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12.0 SUBDIVISION

12.1 Introduction

The Resource Management Act distinguishes subdivision as a category of activity distinct from land use activities. Subdivision and land use are closely related as the subdivision of land is usually embarked upon in anticipation of a particular land use proposal. The subdivision process will directly or indirectly involve the use of water, soil and land. The subdivision process should be undertaken in an environmentally sensitive way to ensure that the adverse effects resulting from the subsequent use and development are avoided, remedied or mitigated.

The process of subdivision relates to a number of chapters in the Plan as the process:

- provides an opportunity to conserve and manage natural features through the acquisition of esplanade reserves and strips;
- provides the ability to acquire esplanade reserves and strips to provide public access to and along waterways and the coast;
- has the ability to avoid or mitigate the effects of natural hazards;
- requires the assessment of the relationship between land use, site areas, site access onto roads, dimensions and related standards for buildings and surrounding space;
- requires the provision of essential services;
- may affect natural and cultural heritage values;
- implies a land use (any subdivision application will need to be tested against the rules contained in the relevant zone chapters);
- often results in earthworks being required which can have an impact on natural ground levels, surface vegetation and ground water.

It is not intended to repeat the rules in other chapters that exist and relate to subdivision. This relationship will be maintained through the use of cross references.

Refer to Chapter 4 and 13.

Refer to Chapters 5 and 13.

Refer to the relevant zone Chapter and Chapters 14 and 15.

Refer to Chapters 3 and 4.

Refer to Chapters 6.

12.2 Issue

12.2.1 Subdivision gives rise to land use expectations which can have adverse environmental effects.

12.3 Objective (Subdivision)

1. To enable subdivision provided that any consequent adverse environmental effects can be avoided, remedied or mitigated.
2. Subdivision is consistent with high quality urban environments. Subdivision should encourage a pattern of land use integrated with the provision of infrastructure to :
 - Promote a high level of amenity value, especially in residential and commercial zones.
 - Promote a safe and healthy urban environment.
 - Encourage resource and energy efficiency.
 - Avoid, remedy or mitigate adverse effects on the environment.

Explanation and Principal reason (1) and (2): Subdividing implies a consequent landuse which can give rise to environmental effects. The consequent landuse should be considered at the time of subdivision. Furthermore, the pattern of subdivision influences the future pattern of landuse and supporting infrastructure. In achieving the purpose of sustainable management of natural and physical resources it is important that the pattern of subdivision will encourage a pattern of landuse and supporting infrastructure which is consistent with promoting efficiency, a safe and healthy environment, a high level of amenity, and avoiding, remedying or mitigating adverse effects in the environment.

12.4 Policies (Subdivision)

1. When considering whether to grant consent or impose conditions in respect of any subdivision the Council shall have regard to the relevant policy contained in Chapter 3 – Cultural Heritage, Chapter 4 – Natural Heritage, Chapter 5 – Natural Hazards, Chapter 6 – Land, Chapter 8 – Infrastructure, Works and Services, Chapter 13 – Esplanades as well as any relevant zone policy in addition to the following:
 - **Network Utility Infrastructure**
 - the potential adverse effects the subdivision activity may have on the ongoing operational maintenance, upgrading and protection requirements of any network utility infrastructure.
 - **Building Platform**
 - the ability to provide at least one stable building platform on each allotment whose formation does not cause or contribute to land instability
2. When considering whether to grant consent or impose conditions in respect of any resource consent for a subdivision in the Rural Industrial A zone regard shall be given to:
 - The need for the area to develop as an integrated and efficient industrial precinct that specifically provides for small to medium sized industrial activities.
 - The extent to which the subdivision complies with the Roding Concept Plan in Appendix 31 provided that
 - a variation to the Roding Concept Plan may be considered if the proposal enables the orderly development of a roading network to the entire area without compromising the integrity of the concept or requiring any site to obtain direct access to State Highway 35
 - Where a proposed subdivision comprises sites of less than 1000m² area per site, then consideration shall be given to:
 - the ability of the utility network to cope with the increased density of development,
 - the potential cumulative effect on the operation of existing and provision of future infrastructure; *and*
 - Evaluate landscape provisions for the area at the time of subdivision and impose conditions relating to planting and landscape requirements for site frontages adjacent to State Highway 35 boundaries only to the extent necessary to remain consistent with Appendix 35.
 - To protect the safe and efficient operation of Gisborne Airport by ensuring that ground-based activities do not interfere with Airport and aircraft operations including the use of navigation and communication devices.

Refer to the minimum safe separation distances required from high voltage lines in NZ Electrical Code of Practice for Electrical Safe Distances – NCECP 34:2001.

