

## Part 26 Subdivision - Urban

### 26.1 General Requirements

#### 26.1.1 Application of this Rule

Rule 26 applies only to the Residential, Residential 2, Rural Residential, Industrial 2, Light Industrial, Business and Village Business Zones of the plan unless the plan specifically states otherwise.

#### 26.1.2 Consent Required

Subject to the provisions of the Act, the subdivision of land for any purpose can only proceed following the grant of a resource consent by the Council and compliance with any conditions of consent.

No work on the subject land in connection with the subdivision may proceed unless it is essential investigatory work or has already received consent or is Permitted (as of right) in the zone.

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.)

The status of the activity will be as stated in Rules 26.2 and 26.3 that follow.

#### 26.1.3 Reports / Consultation

The Council may require in connection with any subdivision application the submission of such technical or other reports prepared by suitably qualified specialists as are considered necessary to address matters pertaining to or arising from the proposal including:

- Geotechnical/soil mechanics/coastal erosion reports;
- Landscape change assessment reports;
- Water quality/quantity analyses;
- Effluent disposal/soakage field tests and design calculations;
- Bush quality and condition analysis;
- Stormwater flow analysis, design calculations and proposals for treatment and disposal;
- Heritage/archaeological/ecological/biological value investigations and any consultation related thereto;
- Assessments of the effects which 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.

#### 26.1.4 Assessment

Subdivisions shall be assessed in terms of the matters which pertain to the status of the activity. They shall also be assessed in terms of the relevant provisions of the Act which in particular provides for consents to be refused where any part of the land is or is likely to be subject to erosion, falling debris, inundation, or subsidence, unless the effects can be avoided, remedied or mitigated (refer to section 106 of the Act).

#### 26.1.5 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 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.

#### **26.1.6 Non-Complying Aspects**

No subdivision may render any activity or development non-complying, either on the subject site or notional lot, or any abutting site or notional lot, without specifically obtaining prior consent to that non-complying aspect, or seeking consent at the time of subdivision.

#### **26.1.7 Code of Practice for Urban Subdivision (NZS 4404:2010)**

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.

NZS 4404:2010 shall be read subject to the changes in the legislation that have occurred since 1981 (in particular the Resource Management Act 1991), and the Council will interpret and apply the provisions of this standard accordingly.

*Advisory Note:*

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

#### **26.1.8 Staging**

Where a subdivision is to be staged this shall be clearly explained and depicted in the application. 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.

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.

26.2 Controlled Activities

- (i) Within the Residential, Residential 2, Business, Industrial 2, Light Industrial, Rural Residential and Village Business Zones the activities listed below are Controlled activities.
- (ii) All Controlled activities must comply with the requirements of [Rule 26.6](#).
- (iii) All Controlled activities are subject to the provisions of [Rule 26.4](#).
- (iv) Subject to the relevant provisions of the Act the Council will grant consent to these activities, but may impose conditions relating to those matters over which the Council has reserved control ([Rule 26.4](#)). The information submitted with the application must be in terms of [Part 52](#) and sufficient to enable a thorough assessment in terms of the provisions of [Rule 26.4](#) and [26.6](#).
- (v) Except as provided for by Section 95A of the Resource Management Act 1991, applications for controlled activity subdivision will be considered without notification or the need to obtain approval of, or serve notice on, affected persons.

- The creation of rights of way provided that all sites the subject of the application are within the same zone.
- The adjustment of boundaries between two or more sites provided that all sites the subject of the application are within the same zone.
- The creation of company leases in respect of any building.
- The creation of units in terms of the Unit Titles Act 2010, but not in stages unless a compliance certificate has been issued or resource consent granted for the ultimate form of development of the site.
- The creation of titles by cross leasing where a compliance certificate has been issued or resource consent granted for the development of the whole site and there is no further potential for residential development on the site. 'Further potential' shall be deemed to exist where a land area exists which could contain a unit or house of 60 m<sup>2</sup> in gross floor area complying with the plan in all respects.
- The leasing of any part of an allotment where a cross-lease, company lease or unit title is not involved. (Note: The Act provides that any lease less than 20 years does not constitute 'subdivision'.)
- The creation of freehold titles where no new length of public roading is involved (excluding an identified structure plan area, e.g. Pokeno Structure Plan).
- The conversion of cross-lease titles into freehold titles where all the standards of this plan relating to multi-unit residential developments can be complied with.
- Industrial 2 Zone and Light Industrial Zone: Subdivision consistent with an approved land use consent, building consent or certificate of compliance which has been given effect to, i.e. the BUILDINGS have been constructed and required infrastructure has been provided.

