

Part 22D Village Zone Subdivision

22D.1 General Requirements

22D.1.1 Explanation of this Rule

- (a) The General Requirements set out in 22D.1 shall apply to the Village Zone, as shown on the planning maps.
- (b) Refer to the planning maps to determine which particular provisions of Part 22D apply to the site and area. Subdivision density is determined by reference to any 'Village Growth Area' annotation on the planning maps and performance standard [22D.6.1](#).
- (c) Where subdivision is occurring within a 'Village Overlay Area' depicted on the planning maps, applications will, in addition to meeting these general requirements, be assessed in terms of the specific provisions applying to that area (refer to [Part 55](#) of the plan).
- (d) Where subdivision is occurring within a Village Zone identified for a concept plan (refer planning maps), a restricted discretionary resource consent application will be required in accordance with Rules [22D.3](#) and [22D.9](#).
- (e) Subdivision, except where otherwise provided in the plan, within an area identified for a 'Structure Plan' shall not proceed in advance of the structure plan and plan change (refer to [Part 54](#)).

Note:

Refer to [Part 26](#) for subdivision rules for the Village Business Zone.

22D.1.2 Consent Required

- (a) Subject to the provisions of the Act, the subdivision of land for any purpose can only proceed following the granting of resource consent by the Council and compliance with any conditions of consent.
- (b) No work on the subject land in connection with the subdivision may proceed unless it is essential investigatory work, with prior written approval from the Council.
- (c) Applications shall be in the prescribed form and must contain all the information, assessments and reports as required by the Act or this plan. (Refer to Parts [52](#) and [53](#) of the plan as appropriate.)
- (d) The status of the subdivision activity in the Village Zone shall be that stated in Rules [22D.2](#), [22D.3](#), [22D.4](#) and [22D.5](#) that follow.

22D.1.3 Reports/Consultation

- (a) In accordance with the Act, the Council may require an applicant to provide technical or other reports, prepared by suitably qualified specialists, to address matters pertaining to or arising from the proposal, including:
 - (i) Geotechnical/soil mechanics/coastal erosion reports
 - (ii) Landscape change assessment reports
 - (iii) Planting and landscaping plans
 - (iv) Water quality/quantity analyses
 - (v) Effluent disposal/soakage field tests and design calculations
 - (vi) Bush quality and condition analysis

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- (vii) Stormwater flow analysis, design calculations and proposals for treatment and disposal
- (viii) Heritage/archaeological/ecological/biological value investigations and any consultation related thereto
- (ix) Assessments of the effects that could result from proximity to existing high pressure gas, high voltage electricity and similar 'trunk' utility services, including effects on the safe and efficient operation of these services
- (x) [Intentionally blank]
- (xi) SITE management practices for silt and sediment control.
- (xii) A detailed site investigation for controlled or restricted discretionary activities in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in [Appendix Of of the Waikato District Plan](#);

22D.1.4 Assessment and Information Requirements

Assessment of applications for subdivisions in the Village Zone shall be in accordance with the standards, terms and conditions, matters over which the Council exercises control or criteria, set out in the plan. The general, particular and specific sections that shall apply are set out under the activity status for each type of subdivision.

22D.1.5 Conditions

Where a resource consent is granted, conditions may be imposed to deal with any matter as provided for by the Act or this plan, and as appropriate to the circumstances, the status of the application and the effects of the proposal on the environment. This may include:

- (a) Conditions necessary to avoid, remedy or mitigate adverse environmental effects, including the effects relating to its compatibility with the context and character of the area, or to ensure environmental benefits sought are achieved, including complementing and enhancing the quality and character of an area, and the way it looks and functions.
- (b) Conditions to be complied with on a continuing basis by any subsequent owner of a newly created property. These conditions in terms of section 221 of the Act can relate to uses of and developments on the new properties.
- (c) The requirement to remove or put in place a bond, covenant, deed or other legal instrument.

22D.1.6 Code of Practice for Urban Subdivision (NZS4404:2010)

- (a) Unless this plan specifies a different standard, the standards for the design and construction of subdivisions shall be determined in accordance with the provisions of NZS 4404:2010 or any subsequent amendment thereof.

Advisory Note:

The Regional Infrastructure Technical Specifications is Council's current Engineering Code of Practice.

22D.1.7 Staging

- (a) Where subdivision is to be staged, this shall be clearly explained and depicted on plans in the application and in the assessment of environmental effects. The Council will not release, under the Act, any one stage unless it is satisfied that all conditions pertaining to that stage have been satisfied,

or that appropriate instruments have been entered into in respect of any conditions that have not been met.

- (b) Where a survey plan is submitted for approval, the balance area (not subject to the approval) must comply with the relevant provisions of the plan, remain accessible from a legal road and must not be rendered incapable of accommodating one or more permitted activities.

22D.1.8 Financial Contributions

- (a) Financial contributions will be set at the time of subdivision consent in accordance with the policies and requirements of [Part 10](#) of this plan.
- (b) For the avoidance of doubt: Unless a resource consent specifically states otherwise, those works and installations which a subdivider is required to complete in order that subdivided land is fully serviced and finished to the required standard, are not deemed to be 'financial contributions' and the full cost of all such works, services and installations shall be met by the subdivider. Notwithstanding section 108(9) of the Act, esplanade reserves set aside at the time of subdivision may qualify as financial contributions. Refer to [Part 10.1.9](#) of the plan.

Notes:

Persons wishing to subdivide land in the vicinity of overhead or underground power lines should note the following, and take it into account in their subdivision design:

- Many power lines on private land are protected by s23 of the Electricity Act 1992, and the land-owner is obliged to allow continuing access to such lines.
- The Electricity (Hazards from Trees) Regulations 2003 place some obligations on land-owners in respect of trees near power lines. Some species are particularly unsuitable for growing near power lines.
- The New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZCEP 34:2001) limits how close to power lines any earthworks, buildings and other structures can be erected.