Refer also to Transpower's Guideline for Development Near High Voltage Transmission Lines for guidance on planting, orientation of buildings etc.

3. Where a subdivision is located adjacent to or within an overlay identified in Chapter 4 – Natural Heritage, Council shall consider the following matters when assessing a resource consent for subdivision:

- the effect that the subdivision, including the effect of exotic flora and fauna may have on the values identified in Chapter 4 – Natural Heritage;
- any measures to avoid, remedy or mitigate adverse effects on indigenous flora and fauna. Such measures may include, but are not limited to, buffer areas, fencing and covenants.

Policy 12.4.3Reference No. 98/02
ECFIG

Note: The provisions of the ~~Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Substances~~ Proposed Gisborne Regional Freshwater Plan also apply.

Explanation and Principal reason (1): In relation to network utility infrastructure, certain utilities may require specific requirements to maintain its protection and integrity. Consultation and advice should be sought from the network utility operator to ascertain possible impacts and protection requirements.

Explanation and Principle Reason (2): The Council has identified this area in recognition of the limited availability of suitable land for small to medium industrial activities. This is a strategic decision for which consideration should be given at subdivision stage, to ensure the strategic provision of such land is not compromised, by any individual circumstance.

The Council has approved a Rooding Concept Plan for the Rural Industrial A zone. The Rooding Concept Plan indicates the links required between sites for the provision of essential vehicular access to the entire zone. This was prepared to enable development while ensuring that the development was sustainably managed. Deviation from the concept are encouraged provided that the objective of connecting all sites via a rooding network is achieved with development outside of the parameters of the Rooding Concept Plan. This will depend on the capacity of the system.

The design of utility infrastructure for the zone has been based on assumptions about the types and density of industrial development as well as the level of discharge each will contribute to the system at peak times. From this development contributions are calculated. If significant deviations from the assumptions are enabled to occur then it is likely that the infrastructure to be provided to service the zone will be inadequate. To avoid this inefficient use of resources careful consideration must be given at the time of granting any subdivision consent which deviates from the rules as provided for in the Plan.

To ensure that an integrated approach is taken to planting adjacent to the state highway landscaping conditions will be imposed on subdivision consents. This will also encourage positive consideration of landscaping in subdivision design processes.

The potential for aircraft accidents increases near the airport as aircraft undertaking landing or taking off manoeuvres are in close proximity to the ground, have limited options to manoeuvre and require precise control and guidance. Ground-based activities in the proximity of the Airport must be compatible to maintain the efficient operation and safety of aircraft using Gisborne Airport and its air space corridors.

Threats to aircraft operations arising from nearby ground-based activities may include intrusions into aircraft flight corridors by the height of structures, dust, smoke or birds, significant thermal disturbances or electronic interference to navigation aids (e.g. reflection from large metal structures). The principal reason is to safeguard the operational environment of Gisborne Airport to provide for the safety and health of people.

Explanation and Principal Reason (3): Subsequent to any subdivision, the use of the land may result in an increase of exotic flora and fauna. In turn, this may cause or contribute to a significant adverse effect on indigenous flora and fauna. Under Part II of the Resource Management Act 1991 provision must be made to avoid, remedy or mitigate such adverse effects. The appropriateness of any planning controls will need to be assessed on a case-by-case basis. Policies contained in Chapter ~~4.4.1 and 4.6~~ will give further guidance in relation to

the subdivision of land within the Protection Management Area Overlay and Coastal Environment Overlay.

12.5 METHODS OF IMPLEMENTATION

12.5.1 Regulation

1. Rules

Principal reason (1): Rules are the principal means of obtaining compliance as there is no other suitable non-regulatory method. Rules will ensure that any potential adverse effects that could stem from the subdivision process are avoided, remedied or mitigated.

Refer to 3.13 and 3.16.2.2 for additional rules relating to subdivision and Cultural Heritage Overlays.

Refer to 5.26.2.1, 5.27.1.9, 5.29.1.1, 5.30.2.1, 5.31.2.1, 5.32.1.1 for additional rules relating to Subdivision and Natural Hazards.

12.6 RULES FOR SUBDIVISION

Note:

Activities shall comply, where relevant, with the regional or district rules specified in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 5-Natural Hazards, Chapter 6-Land, Chapter 9-Contaminated Sites and Chapter 10 – Signs.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

Amendment to rules do not yet have legal effect.

