

# 11 Subdivision

(with proposed PC53 amendments – 17 August 2021)

---

## Introduction

Subdivision is a process which enables title to be transferred. Nevertheless, it does impose constraints on the future use and development of land. In addition the engineering work often required to make land suitable for development must be managed as there can be adverse effects on the environment. It is therefore important these effects are addressed and managed in the Plan.

Except for boundary adjustments and the leasing of retail space within existing buildings in appropriate activity areas, all subdivisions require a resource consent as it may be necessary to impose engineering conditions, design allotment standards and financial contributions to ensure that adverse effects are managed and mitigated.

The provisions of this Chapter apply to all activity areas. Activities must also be assessed in terms of the requirements of each activity area, and the requirements of Chapters 12, 13 and 15, to determine whether or not a resource consent is required.

## 11.1 Issues, Objectives and Policies

### 11.1.1 Allotment Standards

#### Issue

**Subdivision of land can impose a constraint on the future use or development of land. It is necessary to ensure land which is subdivided can be used for the proposed use or purpose.**

#### Objective

To ensure that land which is subdivided can be used for the proposed use or development.

#### Policy

- (a) To ensure that allotments in lower density residential areas and rural zones have minimum design standards such as, minimum size, shape and frontage, which are suitable for the proposed use or development.
- (b) To provide flexibility in lot size, shape and frontage within Commercial, Mixed Use, General Residential and Medium Density Residential Activity Areas to enable diversity of commercial and residential development size and density.

#### Explanation and Reasons

While it is recognised that subdivision of land is essentially a process for enabling title of land to be transferred, it nevertheless imposes constraints on the future use and development of land by establishing boundaries of particular allotments. There is a need to ensure that land which is subdivided is suitable for the proposed use and development. Failure to do so can result in the future use or development being unable to comply with the required performance standards for the activity area.

Such non-compliance with specified performance standards can have adverse effects on the environment. In considering whether land which is subdivided is suitable for the proposed use or development such matters as design, size, building platform and shape of allotments are important matters that need to be considered by Council. The objectives, policies and rules of the activity areas need to be taken into account.

## 11.1.2 Engineering Standards

### Issue

**Subdivisions need to be serviced in a manner that adverse effects are avoided, remedied or mitigated and that adverse effects on the health, safety and wellbeing of residents are no more than minor.**

### Objective

To ensure that utilities provided to service the subdivision protect the environment and that there are no adverse effects on the health and safety of residents and occupiers.

### Policy

- (a) To ensure that utilities provided comply with specified performance standards relating to such matters as access, street lighting, stormwater, water supply, wastewater, gas, telephone, electricity and earthworks.
- (b) Use engineering practices to maintain the ecological values of Speedy's Stream and the onsite wetland from stormwater runoff resulting from the subdivision of the land identified in Appendix Subdivision 7.
- (c) The engineering practices maintain or improve the ecological values of the onsite streams and the downstream receiving environments from stormwater runoff resulting from the subdivision of the land identified in Appendix Subdivision 8.
- (d) To restrict access and avoid increased traffic volumes from land identified in Appendix Subdivision 8 to Liverton Road, to maintain traffic safety and efficiency.

### Explanation and Reasons

Utility services provided by the subdivider must be in accordance with specified engineering performance standards to ensure that the environment is protected and there are no adverse effects on the health, safety and wellbeing of residents and occupiers. Incompatible and inappropriate services can have adverse effects on the proper functioning of existing services and also lead to additional maintenance costs.

## 11.1.3 Natural Hazards

### Issue

**Subdivision of land subject to natural hazards can lead to allotments which are inappropriate if the adverse effects cannot be avoided, remedied or mitigated. There is a need to ensure that subdivision of land subject to natural hazards is managed and controlled.**

### Objective

To ensure that land subject to natural hazards is subdivided in a manner that the adverse effects are avoided, remedied or mitigated.

### Policies

- (a) Subdivision of land within the Wellington Fault Special Study Area should be managed to ensure that the allotments are of sufficient size and shape so that buildings and structures are not sited within twenty metres of a faultline.
- (b) Subdivision of land subject to flooding is discouraged as this can lead to greater intensity of use and development and have adverse effects on the environment.
- (c) Subdivision of land should be managed to ensure that within each allotment there is a suitable building platform so that buildings and associated structures will not be adversely affected by slope instability, including the deposition of debris.

## Explanation and Reasons

Subdivision of land subject to natural hazards may lead to allotments which are inappropriate as the adverse effects cannot be controlled or mitigated. It is important that the subdivision is designed in a manner that the natural hazard can be avoided or mitigated. In this respect, it is important that allotments are of sufficient size and are of an appropriate shape so that the proposed use or development can be sited to avoid the natural hazard, or the necessary mitigation measures can be implemented, without affecting detrimentally the viability of the use or development.

### 11.1.4 Special Areas

#### Issue

**Subdivision of land in the coastal environment and in areas of ecological value can have adverse effects that need to be controlled.**

#### Objective

To ensure that land in the coastal environment, areas adjoining lakes and rivers and other environmentally sensitive areas are protected from inappropriate subdivision.

#### Policy

- (a) To ensure that land in the coastal environment, areas adjoining rivers and lakes and other environmentally sensitive areas are not subdivided to an extent or manner where amenity values, ecological, social, cultural and recreational conditions are adversely affected.

#### Explanation and Reasons

The Act, the New Zealand Coastal Policy Statement and the Regional Policy Statement require the Plan to ensure that inappropriate subdivision of land does not occur in the coastal environment.

The Regional Policy Statement recognises that wetlands, lakes and rivers are important as they provide a habitat for a rich flora and fauna. These areas also have high social, cultural and recreational values. It is therefore important that lands adjoining such areas are managed and controlled to avoid and mitigate adverse effects.

### 11.1.5 General Rural and Rural Residential Activity Areas

#### Issue

**Inappropriate subdivision of lands in the General Rural and Rural Residential Activity Area which leads to the use of lands for more intense urban purposes such as residential development, can have adverse effects on amenity values and to an inefficient land use pattern.**

#### Objective

To ensure that the amenity values and the efficient use of land in General Rural and Rural Residential Activity Areas are maintained by restricting subdivision of lands which could lead to greater intensity of use and development for urban related purposes, such as more intense residential development.

#### Policy

- (a) The minimum size of allotments should be large so as to ensure that rural amenity values and an efficient land use pattern are maintained.

## Explanation and Reasons

Large sized allotments are required in General Rural and Rural Residential areas to maintain amenity values. It is therefore necessary to prevent the close subdivision of land in the General Rural and Rural Residential Activity Areas.