Further information is available from Counties Power (0800 100 202).

22D.2 Controlled Activities

Within the Village Zone the activities listed below are Controlled Activities:

Applications shall meet the General Performance Standards specified in:

Rule 22D.6 General Performance Standards

Applications will be assessed in terms of the matters set out in Rules:

Rule 22D.7 Assessment of Controlled Activities - Matters over which Council may exercise Control

1. The creation of rights of way provided that all SITES applied for are within the same zone.
2. The adjustment of boundaries between two or more SITES provided that all SITES that are the subject of the application are within the same zone.
3. The creation of units under the Unit Titles Act 2010, but not in stages, unless a compliance certificate has been issued or resource consent granted for the final form of the SITE development.
4. The leasing of any part of an allotment where a cross-lease or unit title is not involved.
5. The conversion of cross-lease titles into freehold titles which existed as at 30 September 2003.
6. Subdivision for Network and Other Utilities in accordance with [Rule 22D.6.13](#).

Notes:

- (a) Controlled Activities require resource consent and consent will be granted. An application must be submitted in the prescribed format (available from the Council).
- (b) Applications will be assessed in terms of the matters set out in Rules [22D.6](#), and [22D.7](#) as well as any specific matters in the relevant subdivision rule. Conditions of consent will only relate to those matters.
- (c) The information submitted with the application must be in terms of [Rule 52](#) but only to the extent needed to enable a thorough consideration in terms of the matters over which the Council has reserved control. The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- (d) An application for a Controlled Activity may be considered without public notification or with limited notification where the Council so determines.

22D.3 Restricted Discretionary Activities

- (i) Within the Village Zone the activities listed below are Restricted Discretionary Activities.
- (ii) Except where special circumstances exist, applications for restricted discretionary activity subdivision in clauses 2 and 3 below will be considered without notification.
- (iii) Applications will be assessed in terms of the matters set out in Rules:

Rule 22D.6 General Performance Standards

Rule 22D.8 Assessment of Restricted Discretionary Activities

And any relevant matters in [Part 55](#) Village Overlay Plans

And for Concept Plans the matters in [Rule 22D.9](#)

1. A concept plan within an area identified as a 'Concept Plan' on the planning maps (refer to [Rule 22D.9](#)) meeting the density (minimum lot areas) requirements of [Rule 22D.6.1](#).
2. The creation of freehold titles within an area identified as a 'Concept Plan' on the planning maps provided that a concept plan has been approved as a Restricted Discretionary Activity (refer to [Rule 22D.9](#)) and the subdivision application is in accordance with the approved concept plan.
3. The creation of freehold titles where no concept plan is required, provided that applications comply with the performance standards in [Rule 22D.6](#).

Notes:

- (a) Restricted Discretionary Activities require resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- (b) Applications will be assessed in terms of the matters set out in Rules [22D.6](#) and [22D.9](#) and where appropriate, the matters specified in the relevant rule. Where consent is granted, conditions of consent may be imposed in respect to the matters over which the Council has reserved its discretion.
- (c) The information submitted with the application must be in terms of [Part 52](#).

22D.4 Discretionary Activities

1. Within the Village Zone the activities listed below are Discretionary Activities:

2. Applications will be assessed in terms of the matters set out in Rules:

Rule 22D.6 General Performance Standards

Rule 22D.10 Assessment of Discretionary Activities

Rule 53 Assessment Criteria for Resource Consent Applications

1. Subdivision activities (excluding a concept plan required by [22D.9](#)) complying with Rule [22D.6.1](#) (Minimum Lot Area), but do not comply with performance standards in Rules [22D.6.2](#) to [22D.6.13](#).
2. Subdivision activities on a SITE which includes a scheduled feature identified in Parts [5](#) and [8](#) of the plan.
3. The creation of freehold titles within an area identified as a 'Concept Plan' on the planning maps provided that a concept plan has been approved as a Restricted Discretionary Activity (refer to [Rule 22D.9](#)) but where the subdivision application is not in accordance with the approved concept plan.

Notes:

- (a) Discretionary Activities require resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- (b) Applications will be assessed in terms of the matters set out in Rules [22D.6](#), [22D.10](#) and [53](#) and where appropriate, the matters specified in the relevant rule. Where consent is granted, conditions of consent may be imposed.
- (c) The information submitted with the application must be in terms of [Part 52](#).

22D.5 Non-Complying Activities

1. The activities listed below are Non-complying Activities in the Village Zone.
2. Applications will be assessed in terms of the matters set out in [Rule 53](#).

1. Subdivision which does not meet the minimum net lot area performance standards in [Rule 22D.6.1](#).
2. [Deleted]
3. Any activities not provided for under Rules [22D.2](#), [22D.3](#) and [22D.4](#).
4. Subdivision activities for any lots created for Mineral Extraction and Processing.
5. The creation of freehold titles within an area identified as a 'Concept Plan' on the planning maps where no concept plan has been approved as a restricted discretionary activity (refer to [Rule 22D.9](#)).

Notes:

- (a) Non-complying Activities require resource consent and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- (b) Applications will be assessed in terms of the matters set out in [Rule 53](#), the Objectives and Policies of the plan, and where appropriate, the matters applying to Controlled, Restricted Discretionary or Discretionary Activities. Where consent is granted, conditions of consent may be imposed.
- (c) The information submitted with the application must be in terms of [Part 52](#).