General Rules

The following General Rules shall apply to all subdivision activities:

12.6.1 Subdivisions shall comply with Chapter 8 – Infrastructure, Works and Services and Chapter 13 – Esplanades.

12.6.2 Allotment Sizes and Dimensions

a) Subdivisions shall comply with the rules for allotment sizes and Shape Factor and Road Frontage Requirements in table 1:

PROVIDED THAT:

1. In Rural Productive and Rural Residential zones where an existing site used for farming purposes is occupied by more than one dwellinghouse erected prior to 31 March 1987, and any of those dwelling houses, excluding at least one to remain on the site, is no longer required for farming the site, a new site may be created notwithstanding that the site does not meet the requirements in table 1, but subject to compliance with the following:
 - i Minimum area - 1000m²,
 - ii Maximum area - 2000m²,
 - iii Maximum shape factor and road frontage requirement. Every site shall be of such a shape as to contain a rectangle 13m x 18m without encroachment on to any yard,
 - iv The new boundaries of the site to be created are to be so located as to ensure that the existing buildings conform with the requirements of the Plan.
2. The rules for minimum allotment sizes and dimensions shall not apply to subdivisions for meteorological activities.

Zone	Minimum Net Area	Shape Factor and Road Frontage Requirements	
Rural Productive	8 hectares	Every site shall be capable of containing a rectangle of 100m x 200m.	Refer to 17.2.5, 21.3, 21.4, 21.5.
Rural Residential	1 hectare	Every site shall be capable of containing a rectangle of 50m x 80m.	Refer to 21.3, 21.4, 21.6, 21.11.1.1, 21.11.1.2.
Rural Lifestyle (Glenelg Corner & Nelson Road)	5000m ²	Nil	
Rural Lifestyle (Rest of Rural Lifestyle Zone)	5000m ² or Existing sites held as separate Certificates of Title as at 1 October 1982 and comprising less than 1 hectare may be subdivided once only to create one new allotment and a balance allotment each comprising at least 2000m ²	Nil	Refer to 21.3, 21.4, 21.6.
Rural General	1000m ²	Nil	Refer to 21.3, 21.4.

Zone	Minimum Net Area	Shape Factor and Road Frontage Requirements	
Suburban Commercial (Reticulated) (Non-reticulated)	200 m ² 1000m ²	6 m minimum frontage 7.5 m minimum frontage	Refer to 18.3, 18.4, 18.5, 18.6
Rural Commercial (Reticulated) (Non-reticulated)	200 m ² 1000m ²	6 m minimum frontage 7.5 m minimum frontage	Refer to 18.3 – 18.6
Residential dwellings Inner Residential Zone General Residential and Residential Protection Zones (reticulated) General Residential and Residential Protection Zones (non reticulated) Residential Lifestyle Zone Taruhuru Subdivision Block All residential zones covered by a site caution layer	350m ² per unit or 280m ² per unit attached on one side to another unit or 250m ² per dwelling unit attached on 2 or more sides (including vertically) 400m ² per unit or 320m ² per unit attached on one side to another unit or 250m ² per dwelling unit attached on 2 or more sides (including vertically) 1000m ² per unit 3000m ² 800m ² per unit 1000m ² per unit	Nil Refer Rule 12.8	Refer to 17.26, 17.3 – 17.12, 17.15.2
Visitor Accommodation, associated buildings and activities (excluding licensed facilities for the public, camping grounds and motor camps) Inner Residential Zone All other zones	1000m ² 2000m ²	Nil Nil	Refer to 17.15.6
Educational Institutions (including early learning and day care facilities for up to 20 children) All residential zones	1000m ²	Nil	Refer to 17.15.7
Other Non Residential Activities All residential zones	600m ²	Nil	

Provision of sites for network utility operators All zones	No minimum site area for the site accommodating the network utility, provided that: * The site is used exclusively for network utility activities; and * The site / activity complies with the rules of Chapter 8 (Utilities); and	Nil	
General Industrial	800m ²	Nil	
Rural Industrial A zone	1000m ²	Nil	
Rural Industrial B zone	2 hectares	Nil	
Aviation Commercial zone	1000m ²	Nil	
Inner and Amenity Commercial	200m ²	Minimum 6m streetfront	
Fringe and Outer Commercial	1000m ²	Minimum 20m street front	Refer to 19.3, 19.2, 19.14.6
Port and Reserve	No minimum provided that allotments are capable of accommodating a structure or activity which complies with the zone rules.		Refer to 18.3 – 18.6 Refer to 20 and 22

Table 1 Rules for Allotment Size and Dimension

Note:

The Rural Productive Zone minimum site areas have been determined in consultation with industry groups, landowners, leaseholders and other interest groups. Further rural land fragmentation was clearly identified by stakeholders as being unsustainable. Section 32 material is available.