As there is adequate supply of urban land in the City it is an inefficient use of a valuable resource to allow rural and rural residential land to be subdivided into urban sized allotments.

## 11.1.6 Retail Leasing

### Issue

**The leasing of retail space within existing buildings, such as shopping centres, can give rise to a technical subdivision under the Resource Management Act 1991. Such subdivisions do not have effects warranting subdivision control under the provisions of the Plan. The imposition of unnecessary controls will result in inappropriate costs and barriers to the tailoring of retail spaces to the requirements of tenants. Unnecessary controls can therefore contribute to the number of vacant retail spaces which detract from the vitality and viability of commercial centres.**

### Objective

Ensure that the leasing of retail space within existing buildings and appropriate activity areas can proceed without the need for subdivision consent.

### Policy

- (a) Resource consent will not be required for subdivisions resulting from the leasing of retail space within existing buildings and in appropriate activity areas.

### Explanation and Reasons

Under the Act the leasing of retail space within existing buildings can technically be considered to be a subdivision. Such subdivisions do not have any adverse effects which warrant control under the provisions of the Plan. It is therefore appropriate that the leasing of retail spaces within existing buildings is a Permitted Activity.

## 11.2 Rules

### 11.2.1 Permitted Activity

- (a) In all activity areas, minor boundary adjustments.
- (b) In all Commercial Activity Areas, subdivision of existing retail premises by way of leasing.

#### 11.2.1.1 Permitted Activity - Conditions

Minor boundary adjustments must comply with the following conditions:

- (a) Do not create additional building sites.
- (b) Following subdivision does not increase any non-compliance with the rules specified for the activity area.

### 11.2.2 Controlled Activities

All subdivisions in the following activity areas are Controlled Activities except where provided for as Permitted or Discretionary Activities:

- (a) General Residential Activity Area.
- (b) Hill Residential Activity Area.
- (c) Landscape Protection Residential Activity Area.
- (d) Special Residential Activity Area.
- (e) Medium Density Residential Activity Area.
- (f) General Business Activity Area.
- (g) Special Business Activity Area.
- (h) Rural Residential Activity Area.
- (i) General Rural Activity Area.
- (j) Suburban Commercial Activity Area.
- (k) Suburban Mixed Use Activity Area
- (l) Central Commercial Activity Area.
- (m) Petone Commercial Activity Area 1.
- (n) Petone Commercial Activity Area 2.
- (o) Community Iwi Activity Area 1 - Marae.
- (p) Community Iwi Activity Area 3 - Kokiri Centres.
- (q) In all activity areas, where a certificate of title has been issued for a site prior to 5 December 1995 or where a site has been created by a staged development whether under a staged unit plan or cross lease plan lodged with the District Land Registrar and where part of the development (or a building on one site on such plan exists) has been completed prior to 5 December 1995, then in such circumstances the allotment design standards and terms shall not apply.  
Compliance with other standards and terms is necessary.
- (r) In all Commercial, Business, Recreation, Community Health and Community Iwi Activity Areas the allotment design standards and terms shall not apply:
  - (i) where there are existing buildings on an allotment prior to December 1995; and
  - (ii) where the subdivision of that allotment does not create a vacant allotment (i.e. with no buildings).
 Compliance with all other standards and terms is necessary.
- (s) In all Residential and Rural Activity Areas the allotment design standards and terms shall not apply:
  - (i) where there are existing dwelling houses on an allotment prior to December 1995; and
  - (ii) where the subdivision of that allotment does not create an allotment with no dwelling house.
 Compliance with all other standards and terms is necessary.
- (t) Any subdivision located wholly within Avalon Business Activity Area (Sub-Area 2)

### 11.2.2.1 Standards and Terms

All Controlled Activity subdivisions shall comply with the following Standards and Terms:

#### (a) Allotment Design

The minimum size of an allotment shall exclude rights of way and access legs to a rear site.

## General Residential Activity Area

Minimum size of allotment: 400m<sup>2</sup>

No minimum size is required if:

- (i) For every allotment where there is an existing dwelling:

There is no increase in the degree of non-compliance with the relevant General Residential Development Standards specified in 4A 4.2 and 4A 5. Where subdivision is proposed between dwellings that share a common wall, recession plane and yard requirements shall not apply along the length of the common wall.

- (ii) For every allotment where there is no existing dwelling, or for which no existing land use consent for a dwelling has been granted, or is being concurrently granted (in the case of joint land use and subdivision applications):

It can be demonstrated that it is practicable to construct on all allotments, as a permitted activity, a dwelling which complies with all relevant General Residential Development Standards specified in 4A 4.2 and 4A 5.

Minimum frontage:

3m to ensure that there is drive-on access to the allotment. For rear allotments the 3m frontage may be satisfied through a registered Right of Way outside the title (outside legal boundaries of the allotment).

Shape factor:

All allotments must be able to contain a rectangle measuring 10m by 15m. Such a rectangle must be clear of any yard or right of way and have a suitable building platform.

No shape factor is required if:

- (i) For every allotment where there is no existing dwelling, or for which no existing land use consent for a dwelling has been granted, or is being concurrently granted (in the case of joint land use and subdivision applications)

It can be demonstrated that it is practicable to construct on all allotments, as a permitted activity, a dwelling which complies with all relevant General Residential Development Standards specified in 4A 4.2 and 4A 5.

## Medium Density Residential Activity Area

Minimum size of allotment: No minimum size required.

- (i) For every allotment where there is an existing dwelling:

There shall be no increase in the degree of non-compliance with the relevant Medium Density Residential Development Standards specified in 4F 4.2. Where subdivision is proposed between

dwelling that share a common wall, recession plane and yard requirements shall not apply along the length of the common wall.

- (ii) For every allotment where there is no existing dwelling, or for which no existing land use consent for a dwelling has been granted, or is being concurrently granted (in the case of joint land use and subdivision applications):

It can be demonstrated that it is practicable to construct on all allotments, as a permitted activity, a dwelling which complies with all relevant Medium Density Residential Development Standards specified in 4F 4.2.

Minimum frontage: 3m to ensure that there is drive-on access to the allotment. For rear allotments the 3m frontage may be satisfied through a registered Right of Way outside the title (outside legal boundaries of the allotment).

#### **Special Residential Activity Area**

Minimum size of allotment: 700m<sup>2</sup>

Minimum frontage: 15m, except for rear allotments which must have a minimum 3m frontage. For rear allotments the 3m frontage may be satisfied through a registered Right of Way outside the title (outside legal boundaries of the allotment).