22D.6 General Performance Standards

22D.6.1 Minimum Lot Areas

- (a) All lots (except those for Network and Other Utilities) created within the Village Zone on a SITE:

where **NO** 'Village Growth Area' annotation is illustrated on the planning maps and:

- where reticulated wastewater services exist or are provided for as part of an application for resource consent, shall have a minimum lot area of 800m² or
- where reticulated wastewater services **DO NOT** exist or are not provided for as part of an application for resource consent, the minimum lot area shall be 2500m²;

or

where a 'Village Growth Area' annotation is illustrated on the planning maps the minimum lot area shall be:

Village Growth Area	Minimum Lot area (m ²)
Village Growth Area B	2500m ² provided that the average size of lots shall be no less than 5000m ² (calculated using the total net site area of the allotment(s) being subdivided (excluding the area of roads and reserves)).
Village Growth Area C	<ul style="list-style-type: none"> • 800m² where reticulated wastewater services exist or are provided for as part of an application for resource consent. • 2500m² where reticulated wastewater services DO NOT exist or are not provided for as part of an application for resource consent.
Village Growth Area D	2500m ²

or

where land use consent has been granted for more than one dwelling per SITE and the subdivision accords with that land use consent. (For the avoidance of doubt, land use and subdivision applications can be lodged and considered contemporaneously).

22D.6.2 Shape Factor

- (a) Village subdivision - Every lot and every notional lot intended for residential purposes must be capable of accommodating wholly within it, a square having sides measuring at least 12 metres, or a circle with a diameter of at least 15 metres, provided that for lots or notional lots that have building sites that are at least 16 metres from a road, a shape of 10 metres by 15 metres may be used as the alternative standard. Where a subdivision, or part thereof, relates to a new semi-detached residential development, a lesser shape factor may be permitted for the relevant lots or notional lots, where all of the plan's standards for multi-unit developments are complied with.
- (b) Position of shape - Any required shape should be clear of any of the following whether existing or proposed:
- (i) areas required for landscaping
 - (ii) any tree protected by Part 8 of the plan, [Schedule 8A](#)

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- (iii) network utility installations (other than private lines)
- (iv) building line restrictions (of this plan)
- (v) private ways
- (vi) rights of way
- (vii) access lots
- (viii) common areas
- (ix) esplanade reserves
- (x) esplanade strips
- (xi) setbacks from water
- (xii) geotechnical constraints that cannot be remedied
- (xiii) front yard required by this plan
- (xiv) 20 metre setback from a Rural Zone or Coastal Zone
- (xv) a national grid transmission line (as shown on the planning maps)
- (xvi) the 1% Annual Exceedance Probability floodplain or ponding level where the LOT is for residential purposes.

(c) Position of shape – Any required shape should be 3.5 metres RL above mean sea level.

22D.6.3 Frontage to Road (Vehicular Access Requirement)

- (a) Every new lot shall have a minimum frontage to a legal road (which may be in the form of a common access lot) of:
 - (i) 3 metres where that lot is intended for residential purposes; or
 - (ii) 5 metres where that lot is intended for any other purpose,
- (b) These may be reduced where:
 - (i) a driveway (private way) is to be used in common and separate strips over which rights of access are to be granted or reserved combine to form a width not less than that specified, or
 - (ii) the subdivision involves existing lots which have less than the required frontage, no additional lots with a lesser frontage will be created, and all the lots in the subdivision will be capable of accommodating a range of permitted activities without compromising on-site parking or loading requirements.

22D.6.4 Private Way (Rozading) Standards

(a) Every private way shall comply with the following requirements:

Potential Number of Units/Houses Served	Legal Width Minimum (Metres)	Carriageway and Seal Width Minimum (Metres)
2 to 5	5	3
6 to 10	8	5.4
11 or more	Public ROAD Standard Applies - refer to NZS 4404:2010*	

**Advisory Note:*

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The Regional Infrastructure Technical Specifications is Council's current Engineering Code of Practice.

- (b) For SITES within Village Growth Area D (Onewhero), the number of units or houses being served will be determined by dividing the area of the SITE by the figure of 800m².
- (c) The gradient of any part of a sealed private way shall not be steeper than 1 (vertical) in 5 (horizontal) and for an unsealed private way, 1 in 7.
- (d) All underground utility services shall be positioned and completed prior to driveway construction in a way that facilitates maintenance activities. (Note: This shall not preclude the laying of new or additional capacity service lines in the future.)
- (e) Provision shall be made for a turning head in private ways serving 6 to 10 houses.
- (f) Where a fire hydrant is required to be sited in a private way then provision shall be made to provide for the manoeuvring of fire fighting appliances (which may include extra width up to the hydrant from the road and extra width adjacent to the hydrant), and the flushing of any excess water in a way that will not cause damage to adjacent properties.
- (g) All private ways shall be formed to no less than the following standards. The stated basecourse metal depths are minimums and may need to be increased depending on the subgrade, intended uses, and surfacing option.

BASECOURSE:	SURFACE:
1. 100 mm GAP 40	100 mm of 17.5 mPA concrete
or	
2. 150 mm GAP 40	Grade 4 chip seal, or 25 mm asphaltic concrete overlaying a Grade 5 membrane seal.
or	
3. Such equivalent as may be approved by the Council before any work commences.	

22D.6.5 Fire Hydrants

The requirements of NZS 4404:2010 or any subsequent amendment thereof for fire hydrants shall apply.

Advisory Note:

The Regional Infrastructure Technical Specifications is Council's current Engineering Code of Practice.

22D.6.6 Water Supply and Metering

- (a) All lots and notional lots within the subdivision intended for individual ownership or occupation shall be supplied with an independent connection to a public water supply that can be metered at the road frontage in accordance with the Council's requirements.