26.2.A Restricted Discretionary Activities

- (i) Within the Residential, Residential 2, Business, Industrial 2, Light Industrial, Rural-Residential and Village Business Zones the activities listed below are Restricted Discretionary activities.
- (ii) Restricted Discretionary activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- (iii) Applications will be assessed in terms of the matters set out in the assessment criteria, and any conditions of consent will only relate to those matters.
- (iv) The information to be submitted with the application must be in terms of [Part 52](#) but only to the extent needed to enable a thorough consideration in terms of the matters over which the Council has reserved control (contained within the assessment criteria). The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- (v) Except as provided for by section 95A of the Resource Management Act 1991, applications for restricted discretionary activity subdivision will be considered without notification or the need to obtain approval of, or serve notice on, affected persons.

1. [Deleted]
2. Subdivision, not being a permitted or controlled activity, within an identified structure plan area (including Pokeno Structure Plan) which complies with all the relevant subdivision standards.
3. Subdivision not complying with 26.6.1.1B.1.

## 26.3 Discretionary Activities

- (i) Within the Residential, Residential 2, Business, Industrial 2, Light Industrial, Rural-Residential and Village Business Zones the activities listed below are Discretionary activities.
- (ii) All Discretionary activities are subject to the provisions of [Rule 26.5](#).
- (iii) All Discretionary activities must demonstrate a high degree of consistency with the requirements of [Rule 26.6](#). The information submitted with the application must be in terms of [Part 52](#) and sufficient to enable a thorough assessment in terms of the provisions of [Rules 26.5](#) and [26.6](#).
- (iv) The Council may process applications under this rule as non-notified in terms of section 95 of the Act.
- (v) Applications will generally be processed as non-notified where the proposed subdivision is clearly consistent with all the requirements of [Rule 26.6](#).

1. Subdivision activities not provided for as Controlled or restricted discretionary activities.
2. Subdivision within an identified structure plan area (including: the Pokeno Structure Plan) which does not comply with all the relevant subdivision standards ([Rule 26.6](#)).

## 26.3A Non-Complying Activities

- (i) Within the Residential, Residential 2, Business, Industrial 2, Light Industrial, Rural-Residential and Village Business Zones the activities listed below are Non-Complying activities.
- (ii) Non-Complying Activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- (iii) Applications will be assessed in terms of the matters set out in [Part 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.

1. Any new LOT which does not contain a SPECIFIC BUILDING AREA outside of the Floodway Policy Area, as identified on the [planning maps](#).

#### 26.4 Assessment of Controlled Activities

A. The subdivision consent applications provided for in [Rule 26.2](#) above will be assessed in terms of the matters set out below, over which the Council has reserved control.

B. Conditions of consent will only relate to these matters, or to the more specific matters set out in [Rule 26.6](#) below.

*Note:*

1. *A subdivision proposal may also need to demonstrate that any relevant regional rules have been or will be satisfied (such as land area for sewage effluent soakage; control of runoff and siltation from earthworks).*

2. *Conditions arising out of the matters stated below are in addition to any conditions the Act permits):*

- 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).
- The supply of electricity, natural gas and telecommunications lines to each lot or notional lot within the subdivision.
- The undergrounding of any utility lines within or outside the site being subdivided.
- The relevant sections of the Building Act 2004 and Council bylaws relating to the structures on the land.
- 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.
- The relevant sections of the Local Government Act 1974 and Council bylaws relating to road access and vehicle crossings.
- The extent to which any aspect of the subdivision complies with or would hinder or assist compliance with the Disabled Persons Community Welfare Act 1975.
- 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.
- 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.
- The areas and buildings intended for public or common use within the development.
- The outdoor living court, or storage or clothes drying areas for the activity and for each residential building or unit on the site.
- 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).
- 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

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methods in buildings.