Shape factor: All allotments must be able to contain a rectangle measuring 10m by 15m. Such a rectangle must be clear of any yard or right of way and have a suitable building platform.

Other: Compliance with the permitted activity conditions of the activity area.

#### **Hill Residential Activity Area**

Minimum size of allotment: 1000m<sup>2</sup>

Minimum frontage: 20m, except for rear allotments which must have a minimum 3m frontage. For rear allotments the 3m frontage may be satisfied through a registered Right of Way outside the title (outside legal boundaries of the allotment).

Shape factor: All allotments must be able to contain a rectangle measuring 10m by 15m. Such a rectangle must be clear of any yard or right of way and have a suitable building platform.

Other: Compliance with the permitted activity conditions of the activity area.

#### **Except**

in Maungaraki Road, Pt Sec 30 and former Secs 31,32 and Pt Sec 33 Maungaraki Village, where a proposed allotment is in the area identified on Appendix Subdivision 1, the minimum subdivision requirements shall be -

Minimum size of allotment: 2000m<sup>2</sup>

Minimum frontage: 30m

**and**

in Maungaraki Road, Lots 1 and 2 DP 90829 (formerly Lot 1 DP 71986 and Pt Sec 35 Maungaraki Village contained in C.T. 550/178), identified on Appendix Subdivision 1, the minimum subdivision requirements shall be -

Minimum size of allotment: 600m<sup>2</sup>

Minimum frontage: 20m

**Landscape Protection Residential Activity Area**

Minimum size of allotment: 2000m<sup>2</sup>

Minimum frontage: 20m, except for rear allotments, 3m frontage. For rear allotments the 3m frontage may be satisfied through a registered Right of Way outside the title (outside legal boundaries of the allotment).

Shape factor: All allotments must be able to contain a rectangle measuring 10m by 15m. Such a rectangle must be clear of any yard or right of way and have a suitable building platform.

Other: Compliance with the permitted activity conditions of the activity area

**Central Commercial Activity Area, Suburban Commercial Activity Area, Suburban Mixed Use Activity Area and Petone Commercial Activity Area 1**

Minimum size of allotment: 200m<sup>2</sup>

Minimum frontage: 6m

Other: Compliance with the permitted activity conditions of the activity area

**Petone Commercial Activity Area 2**

Minimum size of allotment: 1000m<sup>2</sup>

Minimum frontage: 20m

Other: Compliance with the permitted activity conditions of the activity area

**General and Special Business Activity Area**

Minimum size of allotment: 200m<sup>2</sup>

Minimum frontage: 6m to enable drive on vehicular access to each allotment.

Other: Compliance with the permitted activity conditions of the activity area

**Avalon Business Activity Area (Sub-Area 2)**

Minimum size of allotment: 400m<sup>2</sup>

Minimum frontage: 3m to enable drive on access to the allotment.

Other: Compliance with the permitted activity conditions of the activity area

**Rural Residential Activity Area - Titiro Moana Road, Part Section 34 Maungaraki Village and Lots 6, 7, & 8 DP 81789 (formerly Pt Sec 35 Maungaraki Village) as shown in Appendix Subdivision 2.**

- There shall be no allotment of lesser area than 8,000m<sup>2</sup>.



- The average area of all allotments shall not be less than 1.5 ha.
- That the boundaries of allotments are chosen in relation to optimum house sites.
- The location of any proposed works for water storage purposes including any weir, piping and storage tanks, be shown.
- Areas of regenerating bush be identified and preserved.

## AMENDMENT 1

### Rural Residential Activity Area - 190 Stratton Street (SEC 43 Normandale Sett Blk VII D3/922), 236 Stratton Street (LOT 1 DP 50184 20B/82) and 268 Stratton Street (LOT 2 DP 50184 20B/83) as identified in Appendix Subdivision 9

Minimum size of allotment: 2 ha

Minimum Frontage: 100m for front allotments. 6m for rear allotments.

Shape Factor: All allotments must be able to contain a rectangle measuring 30m by 20m. Such a rectangle must be clear of any yard or right of way and have a suitable building platform.

Number of Allotments: The maximum number of allotments per site after subdivision shall be limited to:

- 190 Stratton Street (SEC 43 Normandale Sett Blk VII D3/922) – no more than 6 rural residential allotments
- 236 Stratton Street (LOT 1 DP 50184 20B/82) – no more than 3 rural residential allotments
- 268 Stratton Street (LOT 2 DP 50184 20B/83) – no more than 4 rural residential allotments

Access: Motor vehicle access to all new allotments must be from Stratton Street.

No-development Areas: All new building platforms for dwellings and related main access ways must be located outside the no-development areas identified in Appendix Subdivision 9. The location of all building platforms for dwellings and related main access ways must be identified at the subdivision stage and registered on the certificate of title by way of consent notice.

Other: Compliance with the permitted activity conditions of the activity area.

#### **Other Rural Residential Activity Areas**

Minimum size of allotment: 2 ha

Minimum Frontage: 100m for front allotments. 6m for rear allotments.

Shape Factor: All allotments must be able to contain a rectangle measuring 30m by 20m. Such a rectangle must be clear of any yard or right of way and have a suitable building platform.

Other: Compliance with the permitted activity conditions of the activity area

#### **General Rural Activity Area**

Minimum size of allotment:	15ha.
Minimum frontage:	150m for front allotments. 6m for rear allotments.
Shape Factor:	All allotments must be able to contain a rectangle measuring 30m by 20m. Such a rectangle must be clear of any yard or right of way and have a suitable building platform.
Other:	Compliance with the permitted activity conditions of the activity area  Subdivision in Hebden Cres/Liverton Road, Pt Lot 2 DP 578 in accordance with Drawing No. 469SCH4 <sup>c</sup> by Lucas Surveys shown in Appendix Subdivision 3 and subject to an encumbrance being lodged against each new title as shown in Appendix Subdivision 4 regarding the neighbouring quarrying activities.

### **Community Iwi Activity Area 1 - Marae**

Waiwhetu (Puketapu Grove), Te Mangungu (Rata Street), Koranui (Stokes Valley), Te Kakano O Te Aroha (Moera) and Pukeatua (Wainuiomata) - Minimum size of allotment and frontage the same as the General Residential Activity Area.

Te Tahau O Te Po (Puke Ariki, Hutt Road) - Minimum size of allotment and frontage the same as the General Business Activity Area.

### **Community Iwi Activity Area 3 - Kokiri Centres**

Pukeatua (Wainuiomata) - Minimum size of allotment and frontage the same as the General Business Activity Area.

Ngau-matau (Seaview) - Minimum size of allotment and frontage same as the Special Business Activity Area.