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- (b) Where a public supply is not available, a water supply meeting the requirements of the Building Regulations 1992 shall be provided, with details of the system provided to the Council before or at the time of building consent.

Note: Roof water collection with the use of an appropriate filter is regarded as an acceptable means of supplying potable water in rural areas.

22D.6.7 Sewage Disposal

- (a) All lots and notional lots within the subdivision intended for individual ownership or occupation shall be supplied with an independent connection to a public sewerage system.
- (b) Where a public system is not available the applicant must demonstrate that an on-site disposal system meeting relevant regional Council standards can be installed. Geotechnical investigations shall be provided to determine the land absorption capacity. It shall be demonstrated in particular that a reserve area is available so that the system will cope with a combination of high effluent flows and very wet conditions without any likelihood that effluent will enter any abutting property or any land within 10 metres of a river, stream or lake.
- (c) Where there is any doubt as to the performance of a proposed system with respect to compliance with regional requirements or this rule, the Council will require that soakage or other appropriate tests are carried out prior to uplifting section 224 certificates, and may impose consent notices to ensure ongoing performance of any system.

22D.6.8 Electricity and Telephone

All lots and notional lots within the subdivision intended for individual ownership or occupation shall be supplied with electricity and telecommunication lines in accordance with the requirements of the relevant supply authority.

22D.6.9 Undergrounding

Subject to what is more specifically provided for in terms of [Part 15](#) of the plan, all electricity and telecommunications lines within the land that is the subject of the subdivision proposal, shall be placed underground unless the relevant supply authority confirms in writing that for specified reasons this is not practicable or reasonable.

22D.6.10 Stormwater Management - Volume Control

- (a) Each new lot or SITE within the subdivision intended for individual ownership shall provide for a stormwater management system deemed by the Council to be effective and appropriate. Regional Council discharge consents may be required to accommodate stormwater discharges from some developments. The landowner shall be responsible for the ongoing maintenance of the private on site stormwater system upon its implementation to its continuing HYDROLOGICAL NEUTRALITY.
- (b) An effective and appropriate stormwater management system in the Village Zone shall be achieved by providing for either A, B, C, D or E following:

A. An independent connection to a PUBLIC STORMWATER SYSTEM, and an on-site detention structure to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM which is able to collect stormwater from the SITE equivalent to that generated by: 70% impervious surface covering for all SITES less than 425 m² in area; and 55% impervious surface covering for all SITES between 425m² and 1000m² in area.

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The detention structure must be able to completely empty via an orifice controlled outlet over a 24 hour period.

For SITES over 1000m² the stormwater system must be able to collect stormwater equivalent to 550m² of impervious surface cover.

or:

B. An independent connection to a PUBLIC STORMWATER SYSTEM, and an on-site soakage system to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM which is able to collect stormwater from the SITE equivalent to that generated by: 70% impervious surface covering for all SITES less than 425m² in area; and 55% impervious surface covering for all SITES between 425m² and 1000m² in area.

The soakage system must be able to completely empty via soakage within a 24 hour period. For SITES over 1000m² the stormwater system must be able to collect stormwater equivalent to 550m² of impervious surface cover.

or:

C. Where connection to a PUBLIC SYSTEM IS NOT AVAILABLE, the applicant shall provide an on-site soakage system to contain a 5% AEP 10 minute storm event without overflowing, which is able to collect stormwater from the SITE equivalent to that generated by: 70% impervious surface covering for all SITES less than 425m² in area; and 55% impervious surface covering for all SITES between 425m² and 1000m² in area. The soakage system must empty within a 24 hour time period. For SITES over 1000m² the stormwater system must be able to collect stormwater equivalent to 550m² of impervious surface cover.

or:

D. An alternative method of stormwater management for the subdivision and/or SITE/S which achieves a standard of stormwater management equal to or better than that achieved by compliance with A, B or C above, such that the adverse effects of stormwater are avoided, remedied or mitigated.

or:

E. Where existing development has occurred in the Village Zone the on site stormwater management system shall be deemed to be effective and appropriate where it is found to be in compliance with Rule 23C.2.1(16). The stormwater management system shall be maintained to achieve the standard of management provided for under A, B, C, D or E. Provided that where land is subject to instability, stormwater discharges directly to ground occur only where the ground conditions have been identified as being suitable to absorb such discharges without causing, accelerating or contributing to land instability and downstream effects either on the SITE or on neighbouring properties.

22D.6.11 Open Drains

Any open drain within the SITE being subdivided shall be re-profiled and landscaped or piped, unless

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it can be demonstrated that leaving it (or them) open would produce a more sustainable outcome without compromising safety, health, village character or amenity value considerations.

22D.6.12 Intentionally blank

22D.6.13 Lot for Network and Other Utilities

The Utility is required:

- (a) to be a permitted activity in terms of Part 15.1 and to have been established on the site; or
- (b) to have been granted resource consent for the utility; or
- (c) to have had land designated for the required purpose.