- The extent to which the design and layout of parking, loading, and manouvering areas and vehicle crossings will be affected by the position of new boundaries.
- The position, design and construction of any vehicle crossing related to the activity.
- The position, design and construction standard of existing and proposed common driveways, service lanes, or common or on-site loading zones.
- The naming or signposting or illumination of any private way.
- The effects on, or the implications for, the provision of any public or private network utility services, including their efficient installation.
- 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.
- The safety, appearance and functioning of any open drain or natural or artificial water body within the site.
- The extent and engineering details of any earthworks related to the activity or the likely land use activities on, or in, the resultant titles.
- The stability and suitability of any building platforms and the practicality of the lot or notional lot boundaries relative to them.
- The position, design, construction and maintenance of any on-site effluent disposal system and the practicality of any lot boundaries relative to them.
- The position, design and construction of any sewage reticulation system that is, or is to be, connected to a public disposal system.
- The method or design of any on-site water supply system and the quality, or likely quality, of water supplied thereby.
- The position, design and metering of any water supply reticulation that is, or is to be, connected to a public system.
- The availability of, or need for, additional water supply capacity or fire hydrants for firefighting purposes.
- The position, design, appearance of any stormwater control or disposal system and the likely downstream effects of the flows through that system.
- 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.
- 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.
- 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 effect on the subdivision and any other site or property:
  - 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

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public stormwater management system or the receiving environment.

- 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.
  - the change, from the site prior to development to the site once it has been developed, in volume and rate of stormwater discharged.
  - the potential for an increase in impervious surface cover of the site/s.
  - the stability of the site/s.
  - natural drainage conditions of the site/s and locality, such as ground levels, presence of natural watercourses, and soil soakage potential.
  - 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 may be utilised to manage the location of fences, buildings and structures to avoid modification of overland flow paths.
- The matters which are referred to in section 106 of the Act.
  - A structure plan and any relevant design assessment criteria.



## 26.4A Assessment of Restricted Discretionary Activities

1. For subdivision consent applications provided for in [Rule 26.2A](#) the Council has restricted its discretion to the consideration of the following matters (refer 2. below for assessment criteria), and may impose conditions of consent in relation to these:
  - (a) Servicing
  - (b) Density in the Residential 2 Zone
  - (c) Design and Layout
  - (d) A Structure Plan (refer to [Part 54](#))
  - (e) Stormwater management and riparian planting
  - (f) Geotechnical matters
  - (g) [Intentionally blank]
  - (h) Proximity to national grid transmission lines (refer to planning maps)
  - (i) Maintenance of opportunity for NEIGHBOURHOOD CENTRES (as identified by [Part 54](#), planning maps or [Part 29D.1](#)).
  - (j) EARTHWORKS, silt and sediment control.
  - (k) Retention of appropriate vegetation
  - (l) Noise attenuation

2. Applications for Restricted Discretionary Activity resource consent for subdivision will be assessed against the following criteria unless the matters are specified as not applicable to that zone.

- (a) Servicing
  - (i) Whether sites can be adequately serviced for stormwater, wastewater, water supply water supply for fire fighting purposes and utilities.
  - (ii) 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).
  - (iii) The undergrounding of any utility lines within or outside the site being subdivided.
  - (iv) Whether subdivision provides appropriate infrastructure in a coordinated manner, ensuring that subdivision, development and the provision of infrastructure keep pace with each other.

- (b) Density

Whether residential subdivision in the Residential 2 Zone (inclusive of any lots created for future MEDIUM DENSITY HOUSING\*) achieves an average minimum density of:

- Pokeno Structure Plan Area:

10 DWELLING HOUSES per gross hectare\*\*.

\* The DWELLING HOUSE yield from any lot intended for future MEDIUM DENSITY HOUSING shall be calculated on the basis of one dwelling per 325m<sup>2</sup> of the NET AREA of that lot, except that where a land use consent for a MEDIUM DENSITY HOUSING development has been granted for the lot, the DWELLING HOUSE yield shall be as per that consent.

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\*\* Density per gross hectare for the purpose of this criterion shall be the number of potential household units per hectare. This area (ha) includes land for:

- (i) Residential purposes, including all open space, and accessways associated with residential development;
- (ii) Local and collector roads and roading corridors, including pedestrian and cycle ways, but excluding state highways and arterial roads;
- (iii) Local (neighbourhood) RESERVES.

The area (ha) excludes land that is:

- (i) Stormwater retention and treatment areas and associated RESERVES;
- (ii) Set aside to protect significant ecological, cultural, heritage or landscape values;
- (iii) Set aside for esplanade reserves or access strips that form part of a larger regional or sub-regional RESERVE network;
- (iv) Identified for NEIGHBOURHOOD CENTRES or schools;
- (v) Set aside as a balance lot for a future subdivision stage.