### **All Activity Areas**

Notwithstanding the subdivision standards for each respective activity area there shall be no specific allotment size in any activity area for allotments created solely for utilities. Where those allotments created for such purposes have a net site area of less than 200m<sup>2</sup> there shall be no minimum frontage or shape factor requirements.

## **(b) Engineering Design**

### **(i) Access**

Compliance with Chapter 14A – Transport.

### **(ii) Service Lanes, Private Ways, Pedestrian Accessways and Walkways**

Compliance with Chapter 14A – Transport.

### **(iii) Street Lighting**

Compliance with AS/NZS 1158:2005 Code of Practice for Road Lighting.

### **(iv) Stormwater**

Compliance with the following standards:

## Levels of Stormwater Protection to be provided by Services in New Areas

Minimum Standard				Subsidiary Standards			
	Primary System ARI	Total System ARI	Freeboard (mm)	1.	Max.Depth and speed on roads and footpaths	Max Depth	Max. Speed
Parks & Reserves	2	5	-		Arterial Roads	0.1m	2.0m/s
Recreational Buildings	10	50	200		Local Roads	0.2m	2.0m/s
Non-Habitable Buildings	5	10	200		Hill Roads	0.1m	3.0m/s
Residential Houses	10	100	500		Walkways only	0.4m	1.0m/s
Commercial	20	100	100	2.	Depth Speed Product	< 0.4mm/s	
Industrial	10	50	100	3.	Channel/Pond Side Slopes	Maximum 1:5 Vertical : Horizontal	
Public Utilities	10	100	500	4.	Channel/Pond Free board	> 0.5 metre	
Culverts	20	100	-	5.	Detention Pond	< 1.2 metres depth of water unless access restricted	
Bridges	50	100	-	6.	Kerb Opening	< 150mm high unless screened	
Car Parks	5	10	-	7.	Pipe Diameter	> = 300mm for mains > = 225mm for sump leads	
Arterial Roads	20	50	-	8.	Watercourses	No scour or deposition in events < 5yrs ARI	
Local Roads	10	20	-				
Hill Roads (gradient >3%)	10	20	-				

## Levels of Stormwater Protection to be Provided by New Drains in Existing Areas

Recommended Standard				Minimum Standard				Subsidiary Standards		
	Primary System ARI	Total System ARI	Freeboard (mm)		Primary System ARI	Total System ARI	Freeboard (mm)	1. Max. Depth & speed on roads and footpaths:	Max. Depth	Max. Speed
Parks & Reserves	2	5	-	Parks & Reserves	2	5	-	Arterial Roads	0.1m	2.0m/s
Recreational Buildings	10	50	200	Recreational Buildings	10	50	200	Local Roads	0.2m	2.0m/s
Non Habitable Buildings	5	10	200	Non Habitable Buildings	5	10	200	Hill Roads	0.1m	2.0m/s
Residential Houses	10	100	500	Residential Houses	10	50	200	Walkways only	0.4m	1.0m/s
Commercial	20	100	100	Commercial	10	50	50	2. Depth Speed	<0.4mm/s	
Industrial	10	50	100	Industrial	10	50	50	3. Channel/Pond Freeboard Side Slopes	Maximum 1:5 Vertical : Horizontal	
Public Utilities	10	100	500	Public Utilities	10	50	200	4. Channel/Pond Freeboard	>0.5 metres	
Culverts	20	100	-	Culverts	20	100	-	5. Detention Pond	< 1.2 metres depth of water unless access restricted	
Bridges	50	100	-	Bridges	50	100	-	6. Kerb Opening	< 150mm high unless screened	
Car parks	5	10	-	Car parks	5	10	-	7. Pipe Diameter	>=300mm for mains >=225mm for sump leads	
Arterial Roads	20	50	-	Arterial Roads	10	20	-	8. Watercourses	No scour or deposition in events <5yrs ARI	
Local Roads	10	20	-	Local Roads	10	20	-			
Hill Roads (gradient >3%)	10	20	-	Hill Roads (gradient >3%)	10	20	-			

**(v) Wastewater**

Compliance with the following standards:

**Residential Areas**

ADWF	(Average Dry Weather Flow)	270 l/h/d
PDWF	(Peak Dry Weather Flow)	540 l/h/d
MWWF	(Maximum Wet Weather Flow)	1080 l/h/d

where l/h/d = litres/head/day

**Business Areas**

Where the industrial domestic waste and trade waste flows are known, these shall be used as the basis for sewer design. When the above information is not available the following may be used as the design basis.

ADWF	(Average Dry Weather Flow)	0.52 l/ha/sec
PDWF	(Peak Dry Weather Flow)	1.56 l/ha/sec
MWWF	(Maximum Wet Weather Flow)	1.56 l/ha/sec

where l/ha/sec = litres/hectare/second

The design of sewage disposal systems for industries with very heavy water usage is to be based on the specific requirements for that industry.

**Retail and Suburban Commercial Areas, Suburban Mixed Use Areas**

ADWF	(Average Dry Weather Flow)	0.25 l/ha/sec
PDWF	(Peak Dry Weather Flow)	0.44 l/ha/sec
MWWF	(Maximum Wet Weather Flow)	0.44 l/ha/sec

where l/ha/sec = litres/hectare/second

**Associated Compliance Standards**

pipe diameter	>150mm for mains
pipe velocity	>0.6 metres/sec
minimum standby pump capacity	100% for 2 pump installation 50% for 3 pump installation
minimum storage in pumped system	4 hours ADWF (Average Dry Weather Flow)

**(vi) Water Supply**

Compliance with the following standards:

- NZS PAS 4509:2008 NZ Fire Service Code of Practice for Fire Fighting Water Supplies
- Hutt City Council Bylaw 1997 Part 17 Water Supply.
- Part 6 NZS 4404:2004 (Land Development and Subdivision Engineering).

subject to the following criteria and guideline values:

<b>Criteria</b>	<b>Guideline Values</b>
<b>Minimum available flow at Point of Supply</b>	15 litres per minute
<b>Pressure at Point of Supply (static)</b>	

Minimum (for highest level sites - nearing the supply reservoir elevation)	10 metres head
Minimum (for the majority of a supply zone)	30 metres head
Maximum	90 metres head
<b>Minimum system flow capability</b>	The system shall provide flows equivalent to the Fire Service Code of Practice flow requirements plus two thirds of the peak daily consumption flow; whichever is greater. Peak daily consumption flows shall be as follows: <ul style="list-style-type: none"> <li>(i) Over 2,000 population - 1,400 litres per person per day</li> <li>(ii) Under 2,000 population - as in table below.</li> </ul>
<b>Minimum pumping capacity without using a standby unit</b>	15 hours
<b>Minimum pumping standby capacity</b>	100% 2 pump installation