22D.7 Assessment of Controlled Activities - Matters over which Council will exercise Control

In assessing applications for consent to Controlled activities (refer to [Part 22D.2](#)) the Council has reserved its control over the following matters, and may impose conditions of consent in respect to:

1. The effects on the public services the Council is responsible for in the locality or district and which the residents or occupants of the subdivided or developed area would make use of, generate a need for, or have an impact on (and for which 'financial contributions' may be required to offset adverse effects or to ensure or achieve positive effects).
2. The supply of electricity, natural gas and telecommunications lines to each lot or notional lot within the subdivision.
3. The undergrounding of any utility lines within or outside the SITE being subdivided.
4. The relevant sections of the Building Act 2004 or any subsequent amendment thereof and the Council bylaws relating to the structures on the land.
5. The need to encumber titles to highlight the unavailability of any 'balance area' for further development where no development potential is deemed to exist in terms of this Plan.
6. The relevant sections of the Local Government Act 2002 and the Council bylaws relating to road access and vehicle crossings.
7. The extent to which any aspect of the subdivision complies with or would hinder or assist compliance with the New Zealand Standard for Disabled Persons.
8. The matters which are the subject of standards for permitted land use activities in the zone in which the activity is located, and the extent to which compliance with those standards will be affected as a result of the subdivision.
9. The extent to which conditions of any land use or other resource consent for the land or buildings will continue to be complied with, or otherwise.
10. The areas and buildings intended for public or common use within the development.
11. The extent to which the subdivision could give rise to development opportunities which would have adverse consequences for the SITE, adjacent SITES or other notional lots on the SITE, or for protected natural or cultural heritage resources (refer to Schedules [5A](#) and [8A](#) of the plan).
12. The extent to which the size, shape, slope and orientation of the new allotments would facilitate or hinder the use of passive solar heating and other energy saving methods in buildings.
13. The extent to which the design and layout of parking, loading, and manoeuvring areas and vehicle crossings will be affected by the position of new boundaries.
14. The position, design and construction of any vehicle crossing related to the activity.
15. The position, design and construction standard of existing and proposed common driveways, service lanes, public ROAD(s), or common or on-site loading zones.
16. The naming or signposting or illumination of any private way.
17. The effects on, or the implications for, the provision of any public or private network utility services, including their efficient installation.
18. The natural or heritage features of the SITE/S, which are protected, or which warrant protection or enhancement and the use of legal instruments such as covenants to secure protection.
19. The safety, appearance and functioning of any open drain or natural or artificial water body within

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the SITE.

20. The extent and engineering details of any earthworks related to the activity or the likely land use activities on, or in, the resultant titles.
21. The stability and suitability of any building platforms and the practicality of the lot or notional lot boundaries relative to them.
22. The position, design, construction and maintenance of any on-site effluent disposal system and the practicality of any lot boundaries relative to them. The management of cumulative effects of on-site effluent disposal systems.
23. The position, design and construction of any sewage reticulation system that is, or is to be, connected to a public disposal system.
24. The method or design of any on-site water supply system and the quality, or likely quality, of water supplied thereby.
25. The position, design and metering of any water supply reticulation that is, or is to be, connected to a public system.
26. The availability of, or need for, additional water supply capacity or fire hydrants for firefighting purposes.
27. The position, design and appearance of any stormwater control or disposal system and the likely downstream effects of the flows through that system.
28. The layout of buildings, building platforms or underground services and the way this might compromise future subdivision proposals, restrict reasonable development opportunities, or cause inefficient use of land.
29. The need for easements or other mechanisms for securing access to services or utilities on properties that are not owned by the user/s of those utilities or services or the network utility operators or service providers.
30. The extent to which the following factors of the catchment, subdivision and SITES within that subdivision influence, inhibit or adversely affect the effective functioning of the stormwater management system, such that the stormwater has an adverse affect on the subdivision and any other SITE or property.
31. The relationship of the individual SITE and stormwater system, to the location of other SITES and properties within the locality, and the location of the point of discharge into the public stormwater management system or the receiving environment.
32. The change, from the SITE prior to development to the SITE once it has been developed, in the position of the point of discharge of the stormwater management system into the public stormwater management system.
33. The change, from the SITE prior to development to the SITE once it has been developed, in the volume and rate of stormwater discharged.
34. The potential for an increase in impervious surface cover of the SITE/S.
35. The stability of the SITE.
36. Natural drainage conditions of the SITE and locality, such as ground levels, presence of natural watercourses and soil soakage potential.
37. The extent to which any modification of natural watercourses including overland flow paths maintains the continuity of water flows and maintains the capacity of the floodplain. Consent notices

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may be utilised to manage the location of fences, buildings and structures to avoid modification of overland flow paths.

38. The effect of subdivision that creates new allotments within an area measured 20 metres either side of the centre point of a national grid transmission line (as shown on the planning maps).
39. The matters which are referred to in section 106 of the Act.
40. Any matter identified on a structure plan (refer to [Part 54](#)), Village Overlay Plan (refer to [Part 55](#)) or concept plan (refer to [Part 22D.9](#)).
41. For lots for network and other utilities:
 - (a) The degree to which the proposed size of the allotment allows sufficient land area to:
 - (i) Accommodate the activity and associated structures; and
 - (ii) Provide amenity treatment sufficient to mitigate potential adverse effects where it is practicable to do so.
 - (b) The extent to which the creation of a new lot is consistent with the resource consent approval or where the activity is permitted, any of the relevant standards and assessment criteria in [Part 15](#).
 - (c) The extent to which the creation of a new lot will affect the practical utilisation of the balance area.