Where a site for subdivision is bounded by an existing road within the structure plan area, half of that road area shall be included within the calculations.

Where the above cannot be demonstrated in assessing this criterion, the Council shall also have regard to the special controls within a structure plan area on the planning maps which identify the anticipated total residential yield for various parts of a structure plan area. If fewer than 10 DWELLING HOUSES per gross hectare are proposed with a subdivision, the applicant shall demonstrate how the balance will be accommodated in another location within the areas identified on the planning maps.

### (c) Design and Layout

- (i) Whether the subdivision is in general accordance with the relevant subdivision design assessment criteria in [Part 54](#), and/or whether the subdivision gives appropriate consideration to the design and layout of reserves, walkways and cycle ways and street design, including connections to neighbouring properties. Conditions may be imposed to ensure access to adjoining sites is maintained through either the street network or the provision of walkways and cycle ways, particularly where community facilities, reserves and other residential or commercial areas are located nearby.
- (ii) Whether the subdivision has appropriate regard to the matters outlined in NZS 4404:2010. *Advisory Note: The Hamilton Infrastructure Technical Specifications is Council's current Engineering Code of Practice.*
- (iii) Whether the subdivision provides for the natural or heritage features of the site which are protected, or warrant protection or enhancement and the use of legal instruments such as covenants to secure protection.
- (iv) Whether the layout of building platforms and underground services is appropriate to avoid adverse effects on infrastructure.

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- (v) Whether there is a need for easements or other mechanisms for securing access to services or utilities on sites.

- (d) A Structure Plan

Whether the subdivision is consistent with the relevant structure plan (refer to [Part 54](#)) and does not preclude the achievement of the structural elements identified therein.

- (e) Stormwater management and riparian planting

Whether the subdivision has regard to the recommendations of the adopted Stormwater catchment management plan or an approved stormwater discharge consent and appropriate measures are proposed to avoid, remedy or mitigate the effects of stormwater discharges on the subdivision and any other site or property.

- (f) 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.

- (g) [Intentionally blank]

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

Subdivision of land which creates new allotments within an area measured 32 metres either side of the centre point of a national grid transmission line” (as shown on the [planning maps](#)) designed to operate at or above 110kV will be assessed in terms of the following criteria:

- (i) Subdivision design: The degree to which subdivision design, including the location of ROADS and RESERVES, recognises and provides for existing electricity lines so that reasonable access to the lines is maintained.
- (ii) Location of SPECIFIED BUILDING AREAS and BUILDING envelopes: The extent of separation between SPECIFIED BUILDING AREAS including potential BUILDING envelopes and existing lines, taking into account the requirements of NZECP 34 and any advice received from the operator. Consent notices for SPECIFIED BUILDING AREAS including potential BUILDING envelopes and relevant requirements of the New Zealand Electrical Code of Practice 34:2001 (NZECP 34:2001) or any subsequent code of practice will be registered on certificates of title.
- (iii) Location of proposed tree planting: The extent of separation between the location of proposed trees and existing lines, taking into account the likely mature HEIGHT of the trees, whether they have potential to interfere with the lines, and whether an alternative location would be suitable to give the operational requirements of the lines’ owner to prune or remove trees which have the potential to interfere with the lines, taking into account the Electricity (Hazards from Trees) Regulations 2003 or any subsequent code of practice.

Advice Note: All new trees/vegetation planted in the transmission corridor must, at a mature height, achieve compliance with the Electricity (Hazards from Trees) Regulations 2003.

- (iv) Extent and mode of EARTHWORKS: Whether appropriate safeguards are in place to avoid contact with flashovers from lines, and effects on the stability of support structures, taking into account the requirements of the New Zealand Electrical Code of Practice 34:2001 (NZECP 34:2001).

Advice Note: All EARTHWORKS, including the use of mobile plant, must comply with the

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requirements of the New Zealand Electrical Code of Practice 34:2001 (NZECP 34:2001).

Advice Note: Consultation with Transpower New Zealand Ltd (or its successor) is advised when considering construction within 32 metres of a high voltage electricity transmission line. The New Zealand Electrical Code of Practice (NZECP 34:2001) contains restrictions on the location of structures in relation to lines.