**Peak Flow on Maximum Days**

No. of Dwellings	Litres per second	No. of Dwellings	Litres per second	No. of Dwellings	Litres per second
1	0.6	16	3.2	90	8.8
2	0.9	18	3.4	100	9.3
3	1.2	20	3.6	120	10.4
4	1.4	25	4.1	140	11.4
5	1.6	30	4.6	160	12.4
6	1.8	35	5.1	180	13.4
7	1.9	40	5.5	200	14.1
8	2.1	45	5.9	250	16.1
9	2.2	50	6.2	300	18.0
10	2.4	60	6.9	350	19.8
11	2.7	70	7.6	400	21.3
12	2.9	80	8.2	500	24.2

**(vii) Telecommunications and Electricity**

Compliance with the requirements of the relevant network utility operator.

**(viii) Earthworks**

Compliance with the following:

- NZS 4431 1989 (Code of Practice for Earth Fill for Residential Development) and Part 2 NZS 4404:2004 (Land Development and Subdivision Engineering)
- Erosion and Sediment Control Guidelines for the Wellington Region and Small Earthworks Erosion and Sediment Control for small sites, 2003, Greater Wellington Regional Council.

(c) Contamination

Compliance with the following:

- Ministry for the Environment, Contaminated Land Management Guidelines 1 - 5

(d) Esplanade Reserves, Strips and Access Strips

Compliance with the following:

- (i) In all activity areas esplanade reserves or strips are not required for the following subdivision activities:
- Boundary adjustments in all activity areas.
  - A minor adjustment to an existing cross lease or unit title due to the increase in the size of allotment by alterations to the building outline or the addition of an accessory building.
  - A subdivision where the allotment is created solely for utilities and that allotment has a net site area of less than 200m<sup>2</sup> and is not within 20m of any river or lake.
- (ii) In all activity areas, in respect of lots less than 4 hectares, an esplanade reserve of 20m shall be set aside for such lots along the bank of any river whose bed has an average width of 3m or more where the river flows through or adjoins the lot concerned, except that properties with access to Moores Valley Road or Crowther Road that this standard applies to shall have an esplanade reserve of 5m.
- (iii) In respect of lots with areas of 4 hectares or greater, an esplanade reserve or strip of 20m width shall be set aside for such lots along the banks of the following rivers and lakes:
- Hutt River,
  - Wainuiomata River,
  - Orongorongo River,
  - Waiwhetu Stream,
  - Lake Kohangatera,
  - Lake Kohangapiripiri.
- (iv) In respect of lots with areas 4 hectares or greater, an esplanade reserve or strip of 20m width shall be set aside for lots adjoining the mean high water springs of the sea.

For the avoidance of doubt, non-compliance with the provisions (ii) to (iv) shall be considered as a Discretionary Activity and assessed in terms of sections 104 and 105, and Part II of the Act.

(e) Earthworks

Compliance with permitted activity conditions 14I 2.1.1.

Compliance with NZS 4431 1989 (Code of Practice for Earth Fill for Residential Development) and Part 2 NZS 4404:2004 (Land Development and Subdivision Engineering).

Erosion and Sediment Control Guidelines for the Wellington Regional 2003 and Small Earthworks Erosion and Sediment Control for small sites, Greater Wellington Regional Council.

Exception: The standards in Rules 14I 2.1.1 (a) and (b) shall not apply to trenching carried out as part of the subdivision.

(f) **Other Provisions**

Compliance with the following:

- (i) Financial Contributions in Chapter 12 of this Plan.
- (ii) General Rules in Chapter 14 of this Plan.

### 11.2.2.2 Matters in which Council Seeks to Control

The matters over which control is reserved are:

- (a) The design and layout of the subdivision, including the size, shape and position of any lot, any roads or the diversion or alteration to any existing roads, access, passing bays, parking and manoeuvring standards, and any necessary easements;
- (b) The provision of servicing, including water supply, waste water systems, stormwater control and disposal, roads, access, street lighting, telephone and electricity;
- (c) Management of construction effects, including traffic movements, hours of operation and sediment control;
- (d) Provision of esplanade reserves, esplanade strips and access strips;
- (e) Site contamination remediation measures and works;
- (f) Protection of significant sites, including natural, cultural and archaeological sites;
- (g) Avoidance or mitigation of natural hazards; and
- (h) The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of and access to regionally significant network utilities (excluding the National Grid) located on or in proximity to the site;
- (i) The outcome of consultation with the owner and operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site; and
- (j) Those matters described in Section 108 and 220 of the Resource Management Act 1991.

Note: Rule 11.2.3 (b) covers subdivision within the National Grid Corridor.

### 11.2.2.3 Assessment Criteria

The following assessment criteria will be used:

**(a) Allotment Design:**

- Allotments to have the appropriate net site area and dimensions to enable activities, buildings or structures to be sited to comply with the specified activity area requirements.
- Subdivisions should be designed so as to give areas a strong and positive identity by taking into account characteristics of the area and ensuring that roading patterns, public open space/reserves and community facilities are well integrated.
- Account must be taken of the future development potential of adjoining or adjacent land and any potential reverse sensitivity effects on regionally significant network utilities (excluding the National Grid).
- The roading pattern must take into account the future development pattern of adjacent land.
- Subdivisions should be designed in a manner which recognises and gives due regard to the natural and physical characteristics of the land and adverse effects are avoided, remedied or mitigated.

## AMENDMENT 2

- For the land identified in Appendix Subdivision 9, in addition to the above, subdivisions should be designed to avoid or minimise the need for native vegetation clearance and earthworks within the identified no-development areas and to ensure that motor vehicle access to all new allotments is provided from Stratton Street only.