Refer to 8.9.6, 8.9.7, 16.8.6, 16.8.10, 17.15, 18.10.3, 8.10.4, 19.14.4, 19.14.6, 19.14.7, 20.10.3, 20.10.4, 21.8.3, 21.8.4, 22.6.3, 22.6.4.

12.6.3 Building Platforms

- a) Every site that is intended to be used for any building shall contain a building platform that is stable and not affected by any potentially unstable land.

12.6.4 Existing Buildings

- a) Any new boundaries created by subdivision shall be located such that any existing buildings comply with the rules of the relevant zone and (where relevant) overlay; or that the appropriate resource consents have been obtained.

Refer to 17.6.

12.6.5 Boundary Adjustment

- a) Boundary adjustments shall not create any additional sites or reduce any site below the minimum subdivision size for the zone except where a single site is being created exclusively for a network utility service. This provision shall not apply where sites are to be amalgamated.

12.6.6 Easements

- a) The granting of a subdivision consent may include a condition requiring the reservation of a memorandum of easement in respect of any of the following:
- i) the creation of right of way access to any allotment pursuant to Section 321 of the Local Government Act 1974;
 - ii) the right to maintain shelter belts;
 - iii) the right in respect of a dominant tenement or easement in gross to lay, construct, erect, convey, discharge or maintain an underground or overhead water, electric power, telecommunications, gas, sewage, or stormwater service;
 - iv) the right to construct and maintain a party wall;
 - v) any other easement that the specific situation may require.

- b) For stormwater pipes, sewer pipes and water supply pipes that are to be vested in the Gisborne District Council, easement widths shall be the larger of:
 - i) a width equal to 1.5 times the depth to the invert level with the service laid in the centre, or
 - ii) a minimum of 3 metres with the service laid in the centre.

12.7 Controlled Activities

The following activities shall be controlled activities:

12.7.1 Any subdivision (excluding subdivision in the Coastal Environment Overlay and Protection Management Area Overlay), which complies with the General Rules in this chapter

In the case of subdivisions to create sites of 250m² or less, for the purpose of exclusively accommodating network utility activities, Council shall limit its control to the matter (iv) below:

In all other cases, Council shall limit its control to the matter a) – f) specified below:

- a) Suitability of building platform.
- b) Suitability
 - Infrastructure, works and services.
- c) The extent to which the amenity values of the surrounding areas are affected.
- d) Financial contributions.
- e) Any adverse effects of exotic flora and fauna on values identified in the overlays of Chapter 4 - Natural Heritage (excluding the Coastal Environment Overlay and Protection Management Area Overlay).
- f) In respect of any subdivision in the Rural Lifestyle Zone (Nelson Road) Council may exercise control over the reverse sensitivity effects of any rural lifestyle development in respect of any lawfully established agricultural activities and dog pound and cattery activities. This control may include the use of anti complaint instruments and the requirement of planting trees acting as a buffer.

12.7.2 Any subdivision in the rural Industrial A zone which complies with the General Rules in this Chapter

PROVIDED THAT:

- a) Landscaping shall be provided in accordance with Appendix 32 in respect of boundaries adjacent to a state highway or a rural zone.

Council shall limit its control to the matter a) – c) specified below:

- a) Financial contributions.
- b) Provision for vehicular access across the site to be subdivided to either Aerodrome or MacDonalds Road for sites within the zone which otherwise only have frontage to State Highway 35.
- c) Compatibility of the activity with maintenance of the efficient operation and safety of aircraft using Gisborne Airport and its air space corridors.

12.8 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities:

12.8.1 Any subdivision, (excluding subdivision in the Coastal Environment Overlay and Protection Management Area Overlay), which does not comply with the General Rules with respect to:

- a) Allotment dimensions
- b) Street frontages
- c) Existing buildings
- d) Boundary adjustment
- e) Easements
- f) Financial contributions

Council shall restrict its discretion to the matters a) – k) specified below:

- a) Compliance with zone rules
- b) Health and safety
- c) Amenity values
- d) Access
- e) Site function
- f) Heritage values in the heritage alert layer
- g) Financial contributions and bonds
- h) Calculation of reserve contributions where an esplanade reserve is required for the same division.
- i) Any consequential impacts on network utility services.
- j) Effects on existing rural activities
- k) Any adverse effects of exotic flora and fauna on values identified in the overlays of Chapter 4 – Natural Heritage (excluding the Coastal Environment Overlay and Protection Management Area Overlay).

12.8.1.1 Notification

- a) Subject to Section 95A(3) and 95B(2) of the Act for a restricted discretionary activity resource consent for subdivision in the Taruheru subdivision block, shall not be notified.