- (i) Maintenance of Opportunity for NEIGHBOURHOOD CENTRES  
Whether the subdivision creates a LOT or LOTS which are of a suitable size and dimension to facilitate the development of a NEIGHBOURHOOD CENTRE to serve the local residential catchment once developed and is in the general location(s) shown on a structure plan (refer to [Part 54](#)).
  - (j) 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.  
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.
  - (k) Retention of appropriate vegetation  
Whether the subdivision creates opportunities to retain existing notable vegetation in its design and layout and provides for its protection.
  - (l) Noise attenuation  
For any new LOT in the locations shown on the planning maps as a “High Background Noise Area” an acoustic report shall be provided detailing a solution which shall be implemented to control the noise from traffic on State Highway 1 to within 60dBA Leq(24hour) where practicable with an upper level of 65dBA Leq(24hour) within outdoor living areas. The traffic noise levels should be based on the traffic flow a minimum of 10 years after the subdivision of the lots is complete.
3. In addition to the requirements of 26.4, for subdivision requiring consent under [Rule 26.6.1.1B.1](#), the extent to which the proposed LOT is of an appropriate size and has appropriate dimensions to accommodate a proposed DWELLING HOUSE or MULTI-UNIT HOUSING, and avoids non-compliances with the Residential Zone bulk, location and amenity standards that would result in adverse effects on the site’s amenity and that of adjoining sites.

## 26.5 Assessment of Discretionary Activities

A. The provisions of Rule 26.4 above will apply to applications for Discretionary activities except that where consent is granted the Council may impose conditions that relate to matters other than those stated in Rules 26.4 and 26.6. The Council may refuse to grant consent to any application.

B. Where any requirement of Rule 26.6 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.

C. Where a subdivision relates to a non-residential or multi-unit residential development that exists as at the date of notification of this plan and no further potential for development exists on the site, the 'minimum' requirements of Rule 26.6 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.

D. Additionally, applications will be assessed in terms of the following matters:

- Whether any adverse effects can be avoided, remedied or mitigated.
- The extent to which alternative designs and engineering techniques have been, or could successfully be, incorporated into the subdivision.
- The extent to which the ultimate pattern of development and character of the locality has been considered, including the wishes of local people.
- The extent to which the development of individual sites has been built into the design of the subdivision.
- The degree of conformity with the standards and guidelines of NZS 4404:2010 relating to the design, construction and completion of the subdivision, and the justification for any deviations therefrom. Advisory Note: The Hamilton Infrastructure Technical Specifications is Council's current Engineering Code of Practice.
- 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.
- The design of the illumination system for the road and its effectiveness in ensuring that driver visibility is assured in all conditions.
- The effects in terms of any policies of the Council relating to the provision of recreational facilities.
- The effects on the subdivision or development potential of land in the vicinity of the proposal, including the servicing of those lands.
- 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

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subject to drainage, land stability or other natural resource constraints.

- The extent to which any earthworks 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 prevent siltation or other adverse effects of stormwater runoff.
- 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 utility'.
- The effects in terms of public health and safety, and the cultural, economic and social welfare of the people of the district.
- Such other matters as are specified in [Rule 53](#) which relate to the site or locality.

E. Where subdivision is occurring within a Structure Plan Area depicted on the plan maps, applications will also, and primarily, be assessed in terms of the specific structure plan provisions applying to that area (refer to [Part 54](#) of this district plan).

F. Whether any subdivision is consistent with the objectives and policies of [Part 19](#) of the plan (to the extent that they are relevant and not inconsistent with specific structure plan provisions, objectives or policies of [Part 54](#) of the plan).

G. Any other relevant matters under sections 104 and 106 of the Resource Management Act 1991.

## 26.6 Requirements for Urban Subdivision

The following subdivision standards apply to Controlled and Restricted Discretionary Activities:

### 26.6.1 Shape Factor

#### 26.6.1.1 Residential and rural-residential subdivision (except Residential 2 Zone)

Every lot and every notional lot (see Rule 27.6.2.1) 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 the plan's standards for multi-unit developments are complied with.

#### 26.6.1.1A Residential 2 Zone Subdivision

1. Any new LOT in the Residential 2 Zone (other than those referred to in point 2. below) shall either:
  - (a) Have a minimum NET AREA of 450m<sup>2</sup> and for all lots below 800m<sup>2</sup> have a minimum average NET AREA no less than 500m<sup>2</sup> and be of sufficient size and dimensions to accommodate existing or proposed DEVELOPMENT as a Permitted Activity;  
or
  - (b) Be of sufficient size and dimensions to accommodate DEVELOPMENT for which a resource consent has been obtained.
2. Any new LOT within the Residential Large Lot Overlay Area as shown on the planning maps shall:
  - (a) have a minimum NET AREA of 1,200m<sup>2</sup>.
  - (b) and for FRONT SITES shall have a total frontage of no less than 30 metres.
3. Any REAR SITE shall have a minimum frontage of 4 metres or have ROAD access by way of a private way of not less than 6 metres in width.