### (b) Engineering Design

#### (i) Access

- The legal road must be of sufficient width to cater for all functions the road is expected to fulfil, including the safe and efficient movement of all users, provision for parked vehicles, the provision of public utilities, landscaping and public transport facilities.
- The carriageway width should allow vehicles to proceed safely at the operating speed intended for that type of road in the network, with acceptable minor delays in the peak period.
- The carriageway should be designed to discourage motorists from travelling above the intended speed by reflecting the functions of the road in the network. In particular, the width, the horizontal and vertical alignments and superelevation should not be conducive to excessive speed.
- Intersections or junctions should be designed to allow all desired movements to occur safely without undue delay. Projected traffic volumes should be used in designing all intersections or junctions on traffic routes.
- Footpaths shall be provided on both sides of roads and shall be designed and located taking into account pedestrian amenity and likely use patterns. Footpaths may be reduced to only one side where:
  - there is no development fronting that part or side of the road,
  - topography or vegetation precludes provision, or
  - vehicle volumes and speeds are low and use of the carriageway is considered to be safe and comfortable for pedestrian use, and
  - pedestrian use will not be deterred by the lack of a footpath.
- Materials used in the construction of roads must be durable, maintainable, cost effective and compatible with Council's engineering standards.
- Allotments must have drive on access, except those in the Suburban Mixed Use and Medium Density Residential Activity Areas, and those Comprehensive Residential Developments in the General Residential Activity Area provided with access to communal parking areas. In cases where it can be shown that it is physically not possible to provide drive on access, alternative arrangement for off-street parking must be provided.
- Where appropriate, when designing the roading network, account must be given to the provision of public transport facilities and the provision for safe, convenient and efficient access for cyclists and pedestrians.

#### (ii) Service Lanes, Private Ways, Pedestrian Accessways and Walkways

- Service lanes must be of sufficient width and of appropriate design to cater for vehicular traffic which services the allotments.
- All private ways and pedestrian accessways must be of sufficient width and of appropriate design for the use of land they serve.



- Walkways must be taken into account the existing topography, link open space network with community facilities and public services.

**(iii) Street Lighting**

- Public lighting to be provided to roads, footpaths, pedestrian accessways and to major pedestrian and bicycle links likely to be used at night to provide safe passage for pedestrians, cyclists and vehicles.

**(iv) Stormwater**

- The stormwater system to provide a level of protection defined in terms of Average Recurrence Interval (ARI) based on the type and intensity of development.
- The environment downstream of the proposed subdivision is not degraded by drainage flows or floodwaters.
- The roading system retains access to allotments and minimises the occurrence of traffic accidents during and after storm events.
- The stormwater system is designed to ensure that the land form of watercourses is stabilised and that erosion is minimised.
- Floodways and ponding areas to be restricted to areas where there is no damage to property, and to discharge or contain all gap flow (gap flow being the difference between the pipe flow and the total flow, i.e. the amount flowing on the surface for any given ARI).
- Materials used in stormwater systems to be durable, maintainable, cost-effective and compatible with Council's engineering performance standards.

**(v) Wastewater**

- The wastewater system is adequate for the maintenance of public health and the disposal of effluent in an environmentally appropriate manner.
- All wastewater systems shall be designed so that they have sufficient capacity for the ultimate design flow.
- All wastewater systems shall be designed so that they are self cleansing with the current or expected peak dry weather flow.
- Materials used in the wastewater system must be durable, maintainable, cost efficient and compatible with Council's engineering performance standards.
- Connection to a community sewerage system where one is available, and has the capacity to accept the additional sewerage load that the occupancy of the subdivision will create; or the installation of a sewerage system and community treatment plant when there is no community sewerage system available and the number of residential allotments and the soil/groundwater conditions indicate that the cumulative effects of the sewerage effluents have the potential to adversely affect public health.

**(vi) Water Supply**

- In urban areas reticulated water supply must be provided to each allotment for domestic, commercial or industrial consumption and provision for fire fighting purposes.
- Materials used in the water supply system must be durable, maintainable, cost-effective and compatible with Council's engineering performance standards.

- Reservoir storage, pumping and pipe flow capacity shall meet required volume, flow and pressure criteria according to Council's engineering performance standards.
- The provision and protection of access for maintenance of components of water supply system.
- All water supply mains shall be designed so they have sufficient capacity for the ultimate design flow.
- Adequate and suitable water supply shall be provided in the General Rural and Rural Residential Activity Areas.
- In all areas, the provision of a reticulated drinking water supply to all residential allotments if it is practicable to do so.

**(vii) Telecommunication and Electricity**

- Electricity supply must be provided to each allotment. The Council may exempt subdivisions or particular allotments from this requirement in appropriate circumstances but may require that provision, such as the registration of easements, be made for the provision of electricity supply in the future. In urban areas where practicable this should be by means of an underground system.
- Provision should be made to ensure that telephone connections can be made to each allotment. In urban areas where practicable, such provision should be made by means of an underground system.

**(viii) Earthworks**

- Before any earthworks are carried out a thorough investigation be undertaken to determine the suitability of the land. Particular attention must be given to drainage, slope and foundation stability matters, topography, significant existing natural, cultural and archaeological resources, post construction settlement, shrinkage and expansion of material plus compaction.
- Appropriate design and construction methods must be used to control and manage soil erosion, surface runoff and siltation.

**AMENDMENT 3**

- For the land identified in Appendix Subdivision 9, in addition to the above, a sediment and erosion control plan must be prepared to manage the potential effects of earthworks on streams and identified wetlands on the site.

**(c) Contamination**

Where a site for subdivision has been identified as a potential or confirmed contaminated site the applicant shall undertake an assessment of the site, which shall include:

- The nature of contamination and the extent to which the occupants of the site, the immediate neighbours, the wider community and the surrounding environment will be exposed to the contaminants.
- Any potential long-term or cumulative effects of discharges from the site.
- Any remedial action planned or required in relation to the site, and the potential adverse effects of any remedial action on the matters listed in the two matters above, whether at the site or at another location.
- Proposed validation to demonstrate that remediation has been carried out to an acceptable standard.

- The management of the decontamination risk and any risk due to residual contamination remaining on the site (eg. risks involved are maintenance of underground services, risks associated with earth working and soil disturbance, and compliance with management regimes).

The site assessment, proposed remediation, validation and future site management shall be to the satisfaction of the Hutt City Council, Wellington Regional Council, and the Medical Officer of Health.

**(d) Esplanade Reserves, Strips and Access Strips**

Whether provision has been made for esplanade reserves and/or strips along the margins of any water body.

If a reduction in the width or waiver of an esplanade reserve is sought, Council would have regard to the following:

- The purpose for the creation of the esplanade reserve set out in Section 229 of the Resource Management Act 1991;
- Whether the reduction in size or width of an esplanade reserve would adversely effect:
  - Natural character, amenity values, and ecological values of the adjacent waterbody;
  - Access to an existing or potential future reserve or feature of public significance;
  - The public's ability to gain access to and along the edge of the water body; and
  - The protection of significant sites, including natural, cultural and archaeological sites.
- Whether a waiver or reduction of the width of an esplanade reserve would ensure the security of private property or the safety of people; and
- Whether the land is within a natural hazard area or in an identified risk from one or more natural hazards.

