

**ATTACHMENT C**

**COURTS CONCLUSIONS SUMMARY:**

**Yield tables:**

FEATURE PROTECTED	TRANSFERABLE SUBDIVISION YEILD		IN-SITU SUBDIVISION YIELD	
	AREA OF FEATURE	TRANSFERABLE SITE ENTITLEMENT	AREA OF FEATURE	IN-SITU SITE ENTITLEMENT
SEA	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		
WETLANDS	0.5ha – 0.9999ha	1	0.5ha – 1.9999ha	1
	1ha – 1.9999ha	2	2ha – 3.9999ha	2
	2ha – 2.9999ha	3	4ha and over	3 maximum
	4ha – 9ha	4		
	Thereafter for every additional 5ha	+1 No maximum		
REVEGETATION	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 – 30ha	4		
	Thereafter for every additional 10ha	+1 to maximum of 6		
Combination SEA, Wetland, revegetation	As set out for features above	No maximum	As set out for features above	12 maximum

**Other Provisions:**

**Regional Policy Statement B9.4 Rural Subdivision**

- Objective B9.4.1(1): delete
- Objective B9.4.1(4): delete reference to “degraded land”.
- Policy B9.4.2(1): should not include the reference to “degraded land”
- Policy B9.4.2(3): should read “Provide for and encourage the transfer of the residential development potential of rural sites to Countryside Living zones and for title boundaries to be amalgamated.”



- Policy B9.4.2(3) subparagraphs: otherwise agreed by parties at hearing eg removal of “the” para (b), and (c) and (d) agreed. The Court confirms that sub-para (e) should read “avoid unplanned demand for infrastructure in remote areas or across areas of scattered development”
- Policy B9.4.2(5): retain reference to “Countryside Living Zone”.

AUP District Plan provisions E39 Subdivision- Rural

- Objective E39.2(10): subclause (c) should read “Subdivision of land avoids inappropriate rural lifestyle lots dispersed throughout the rural and coastal areas.”
- Objective E39.2(14): Leave as Council version (ie two separate sub-categories (a) and (b))
- Policy E39.3(11): policy to read:

“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;
  - c) the site is created through indigenous revegetation planting.”
- Policies E39.3(15) & (16): Combine as one policy as follows:

*“Protection of indigenous vegetation and wetland and indigenous revegetation planting*

- a) Transfer of titles through the protection of indigenous vegetation or wetlands identified in the Significant Ecological Areas Overlay and indigenous revegetation planting.
  - b) Limited in-situ subdivision through the protection of indigenous vegetation identified in the Significant Ecological Areas Overlay 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.”
- Policy E39.3(18)(a): the policy should read: “there will be significant environmental protection of indigenous vegetation including restoration, or wetlands.”
  - Activity Table: A17A, A17B, A21A, A21B Changes as agreed between the parties relating to the Zakara appeal. (ie: except as otherwise provided in Standard 39.6.5.1(2))
  - E39.6.3.2 clarification as agreed between the parties
  - E39.6.4.4.1, E39.6.4.4.2, E39.6.4.5.1 being the various yield tables. Bearing in mind conclusions in the Court first interim decision as to qualifying SEAs and Wetlands, the suggestion is to simplify layout; content should be in accordance with the requirements and yields set out in table above.
  - Contiguity: the contiguous requirement should extend to existing indigenous vegetation and wetlands meeting policy B7.2.2(1) as well as identified SEA