#### 26.6.1.1B Residential Zone Subdivision Minimum Lot Size

1. Any new LOT in the Residential Zone shall:
  - (a) Have a minimum NET AREA of 350m<sup>2</sup>  
or
  - (b) Be of sufficient size and dimensions to accommodate development for which a resource consent has been obtained.
2. Any new LOT of 349m<sup>2</sup> or less, unless 1. b) above applies, shall be accompanied by a land use consent application with the proposal for a DWELLING HOUSE/MULTI-UNIT HOUSING.

#### 26.6.1.2 Non-residential subdivision (except Industrial 2, Light Industrial Zones)

Every lot and every notional lot intended for non-residential purposes and which is outside the

Business (retail) Centres defined on the planning maps ([Rule 29](#)) must be capable of accommodating wholly within it a rectangle of dimensions 30 metres by 15 metres, provided that a rectangle of lesser dimensions may be permitted where:

- the ultimate form of development of the site is submitted for approval at the time of subdivision, and
- the Council is satisfied that the shape and size of the lot/s are appropriate to the intended activities, and
- all the development standards in the zone will be satisfied, and
- the developed lot/s would not preclude a range of other Permitted activities from establishing.

#### **26.6.1.2A Industrial 2 Zone and Light Industrial Zone subdivision**

1. Any new LOT in the Industrial 2 Zone shall:

- (a) Have a minimum NET AREA of 2,000m<sup>2</sup>; and
- (b) A minimum frontage to a ROAD of:
  - (i) FRONT SITE: 22 metres
  - (ii) CORNER SITE: 22 metres
  - (iii) REAR SITE: 9 metres

2. Any new LOT in the Light Industrial Zone shall:

- (a) Have a minimum NET AREA of 1,200m<sup>2</sup>; and
- (b) A minimum frontage to a ROAD of:
  - (i) FRONT SITE: 22 metres
  - (ii) CORNER SITE: 22 metres
  - (iii) REAR SITE: 9 metres

#### **26.6.1.3 Position of shape (except Residential 2 Zone)**

Any required shape should be clear of any of the following whether existing or proposed:

- areas required for landscaping;
- any tree protected by [Part 8 of the plan, Schedule 8A](#);
- network utility installations (other than private lines);
- building line restrictions (of this plan);
- private ways;
- rights of way;
- access lots;
- common areas;
- esplanade reserves;
- esplanade strips;
- coastal protection yards or other required setbacks from water.
- the 1% ANNUAL EXCEEDANCE PROBABILITY floodplain or ponding level where



the LOT is for residential purposes.

### **26.6.2 Residential Cross Lease Subdivision (Except Residential 2 Zone)**

Every cross lease subdivision plan shall show the notional lot boundaries for each allotment and for each part of the site capable of being developed and separately owned or occupied. A part of the site shall be deemed capable of being developed where a land area exists which could contain a unit or house of 60m<sup>2</sup> in gross floor area complying with the plan in all respects.

Notional lot boundaries shall:

- (a) comply with the notional lot boundaries (and common area boundaries) defined on the site plan of the building consent or compliance certificate or resource consent for the development of the site, or
- (b) be positioned so as to wholly contain the following and not render any aspect of them non-complying in terms of the relevant standards for the zone as if the notional lot boundaries were freehold lot boundaries:
  - the proposed allotment (i.e. the house or dwelling unit) and
  - any accessory buildings used, or to be used in connection with that allotment, and
  - the parking space/s used or to be used in connection with that allotment, such spaces to comply with the requirements of [Part 35](#), and
  - the outdoor living court area for that allotment, and
  - a yard of minimum dimension of 1.5 metres out from any wall of the house or unit except a wall which is a common boundary wall shared with any other house or unit on the site.

The notional lots defined under (a) or (b) above shall not contain or be traversed by any utilities or services which relate to any other house or unit unless they are to a public standard accepted by the Council or to a standard which the relevant utility operator or service provider accepts full financial responsibility for.

### **26.6.3 Rural-Residential Subdivision**

The size of lots shall be in the range of 2500 to 8000 square metres, with an average of no less than 3000 square metres. Any balance sites over 8000 square metres will be excluded from the calculation of the average.