22D.8 Assessment of Restricted Discretionary Activities - Matters of Discretion and Conditions

1. Where a village overlay plan or an approved concept plan applies to a site the assessment criteria that follow will be considered in the context of matters identified on those plans.
2. For subdivision consent applications provided for in [Rule 22D.3](#) (except for concepts plans – refer Part 22D.9), the Council has restricted its discretion to the consideration of the following matters, and may impose conditions of consent in respect to:
 - (i) Compliance with a village overlay plan or approved concept plan.
 - (ii) The size, shape, layout and location of lots and/or SPECIFIED BUILDING AREAS including the need to demonstrate compliance with permitted activity standards for land use.
 - (iii) Vehicle access (ROADS, private ways, common driveways or service lanes) including connections, formation, gradients, sight distances, width, common use, maintenance and extent of earthworks.
 - (iv) Design and layout of reserves and provision of esplanade reserves.
 - (v) Earthworks including silt and sediment control.
 - (vi) Within the villages of Onewhero (Village Growth Area D) and Pokeno East (Village Growth Area B) reverse sensitivity issues across the boundary of the zone.
 - (vii) Setbacks, buffers or SPECIFIED BUILDING AREAS in relation to surrounding features, including setbacks from water.
 - (viii) Stormwater and wastewater disposal and management.
 - (ix) Provision of utilities.
 - (x) Provision of water supply.
 - (xi) Protection and/or enhancement of natural features identified in the district plan including monitoring and compliance.
 - (xii) Protection and/or enhancement of archaeological sites, cultural and heritage resources including monitoring and compliance.
 - (xiii) [Intentionally blank]
 - (xiv) The effect of subdivision that creates new allotments within an area measured 20 metres either side of the centre point of a national grid transmission line (as shown on the planning maps).
 - (xv) The avoidance, remediation or mitigation of the potential effects of natural hazards.
 - (xvi) Amenity, enhancement and mitigation planting including monitoring and compliance.
 - (xvii) In Village Growth Area B, amenity and character and mitigation measures, including landscaping, site and SPECIFIED BUILDING AREAS distribution and clustering to encourage open spaciousness of appropriate form, intensity and scale.
3. Applications for Restricted Discretionary Activity Resource Consent for subdivision will be assessed against the following criteria and the relevant objectives and policies of [Part 17B](#).

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(a) Village Overlay Plan / Concept Plan

- (i) Whether the subdivision implements a relevant Village Overlay Plan (refer to Part 55) or an approved concept plan (refer to Part 22D.9).
- (ii) Whether the subdivision proposes an appropriate form of development and lot distribution in any identified development sensitive areas on a relevant Village Overlay Plan or an approved concept plan.

(b) Design, Layout and Landscape

Where the subdivision is found to implement the relevant Village Overlay Plan then the criteria (i), (iv) and (v) apply.

- (i) Whether the subdivision addresses the design, size, dimensions and layout of reserves and walkways (local purpose access) where appropriate.
- (ii) Whether subdivision in Village Growth Area B (Pokeno East) ensures that:
- (iii) development is located within areas capable of visually absorbing change, avoiding activities on sensitive ridgelines and restricted development areas.
- (iv) the visual impact of the clustering of lots and SPECIFIED BUILDING AREAS is appropriately mitigated by plantings, landform and lot layout. A consent notice shall be registered against all new certificates of title to prohibit any further subdivision and on balance lots where subdivision opportunities have been utilised.
- (v) Within the villages of Onewhero (Village Growth Area D) and Pokeno East (Village Growth Area B), whether the subdivision manages reverse sensitivity issues and where appropriate utilises additional buffers or setbacks to avoid or mitigate adverse effects at the boundaries of the Village Zone.
- (vi) Whether the subdivision provides for the identified natural, cultural or heritage resources of the SITE as scheduled in Parts 5 and 8 of the plan) which are protected, or warrant protection or enhancement and the use of consent notices and setbacks to secure protection.
- (vii) The extent to which conditions of any relevant existing resource consent for the land or buildings will continue to be complied with.

(c) Servicing / Transport

- (i) Whether lots can be adequately serviced for stormwater, wastewater, water supply (including for fire fighting purposes) and NETWORK AND OTHER UTILITIES including onsite and/or reticulated services (and metering) as appropriate to the location and availability of infrastructure in the village.
- (ii) Whether the position, design, construction and maintenance of on-site wastewater systems adequately treat and dispose of wastewater, and lots are of a sufficient size to provide for reserve fields and cumulative adverse effects from multiple on-site wastewater systems are adequately managed.
- (iii) Whether the subdivision includes appropriate measures to avoid, remedy or mitigate the effects of stormwater discharges (including rate and volume) from the development of impervious surfaces from lots (including those from permitted activities on each lot) within the subdivision. The position and design of any stormwater control, treatment and/or disposal system should be

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adequate to achieve its intended purpose.

- (iv) Whether the subdivision appropriately manages overland flow paths.
- (v) Whether the subdivision appropriately manages natural drainage conditions of the SITE/S and locality, such as ground levels, presence of natural watercourses and soil soakage potential.
- (vi) Whether the subdivision has appropriate regard to the matters outlined in NZS 4404:2010.
Advisory Note: The Regional Infrastructure Technical Specifications is Council's current Engineering Code of Practice.
- (vii) The effects on the public services the Council is responsible for in the locality or district and which the residents or occupants of the subdivided or developed area would make use of, generate a need for, or have an impact on (and for which 'financial contributions' may be required to offset adverse effects).
- (viii) The undergrounding of any utility lines within or outside the site being subdivided.
- (ix) Whether there is a need for easements or other mechanisms for securing access to services or utilities on sites.
- (x) Whether the subdivision design addresses, and where necessary mitigates the extent and nature of adverse effects from additional traffic on the road network. In the case of access requirements to a state highway, whether or not the applicant obtained the consent of the New Zealand Transport Agency.
- (xi) Whether the position, design and construction standard of ROADS, private ways, common driveways or service lanes are appropriate.
- (xii) Whether the subdivision addresses, and where necessary provides for appropriate levels of connectivity between areas and to adjacent areas, in particular to existing village areas.
- (xiii) Whether safe and stable vehicular access can be provided to the SPECIFIED BUILDING AREA where identified, including its gradient, width and the extent of any cutting and filling that may be required to ensure this.
- (xiv) Whether the layout of building platforms and underground services is appropriate to avoid adverse effects on infrastructure.