## 11.2.3 Restricted Discretionary Activities

**(a)** Any subdivision that does not comply with the standards and terms for controlled activity under Rule 11.2.2.1 in respect of (b) Engineering Design, (c) Contamination and (e) Earthworks.

**(b)** Any subdivision located within a National Grid Corridor that complies with the standards and terms under Rule 11.2.3.2.

(i) Non-notification

In respect of Rule 11.2.3 (b), public notification of applications for resource consent is precluded. Limited notification will be served on the National Grid Operator as the only affected party under section 95B of the Act.

Note: Rule 11.2.3 (b) (i) prevails over Rule 17.2.2.

**(c)** Any subdivision located within close proximity to consented and existing renewable energy generation activities.

(i) Non-notification

In respect of Rule 11.2.3 (c), public notification of applications for resource consent is precluded. Limited notification will be served on the renewable energy generation activities' operator as the only affected party under section 95B of the Act.

Note: Rule 11.2.3 (c) (i) prevails over Rule 17.2.2.

- (d) Any subdivision of the land identified in Appendix Subdivision 7 or Appendix Subdivision 8.

### 11.2.3.1 Matters in which Council has restricted its discretion

- (a) **Any subdivision that does not comply with the standards and terms for controlled activity under Rule 11.2.2.1 in respect of (b) Engineering Design, (c) Contamination and (e) Earthworks.**

- (i) Any actual or potential adverse effects arising from the proposed non-compliance, and measures to avoid, remedy or mitigate such effects.

- (ii) Amenity Values:

The extent to which any earthworks proposal will affect adversely the visual amenity values of the area, and the extent to which the earthworks will result in unnecessary scarring and be visually prominent.

The effects on the amenity values of neighbouring properties including dust and noise.

The extent to which replanting, rehabilitation works or retaining structures are included as part of the proposal to mitigate adverse effects. Earthworks should not result in the permanent exposure of excavated areas or visually dominant retaining structures when viewed from adjoining properties or public areas, including roads.

- (iii) Existing Natural Features and Topography:

The extent to which the proposed earthworks reflect natural landforms, and are sympathetic to the natural topography.

- (iv) Historical or Cultural Significance:

The extent to which the proposed earthworks will affect adversely land and features which have historical and cultural significance.

- (v) Natural Hazards:

Consideration should be given to those areas prone to erosion, landslip and flooding. Earthworks should not increase the vulnerability of people or their property to such natural hazards. In the Primary and Secondary River Corridors of the Hutt River, consideration should be given to the effects on the flood protection structures.

- (vi) Construction Effects:

The extent to which the proposed earthworks have adverse short term and temporary effects on the local environment.

- (vii) Engineering Requirements:

The extent of compliance with NZS 4431 1989 (Code of Practice for Earth Fill for Residential Development).

The extent of compliance with Part 2 NZS 4404:2004 (Land Development and Subdivision Engineering).

- (viii) Erosion and Sediment Management:

The extent of compliance with the "Erosion and Sediment Control Guidelines for the Wellington Regional 2003" and "Small Earthworks – Erosion and Sediment Control for small sites" by Greater Wellington Regional Council.

- (ix) Contaminated Land:

The extent to which works are consistent with the Ministry for the Environment, Contaminated Land Management Guidelines 1 – 5.

(x) Vegetation protection and presence:

The extent to which protection is given and how the safe, continuous presence of vegetation is provided for in the area as shown in Appendix Subdivision 5 by using an appropriate legal mechanism.

(xi) Visual effects of built development on the wider area (Appendix Subdivision 6):

Consideration shall be given to any actual and potential adverse effects of built development in the area identified on Appendix Subdivision 6 on visual amenity of the wider area (ie the valley floor and upper Holborn Drive). To assist, an expert assessment shall be undertaken, and the extent to which development controls are placed on identified individual lots as a result of the assessment's findings shall be taken into account.

For the purposes of this rule, built development includes but is not limited to structures of any height such as dwellings and ancillary buildings, decks, fences, walls and retaining walls.

**(b) Any subdivision located within a National Grid Corridor that complies with the standards and terms under Rule 11.2.3.1.**

- (i) the extent to which the design, construction and layout of the subdivision demonstrates that a suitable building platform(s) can be located outside of the National Grid Yard for each new lot to ensure adverse effects on and from the National Grid and on public health and safety are appropriately avoided, remedied or mitigated;
- (ii) The provision for the on-going operation, maintenance (including access) and planned upgrade of Transmission Lines;
- (iii) The risk to the structural integrity of the National Grid;
- (iv) The extent to which the subdivision design and consequential development will minimise the risk of injury and/or property damage from such lines;
- (v) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the transmission asset; and
- (vi) The extent to which landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid.

**Advice Note:** Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.

Vegetation to be planted within proximity to Transmission Lines as shown on the planning maps should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting **near** any Transmission Line especially works within the transmission corridor; contact the National Grid operator.

**(c) Any subdivision of the land identified in Appendix Subdivision 7 or Appendix Subdivision 8.**

- (i) Amenity Values:

The extent to which any earthworks proposal will affect adversely the visual amenity values of the area, and the extent to which the earthworks will result in unnecessary scarring and be visually prominent.

The effects on the amenity values of neighbouring properties including dust and noise.

The extent to which replanting, rehabilitation works or retaining structures are included as part of the proposal to mitigate adverse effects. Earthworks should not result in the permanent exposure of excavated areas or visually dominant retaining structures when viewed from adjoining properties or public areas, including roads.

(ii) Existing Natural Features and Topography:

The extent to which the proposed earthworks reflect natural landforms, and are sympathetic to the natural topography.

(iii) Historical or Cultural Significance:

The extent to which the proposed earthworks will affect adversely land and features which have historical and cultural significance.

(iv) Construction Effects:

The extent to which the proposed earthworks have adverse short term and temporary effects on the local environment.

(v) Engineering Requirements:

The extent of compliance with NZS 4431:1989 (Code of Practice for Earth Fill for Residential Development).

The extent of compliance with Part 2 NZS 4404:2004 (Land Development and Subdivision Engineering).

(vi) Erosion and Sediment Management:

The extent of compliance with the "Erosion and Sediment Control Guidelines for the Wellington Region 2002" and "Small Earthworks – Erosion and Sediment Control for small sites" by Greater Wellington Regional Council.