The standards for private ways shall be as in clause 26.6.5 below except that:

- there will be no maximum length; and
- no more than 6 lots shall be served (assuming one house per lot) provided that in determining the appropriate standard for the private way the Council shall be guided by the standard that would apply if the potential number of houses that could be served is considered, such number to be determined by dividing the land area (to be served by the private way) by 3000 (square metres).

The Council may impose a condition under section 221 of the Act in terms of the number of houses that may be built on any lot that is served by a private way.

### **26.6.4 Frontage to Road (Vehicular Access Requirement)**

Subject to the provisions of section 106(1)(c) RMA 1991, every new lot shall have a minimum

frontage to a legal road (which may be in the form of a common access lot) of:

- 3 metres where that lot is intended for residential purposes, or
- 5 metres where that lot is intended for any other purpose, provided that these may be reduced where:
  - 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
  - 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 loading requirements, or
- As specified in [Rule 26.6.1.1A](#) for the area Residential 2 Zone subject to that rule,
- As specified in [Rule 26.6.1.2A](#) for the Industrial 2 and Light Industrial Zone.

### 26.6.5 Private Way (Rozading) Standards

1. Every private way shall comply with the following requirements (except Residential 2 Zone):

#### 26.6.5.1 Design requirements

| POTENTIAL NO. OF UNITS / HOUSES SERVED | LEGAL WIDTH MINIMUM (Metres)   | FORMED WIDTH MINIMUM (Metres) | MAXIMUM LENGTH (Metres)                     |
|--|--|-------------------------------|---|
| 2 – 4                                  | 3.5  | 2.7                           | 100 or longer where passing bay(s) provided |
| 5 – 8                                  | 8  | 5                             | n/a   |
| 9 and above                            | Public Road applies: Refer to NZS 4404:2010 and/or <a href="#">Part 54</a> * |                               |   |

\* *Advisory Note: The Hamilton Infrastructure Technical Specifications is Council's current Engineering Code of Practice.*

2. Every private way in the Residential 2 Zone shall comply with the following requirements:

#### 26.6.5.1A Design requirements

| POTENTIAL NO OF UNITS / HOUSES SERVED | LEGAL WIDTH MINIMUM (Metres)   | FORMED WIDTH MINIMUM (Metres) | MAXIMUM LENGTH (Metres) |
|---------------------------------------|--|-------------------------------|-------------------------|
| Up to 5                               | 6  | 3                             | 100                     |
| 6 and above                           | Legal ROAD applies - Refer to NZS 4404:2010 and/or <a href="#">Part 54</a> * |                               |                         |

\* *Advisory Note: The Hamilton Infrastructure Technical Specifications is Council's current Engineering Code of Practice.*

or

3. Every private way for a lot identified for MEDIUM DENSITY HOUSING shall comply with the following requirements:

**26.6.5.1B Design requirements for MEDIUM DENSITY HOUSING / MULTI-UNIT HOUSING**

| POTENTIAL NO OF UNITS / HOUSES SERVED | LEGAL WIDTH MINIMUM (Metres)   | FORMED WIDTH MINIMUM (Metres) | MAXIMUM LENGTH (Metres) |
|---------------------------------------|--|-------------------------------|-------------------------|
| Up to 5                               | 6  | 3                             | 100                     |
| 6 and 15                              | 10   | 5.5                           | 100                     |
| 16 and above                          | Legal ROAD applies - Refer to NZS 4404:2010 and/or <a href="#">Part 54</a> * |                               |                         |

\* *Advisory Note: The Hamilton Infrastructure Technical Specifications is Council's current Engineering Code of Practice.*

**26.6.5.2 Related requirements**

- (a) The number of dwelling units being served will be determined by dividing the area of the site by the figure of 425 (square metres) provided that in the case of a MULTI-UNIT HOUSING development the greater of the actual (proposed) number of units and the figure obtained from dividing the site by 425 shall be used (in Rule 26.6.5.1). Fractions of 0.6 or above will constitute one house/unit.
- (b) The gradient of any part of a private way shall not be steeper than 1 (vertical) in 5 (horizontal).
- (c) All underground utility services and, where practicable and agreed with the land owner, any ducting for likely future 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.)
- (d) Where a fire hydrant is required to be sited in a private way then special 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.
- (e) The maximum length of a private way is measured from the public road. The length may be greater than 100 metres where the subdivision involves resubdivision of existing SITES or where the construction of a public road is impracticable and the subdivision has merit in all other respects.
- (f) All private ways shall be formed to no less than the following standards provided that kerbing and/or channelling on one or both sides of the private way, and drainage pits at one or more points may be required, where there is likely to be an adverse effect for any adjoining road or SITE, or for the private way, due to uncontrolled stormwater flows. The stated basecourse metal depths are minimums and may need to be increased depending on the subgrade, intended uses, and surfacing option.