(d) Geotechnical Matters

Whether the subdivision LOTS are suitable for the DEVELOPMENT of a permitted activity or an activity for which resource consent has been obtained.

(e) Natural Hazards

Whether the subdivision avoids, remedies or mitigates the potential effects of natural hazards.

(f) [Intentionally blank]

(g) Proximity to national grid transmission lines (refer planning maps).

Where it is proposed to subdivide land to create new allotments within an area measured 20 metres either side of the centre point of a national grid transmission line (as shown on the

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planning maps), the subdivision design should have particular regard to the following matters:

- (i) The minimisation of risk or injury and/or property damage from such lines, and
- (ii) The outcome of any consultation with the utility operator, and
- (iii) The extent to which any earthworks and the construction of any subsequent buildings will comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP:34 2001, or any subsequent amendment thereof), and
- (iv) The nature and location of any proposed vegetation to be planted in the vicinity of the national grid transmission lines.

(h) Earthworks, silt and sediment control

- (i) Whether EARTHWORKS are to be undertaken with the establishment and maintenance of recognised methods and techniques for the retention of sediment on SITE and the prevention of discharges of sediment off-SITE or into waterbodies.
- (ii) Whether SITE management methods and techniques will be put in place to ensure that vehicle movements to and from the SITE or location where EARTHWORKS are being undertaken do not result in any material being deposited on public ROADS creating a hazard or a nuisance to ROAD users.
- (iii) Whether EARTHWORKS inappropriately raise ground levels, creating the potential for activities on a lot to visually dominate or overshadow adjacent sites
- (iv) Whether the extent of EARTHWORKS takes into account existing natural landforms and avoids excessive EARTHWORKS including on steeper slopes (generally greater than 1:5) to develop services, SPECIFIED BUILDING AREAS, roads and vehicle access.
- (v) Whether the location of SPECIFIED BUILDING AREA, roads and vehicle access minimise alterations to the existing landforms.

Note: Recognised methods or techniques, as appropriate in the circumstances, are provided in publications by the regional Councils. Correctly applied, such methods or techniques constitute the best practicable option.

22D.9 Concept Plans

- (i) In accordance with [Rule 22D.3](#), concept plans are a Restricted Discretionary Activity and are required to be approved prior to the approval of a resource consent application for subdivision.
- (ii) Concept Plan areas are identified on the planning maps and relate to the following villages:
 - Onewhero ([Planning Map 6.1](#))
 - Pokeno East ([Planning Map 7.5](#))

22D.9.1 Concept Plan Defined

For the purposes of this rule a 'Concept Plan' is:

A plan which aims to:

- *ensure that subdivision and development of land in areas identified as requiring future structure planning or having future intensification opportunities (except Village Growth Area B), occurs in a way that is integrated, particularly with adjoining land and the existing village, and will not adversely affect future village growth opportunities;*
- *address the broader effects of village subdivision in an integrated manner;*
- *protect or enhance the natural and physical resources of the site and area;*
- *defines a resource consent mechanism to provide for growth in identified growth areas at a self servicing level,*
- *define areas not suited to development due to a presence (or combination) of: visual sensitivity and prominence to surrounding areas, steep slopes and natural features (including indigenous, wetlands and streams).*
- *not compromise future structure planning or intensification options in the Village Growth Area C when future utility services may be provided if cost-effective and environmentally acceptable.*
- *ensure that subdivision in Village Growth Area B maintains larger lot densities and avoids any further intensification.*

22D.9.2 Concept Plan Content

A. A concept plan will be prepared and will consider the following:

1. Physical Characteristics:

- (a) Subdivisional and land ownership pattern
 - (i) Existing roading pattern
 - (ii) Contours
 - (iii) Areas of instability, inundation and flooding
 - (iv) Basic geotechnical analysis.
 - (v) Hazards
 - (vi) Relationship to existing village

2. Environmental Values:

- (i) Streams and associated vegetation
- (ii) Native bush and mature trees

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- (iii) Areas of ecological or wildlife significance
- (iv) The coast and any associated features

3. Cultural Features:

- (i) Location of existing nodes of development, including community, commercial or recreation activities
- (ii) Archaeological analysis and waahi tapu.

4. Infrastructure:

- (i) Location of network utility services.

5. Landscape:

- (i) Identifies those features or aspects of the land which contribute to the area's character (including sensitive ridgelines) and which could provide a framework for village development.

B. A concept plan shall be accompanied by an assessment for any particular matters which are relevant to the

area, including (but not exclusively) those contained in [Part 17](#) and should be appropriate to the size and

characteristics of the land subject to a concept plan. The concept plan and assessment should where relevant:

- (i) Define the road access points and roading pattern, and the location of pedestrian and cycle routes.
- (ii) Identify areas of high environmental and landscape sensitivity, including sensitive ridgelines.
- (iii) Identify the proposed location of reserves (including neighbourhood reserves and esplanade reserves).
- (iv) Identify existing vegetation that should be retained.
- (v) Identify areas for environmental enhancement and amenity plantings.
- (vi) Identify areas where development is inappropriate.
- (vii) Identify areas which are sensitive to development.
- (viii) Apply the relevant zonings or development densities to the land, and identify areas where because of the sensitivity of the environment larger lots are required.
- (ix) Provided a framework as to how future intensification is not foreclosed (Village Growth Areas C and D only).
- (x) Consider the wastewater and stormwater treatment and disposal needs of development, including future proofing infrastructure.

C. A concept plan will be developed in accordance with the following principles:

I. Natural environmental values should be managed by:

- (i) Ensuring that the location of roads and activities, and the pattern of residential development and subdivision reflect the nature of the existing landform

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without the need for significant modification.