(vii) The design and layout of the subdivision, including the size, shape and position of any lot, any roads or the diversion or alteration to any existing roads, access, passing bays, parking and manoeuvring standards, and any necessary easements;

(viii) The provision of servicing, including water supply, waste water systems, stormwater control and disposal, roads, access, street lighting, telephone and electricity;

(ix) Management of construction effects, including traffic movements, hours of operation and sediment control;

(x) Avoidance or mitigation of natural hazards;

(xi) The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of and access to regionally significant network utilities (excluding the National Grid) located on or in proximity to the site;

(xii) The outcome of consultation with the owner and operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site;

(xiii) Those matters described in Section 108 and 220 of the Resource Management Act 1991;

- (xiv) In regard to Appendix Subdivision 7 the engineering measures proposed to manage stormwater runoff to ensure the ecological health of Speedy's Stream and the onsite wetland. To assist, expert assessment shall be undertaken, and provided with any subdivision application. This report shall identify the following:
- i. The existing ecological values of Speedy's Stream and the onsite wetland;
  - ii. The stormwater runoff rates for both the onsite wetland and Speedy's Stream to maintain these ecological values (including for smaller frequent events like the 1 in 1 year and 1 in 2 year rainfall events);
  - iii. The acceptable level of contaminants in the stormwater to maintain the ecological values of both the onsite wetland and Speedy's Stream;
  - iv. The engineering practices (for example, bio-retention devices and detention tanks) required to treat and control all stormwater runoff to ensure that the identified ecological values are at least maintained and the stormwater runoff rates and treatment identified in the points above are achieved. These engineering practices shall control all runoff generated by the 85-90<sup>th</sup> percentile rainfall depth. This is defined as treating the stormwater volume generated by the 27mm rainfall depth; and
  - v. Any potential conditions that may need to be imposed on the subdivision consent to ensure that these engineering measures are undertaken and appropriately maintained.
- (xv) In regard to Appendix Subdivision 8, the engineering measures proposed to manage stormwater runoff to ensure the ecological health of any onsite streams and downstream receiving environments. To assist, expert assessment shall be undertaken, and provided with any subdivision application. This report shall identify the following:
- i. The existing ecological values of the onsite streams (and their downstream receiving environments);
  - ii. The stormwater runoff rates for the onsite streams (and their downstream receiving environments) to maintain or improve ecological values (including for smaller frequent events like the 1 in 1 year and 1 in 2 year rainfall events);
  - iii. The acceptable level of contaminants in the stormwater to maintain or improve the ecological values of the onsite streams (and their downstream receiving environments);
  - iv. The engineering practices (for example, bio-retention devices and detention tanks) required to treat and control all stormwater runoff to ensure that the identified ecological values are appropriately protected, and the stormwater runoff rates and treatment identified in the points above are achieved; and
  - v. Any potential conditions that may need to be imposed on the subdivision consent to ensure that these engineering measures are undertaken and appropriately maintained.
- (xvi) In regard to Appendix Subdivision 8, any measures to control reverse sensitivity effects in relation to noise on the adjoining properties within the Rural Residential Activity Area.
- (xvii) For the site in Appendix Subdivision 8, the measures to maintain the ecological values of the indigenous vegetation contained within the General Recreation Activity Area portion of the site. This includes the protection of indigenous vegetation within the General Recreation Activity Area portion of the site

through appropriate legal mechanism and on-site measures to manage edge effects during any adjacent development activities.

### 11.2.3.2 Standards and Terms

**(a) Any Subdivision located within a National Grid Corridor shall:**

- (i) comply with the Standards and Terms for a Controlled Activity in Rule 11.2.2.1 and
- (ii) demonstrate that each new residential allotment can provide a complying Shape Factor as required under Rule 11.2.2.1(a) or in the case of industrial and commercial activities, a suitable building platform which is fully located outside of the National Grid Yard.

### 11.2.4 Discretionary Activities

- (a) Avalon Business Activity Area.
- (b) Special Commercial Activity Areas 1 and 2.
- (c) Rural Residential Activity Area - all subdivisions with direct access off Liverton Road.
- (d) Historic Residential Activity Area.
- (e) General, Special, River and Passive Recreation Activity Areas.
- (f) Extraction Activity Area.
- (g) Community Health Activity Area.
- (h) Any subdivision within the identified coastal environment as shown in Map Appendices 2A, 2B, and 2C.
- (i) Any subdivision which is not a Permitted, Controlled or Restricted Discretionary Activity.
- (j) Any subdivision located wholly or partially within Avalon Business Activity Area (Sub-Area 1).
- (k) On 2/76 Normandale Road, Pt Lot 1 DP 7984, any earthworks undertaken as part of a subdivision, in that part of the site identified to the north and east of the stream, as shown on Appendix Earthworks 3.
- (l) Any subdivision of the land identified in Appendix Subdivision 7 or Appendix Subdivision 8 that do not comply with the standards and terms for controlled activity under Rule 11.2.2.1 in respect of (a) Allotment Design.

#### AMENDMENT 4

- (m) Any subdivision of the land identified in Appendix Subdivision 9 that does not comply with the standards and terms for controlled activity under Rule 11.2.2.1 in respect of (a) Allotment Design relating to Minimum Size of Allotment, Minimum Frontage, Shape Factor, Number of Allotments, Access and Other but excluding No-development Areas.

#### 11.2.4.1 Assessment Criteria for Discretionary Activities

- (a) The matters contained in sections 104 and 105, and in Part II of the Act shall apply.
- (b) Compliance with the engineering design standards.
- (c) The degree of compliance or non-compliance with any relevant Permitted and Controlled Activity Standards and Terms.
- (d) Those matters listed in the Assessment Criteria for Controlled Activities.



- (e) For the sites identified in Appendix Subdivision 7 and Appendix Subdivision 8, those matters to which Council has restricted its discretion under Rule 11.2.3.1 (c).

**AMENDMENT 5**

- (f) For the land identified in Appendix Subdivision 9, where the subdivision does not comply with the maximum Number of Allotments, the effects on the existing roading network.

## 11.2.5 Non-Complying Activities

- (a) Any subdivision of land within the National Grid Corridor that does not comply with the standards and terms under Rule 11.2.3.2.
- (b) Any subdivision of the land identified in Appendix Subdivision 8 which results in any new lots having vehicular access to Liverton Road.

**AMENDMENT 6**

- (c) Any subdivision of the land identified in Appendix Subdivision 9 that does not comply with the standards and terms for controlled activity under Rule 11.2.2.1 in respect of (a) Allotment Design relating to No-development Areas.

## 11.3 Anticipated Environmental Results

- (a) That allotments created are suitable for the proposed use.
- (b) That adverse effects arising from the subdivision of land will be managed and mitigated.
- (c) That where appropriate and necessary there be improved public access to public areas

**AMENDMENT 7**

**Appendix Subdivision 9**

