide rules;

(vi) any management plans for the ongoing protection and management of indigenous vegetation, wetland or revegetation planting;

(vii) the provision of adequate access to existing and new infrastructure and provision of appropriate management of effects of stormwater;

(viii) the legal protection for indigenous vegetation, wetland or revegetation planting;

(ix) any reverse sensitivity effects; and

(x) the location of identified building areas platforms relative to areas of significant mineral resources.

(7) transferable rural site subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; transferable rural site subdivision creating additional sites through protection of indigenous vegetation or wetland not

identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors in Policy B7.2.2(1) as set out in Standard E39.6.4.4; or transferable rural sites subdivision through establishing revegetation planting:

- (a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas or shown on the Kawau Island Rural Subdivision SEA Control, do not unnecessarily compromise other elements of rural character and amenity:
 - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
 - (ii) the number and size of new sites created on the receiver sites and compliance with minimum and average net site areas in the Rural – Countryside Living Zone; and
 - (iii) the timing and co-ordination of the protection of indigenous vegetation, wetland and revegetation planting on donor site relative to the creation of new sites on the receiver site.
- (8) transferable rural site subdivision through the amalgamation of donor sites, including those sites identified in [Appendix 14 Land amalgamation incentivised area](#):
 - (a) effects associated with the below matters, having regard to the need to ensure the long term protection of elite soils and their availability for rural production purposes, without compromising other elements of rural character and amenity, or rural resources:
 - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
 - (ii) the location and the soil qualities of the donor sites;
 - (iii) the degree to which new sites created from receiver sites comply with the Auckland-wide rules;
 - (iv) the suitability of the transferred sites for rural residential purposes having regard to the objectives, policies and rules for the Rural – Countryside Living Zone.

E39.8.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

- (1) subdivision of ~~a site within the 1 per cent annual exceedance probability floodplain~~ land within flood hazard areas (excluding overland flow paths), coastal hazard areas, medium landslide susceptibility assessment areas or high landslide susceptibility assessment areas:

- (a) ~~the effects of the natural hazards exposure on~~ of the intended use of the sites or sites created enabled by the subdivision and the vulnerability sensitivity of these uses to flood natural hazard events:
 - (i) ~~[Deleted] whether measures are proposed to ensure the long term protection of flood plain conveyance functions;~~
 - (ii) ~~[Deleted] whether the location and design of development including building platforms and access ways are located to avoid the hazard;~~
 - (iii) ~~[Deleted] the extent to which changes to the landform and the design of mitigation structures/features are necessary for the subdivision; and~~
 - (iv) refer to Policy E39.3(2).
- (2) ~~[Deleted] subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:~~
 - ~~(a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events:~~
 - (i) ~~whether the location and design of development including proposed and existing building platforms and access ways include the ability to relocate uses within the proposed site area;~~
 - (ii) ~~whether the use of defences to protect the land and any buildings or structures on the land from coastal storm inundation are necessary;~~
 - (iii) ~~whether there is any residual risk posed by coastal storm inundation to the site(s) associated with any existing or proposed coastal defences;~~
 - (iv) ~~whether there are effects on landscape values resulting from associated built and/or land form modifications required to provide for the intended use of the site; and~~
 - (v) ~~Policy E39.3(2).~~
- (3) ~~[Deleted] subdivision of site in the coastal erosion hazard area:~~
 - ~~(a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:~~
 - (i) ~~whether public access to the coast is affected;~~
 - (ii) ~~the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and~~
 - (iii) ~~Policy E39.3(2).~~
- (4) ~~[Deleted] subdivision of sites subject to land instability including those areas defined in the Plan as "land which may be subject to land instability", or other unstable soils as identified through a specific site assessment:~~

~~(a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use:~~

- ~~(i) the extent to which the proposed sites are stable and suitable;~~
- ~~(ii) the extent to which the site instability will affect the intended use, including the provision for onsite infrastructure (where applicable) and accessways; and~~
- ~~(iii) Policy E39.3(2).~~

(5) subdivision establishing an esplanade reserve:

(a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features:

- (i) the extent to which the design purpose and location of the esplanade reserve enables public access and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features; and
- (ii) Policies E39.3(1), (21), (22) and (23).

(5A) Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone for the relocation of identified marae and urupā from significant natural hazard risk complying with Standard E39.6.4.3A:

- (a) The extent to which natural hazards present a significant risk to the original marae and/or urupā site.
- (b) The extent to which the size and location of the new site is consistent with the relevant tikanga of the mandated marae and/or urupā representatives.
- (c) Mechanisms in place to ensure the new site will be used for the intended cultural purpose.
- (d) Mechanisms in place to ensure the original marae or urupā site is no longer used for land use or development which will result in significant natural hazard risk.
- (e) Policies E39.3(1), (19A), and (20).

(6) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay areas but meeting the Significant Ecological

Area factors in Policy B7.2.2.(1) as set out in Standard E39.6.4.4; in-situ subdivision creating additional sites through establishing revegetation planting:

(a) Policies E39.3(1), (15), (16), (17), (18), (24) – (27) and (29) to (31).

(7) transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors in Policy B7.2.2(1) as set out in Standard E39.6.4.4; transferable rural sites subdivision through establishing revegetation planting:

(a) Policies E39.3(1), (11), (12), (13), (15), (16), (17), (18), (24) – (27) and (29) to (31).

(8) transferable rural sites subdivision through the amalgamation of donor sites including sites identified in [Appendix 14 Land amalgamation incentivised area](#):

(a) Policies E39.3(1), (3), (9), (11), (12), (13), (15), (16), (17), (18) and (29) to (31).

E39.9. Special information requirements

~~There are no special information requirements in this section.~~

- (1) A hazard risk assessment must be undertaken when subdivision, use or development requiring resource consent is proposed to be undertaken on land which are within any one or more natural hazard areas.

The level of information required to be provided should be proportionate to the hazard risk, the nature of the hazard. It should also be appropriate to the scale, nature and location of the development and reflective of the scale of the activity proposed. For coastal hazards this should include a consideration of the potential effects of climate change over at least a 100 year timeframe.

- (2) A hazard risk assessment report must accompany a resource consent application for the subdivision, use or development referenced in E36.9(1) above and must identify which natural hazard(s) that the land is potentially at risk of being exposed to over at least the next 100 years and which addresses all the matters outlined in Policies E36.3(3), E36.3(4A) and E36.4(4B), including climate scenarios in Auckland Council Guideline Document 15: Climate change scenarios (GD15) November 2024.

- (3) A landslide hazard risk assessment prepared by a suitably qualified and experienced person in accordance with Appendix 24 Landslide hazard risk assessment methodology must accompany a resource consent application for the subdivision, use or development of land within a landslide hazard area.

- (4) Geotechnical reports prepared by a suitably qualified and experienced person in accordance with Auckland Council Code of Practice for Land Development and Subdivision, Section 2 (Earthworks and Geotechnical Requirements) must accompany a resource consent application for the subdivision, use or development of land within a landslide hazard area.