- (ii) Ensuring that the location and density of development can be achieved with a level of earthworks which will have minimum impact on the environment.
- (iii) Seeking to protect significant trees and areas of bush on the land by inclusion in recreation reserves, road reserves and within adequately sized lots.
- (iv) Identifying areas where development is not appropriate.
- (v) Protecting and enhancing the natural features of the site.

2. A reserve network may be identified in a manner that:

- (i) Incorporates important natural features, provides habitat areas and ecological corridors.
- (ii) Contributes to the identity and amenity of the area.
- (iii) Assists in the development of reserve linkages.

3. Areas for development should be identified by:

- (i) Responding to the land's character, features, setting, landforms in the design and layout of the concept plan elements.
- (ii) Maintaining opportunities for future intensification;
- (iii) Recognising the densities provided in the identified Village Growth Areas. In the case of Village Growth Area B, no further opportunities for intensification are provided.

4. The location and alignment of roads, cycle and pedestrian routes to provide convenient access throughout the village and into adjacent areas, in particular to provide linkage to activities within or near the residential area, including where applicable local shops, schools, reserves, existing village centres and places of community significance.

5. By ensuring stormwater management is an integral component of the pattern of development on the site by:

- (i) Considering the impacts of land use on water quantity and quality, including cumulative effects.
- (ii) Protecting the integrity of the 1% AEP flood plain and secondary flow path.
- (iii) Protecting and enhancing the ecological value of riparian areas and aquatic ecosystems.
- (iv) Facilitating multiple objectives where appropriate, including provision of recreational facilities and protection of significant natural and physical resources.

22D.9.3 Concept Plan Preparation Procedure

The preparation of any concept plan shall be documented and shall include consultation with landowners in the vicinity, the community, relevant Council staff, relevant statutory bodies and other organisations having an interest in the development of the area with regard to both interim and future potential development proposals for the locality.

22D.9.4 Assessment of Concept Plan Applications

Council has restricted its discretion to the consideration of the matters outlined in 22D.9.2 above.

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Applications for Restricted Discretionary Activity resource consent for a concept plan will be assessed against the following criteria:

I. Whether the concept plan:

- (a) appropriately responds to the characteristics of the SITE and area, including:
 - (i) Physical characteristics
 - (ii) Environmental values
 - (iii) Cultural features
 - (iv) Infrastructure
 - (v) Landscape
- (b) provides an appropriate form of development that addresses the requirements outlined in 22D.9.2 B and the principles of 22D.9.2 C including:
 - (i) natural environmental values
 - (ii) reserve network
 - (iii) development areas
 - (iv) road, cycle and pedestrian routes
 - (v) stormwater and wastewater management
 - (vi) areas where development is not appropriate
 - (vii) sensitive development areas
- (c) provides a mechanism to effectively manage subdivision and development in an integrated manner.
- (d) provides quality urban design and village form outcomes for the village.

22D.10 Assessment of Discretionary Activities

1. The provisions of Rule 22D.7 and 22D.8 will apply to applications for Discretionary Activities. The Council may refuse to grant consent to any application.
2. The provisions in [Rule 55](#) shall be applied to subdivision applications within a village overlay plan area.
3. Where any requirement of Rule 22D.6 is clearly not satisfied or a subdivision incorporates designs or aspects which are inconsistent with the plan's objectives and policies or outside accepted practice, then the assessment of effects accompanying the application must directly address those matters. It must incorporate specific and clear justification for, and outline the costs and benefits of, each aspect with particular regard to the implications for future landowners and occupiers, as well as for existing ratepayers and residents of the district. The Council may require further reports or impact assessments, which address the actual or potential effect/s.
4. Where a subdivision relates to a non-residential or multi-unit residential development that existed as at 30 September 2003 and no further potential for development exists on the SITE, the 'minimum' requirements of Rule 22D.6 need not apply where the overall standard of SITE development, and the level of amenity and servicing available to each area or house or unit to be separately owned or occupied, are consistent with the objectives, policies and rules of the plan.
5. Additionally, applications will be assessed in terms of the following matters:
 - (a) The extent to which alternative designs and engineering techniques have been, or could successfully be, incorporated into the subdivision.
 - (b) The extent to which the final pattern of development and character of the locality has been considered.
 - (c) The extent to which the development of individual sites have been built into the design of the subdivision.
 - (d) The degree of conformity with the standards and guidelines of relevant New Zealand Standards relating to the design, construction and completion of the subdivision, and the justification for any deviations there from.
 - (e) The likely effects of traffic flows arising from the development of the new allotments and the implications for the roading hierarchy, and the design and construction of affected roads and intersections.
 - (f) The design of the illumination system for the road and its effectiveness in ensuring that driver visibility is assured in all conditions.
 - (g) The effects in terms of any policies of the Council relating to the provision of recreational facilities.
 - (h) The effects on the subdivision or development potential of land in the vicinity of the proposal, including the servicing of those lands.
 - (i) The extent to which the subdivision may create unreasonable expectations as to the future development of any one or more of the new allotments, particularly in areas subject to drainage, land stability or other natural resource constraints.
 - (j) The extent to which any earthworks, drainage or vegetation clearance would affect the ecological, landscape or landform values of the area, or the natural character of the coast or of the margins of lakes and rivers; whether they would increase any risk of land instability or erosion; whether the proposed activity includes any proposals to revegetate land disturbed or

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prevent siltation or other adverse effects of stormwater runoff.

- (k) The extent to which it would be reasonable and appropriate to depart from the normal subdivision standards because of the nature of the existing or intended land use, particularly where that use is a 'network or other utility'.
- (l) The effects in terms of public health and safety, and the cultural, economic and social welfare of the people of the district.
- (m) Such other matters as are specified in [Part 53](#) that relate to the SITE or locality.