**BASECOURSE:**

- 1. 100 mm GAP 40
- or
- 2. 150 mm GAP 40

or

- 3. Such equivalent that is to be approved prior to the commencement of work.

**SURFACE:**

- 100 mm of 17.5 mPA concrete
  
- Grade 4 chip seal
- or 25 mm asphaltic concrete overlaying a
- Grade 5 membrane seal.

### **26.6.6 Fire Hydrants**

The requirements of NZS 4404:2010 for fire hydrants shall apply.

*Advisory Note:*

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

### **26.6.7 Water Supply and Metering**

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.

Where a public supply is not available the applicant must demonstrate to Council's satisfaction that a supply meeting World Health Organisation standards can or will be secured before or at the time of building consent.

### **26.6.8 Sewage Disposal**

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.

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. 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 watercourse.

Where a site has an area below 2500 square metres and/or 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.

### **26.6.9 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.

### **26.6.10 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 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.

### **26.6.11 Gas Supply**

Where an existing gas line is within 100 metres of a proposed subdivision and the subdivider does not intend to reticulate the subdivision with gas the applicant shall demonstrate to the Council that it is not practicable or economically feasible to do so.

### **26.6.12 Stormwater Management - Volume Control**

## Waikato District Plan - Waikato Section

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.

An effective and appropriate stormwater management system in the Residential and Residential 2 Zones 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 425m<sup>2</sup> in area; and 55% impervious surface covering for all sites between 425m<sup>2</sup> and 1000m<sup>2</sup> in area. The detention structure must be able to completely empty via an orifice controlled outlet over a 24 hour period. For sites over 1000m<sup>2</sup> the stormwater system must be able to collect stormwater equivalent to 550m<sup>2</sup> 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 425m<sup>2</sup> in area; and 55% impervious surface covering for all sites between 425m<sup>2</sup> and 1000m<sup>2</sup> in area. The soakage system must be able to completely empty via soakage within a 24 hour period. For sites over 1000m<sup>2</sup> the stormwater system must be able to collect stormwater equivalent to 550m<sup>2</sup> 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 425 m<sup>2</sup> in area; and 55% impervious surface covering for all sites between 425m<sup>2</sup> and 1000m<sup>2</sup> in area. The soakage system must empty within a 24 hour time period. For sites over 1000m<sup>2</sup> the stormwater system must be able to collect stormwater equivalent to 550m<sup>2</sup> 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 Residential Zone, Business Zone or Village Business 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 27.6.1.18](#) for permitted residential activities and [Rule 29.5.17](#) for permitted business activities.

Where subdivision consent is sought in the Business, Industrial 2, Light Industrial and Village Business Zones, the effective and appropriate stormwater management system provided for must be consistent with the method described in A, B, C or D, but be able to collect stormwater from the site equivalent to that generated by 100% impervious surface covering.

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.

#### **26.6.13 Open Drains**

Any open drain within the site being subdivided shall be piped to the Council's relevant standards unless it can be demonstrated that leaving it (or them) open would produce a more sustainable outcome without compromising safety, health or amenity considerations.

#### **26.6.14 Riparian Margins**

Riparian margins shall be established either side of the edge of a stream identified on a structure plan (refer to [Part 54](#)) as 'perennial stream requiring riparian margin' to a minimum width of 10 metres from the edge of the stream.

These margins shall be planted in INDIGENOUS vegetation to provide ecological enhancement appropriate to manage the flow regime in the stream channel.

#### *Explanation:*

*Plant species selection shall be based on not increasing channel roughness especially during low flow conditions.*

#### **26.6.15 Road Widening and Vesting**

ROAD widening from its current legal ROAD width (as at 18 December 2008) will be required in the locations shown and of the dimensions specified in [Appendix 4](#) of the plan (ROAD Widening).

Where ROAD widening is required, any YARD requirement stipulated is to be measured from the new boundary of that ROAD in addition to the requirement.