12.8.2 Any subdivision in the Rural Industrial A zone which does not comply as a Controlled Activity in respect of:

- a) Allotment dimensions (including allotment site size)
- b) Street frontages
- c) Existing buildings
- d) Boundary adjustment
- e) Easements
- f) Financial contributions
- g) Landscaping provision

Council shall restrict its discretion to the matters a) – g) specified below:

- a) Provision of landscaping and site function
- b) Health and safety
- c) Enhancement of amenity values
- d) Compliance with the intent of the Roding Concept Plan
- e) Financial contributions
- f) Provision of network utility services and any cumulative impact on such provision
- g) Mitigation of flood risk

Refer to 5.27.1.9.

12.8.3 Subdivision of land in Waimata Riverbank Erosion Hazard Overlay

Council shall restrict its discretion to the matters a) – e) specified below:

- a) Ensuring that activities do not cause or contribute to land instability
- b) Financial contributions and bonds
- c) Site function
- d) Any consequential impacts on network utility services, including safe access to and from roads
- e) Any adverse effects of exotic flora and fauna on values identified in the overlays of Chapter 4 - Natural Heritage (excluding the Coastal Environment Overlay and Protection Management Area Overlay)

Refer to 5.29.1.1.

12.8.4 Subdivision of land in Site Caution Layer

Council shall restrict its discretion to the matters a) – e) specified below:

- a) Ensuring that activities do not cause or contribute to land instability
- b) Financial contributions and bonds
- c) Site function
- d) Any consequential impacts on network utility services; including safe access to and from roads
- e) Any adverse effects of exotic flora and fauna on values identified in the overlays of Chapter 4 - Natural Heritage (excluding the Coastal Environment Overlay and Protection Management Area Overlay).

12.8.5 Subdivision of land within the Citrus Grove Development Control Area

PROVIDED THAT:

1. The floodway and minimum ground levels set out in Appendix 36 a) to c) have been constructed or the applicant proposed to construct the floodway and minimum ground levels; or
2. The subdivision is necessary to ensure cadastral boundaries align with the appropriate zone boundary prior to the floodway and minimum ground levels set out in Appendix 36 a) to c) being achieved.

Council shall restrict its discretion to the matters a) – c) specified below:

- a) Flood hazard effects
- b) The Controlled Activity criteria listed in Rule 12.7.1
- c) The Restricted Activity criteria listed in Rule 12.8.1
- d) Compatibility of the activity with maintenance of the efficient operation and safety of aircraft using Gisborne Airport and its space corridors.

Refer to 5.32.1.1.

12.8.6 Subdivision within the Residential Lifestyle Zone (Scarly's Way)

PROVIDED THAT:

- 1. The maximum number of lots is limited to 21.
- 2. Adjoining multiple access legs to serve rear lots are not provided.

Refer to 5.33.1.1.

Refer to 4.3, 4.4, 5.3.4.

Council shall restrict its discretion to matters a) to c) below:

- a) The Controlled Activity criteria listed in Rule 12.7.1
- b) The Restricted Activity criteria listed in Rule 12.8.1.
- c) The design and integration of the lot boundaries within the rural context of the surrounding area and the implementation of mitigation measures to address amenity issues.

12.8.6.1 Notification

A restricted discretionary activity resource consent for subdivision in the Residential Lifestyle Zone shall not be publicly notified and shall be considered without the approval of affected parties.

12.9 Discretionary Activities

The following activities shall be discretionary activities:

- 12.9.1** Activities which do not comply with the General Rules and are not listed as Controlled or Restricted Discretionary activities
- 12.9.2** Subdivision in Coastal Hazard Overlay 3 (moderate risk area)
- 12.9.3** Subdivision in Coastal Hazard Overlay 4 (safety buffer area)
- 12.9.4** Subdivision in the Coastal Environment Overlay
- 12.9.5** Subdivision in the Protection Management Area Overlay

Note:

Attention is drawn to the provisions of the Proposed Regional Coastal Environment Plan for Gisborne Region and the Proposed Gisborne Regional Freshwater Plan.

12.10 Non Complying Activities

The following activities shall be non-complying activities:

- 12.10.1** Subdivision within the Citrus Grove Development Control Area when the floodway and minimum ground levels set out in Appendix 36 a) to c) have not been constructed and the applicant does not propose to construct the floodway and minimum ground levels.

PROVIDED THAT:

1. Subdivision is within the Citrus Grove Development Control area which is necessary to ensure cadastral boundaries align with the appropriate zone boundary prior to the floodway and minimum ground levels set out in Appendix 36 a) to c) being achieved shall be considered a restricted activity under Rule 12.8.5.

12.11 Prohibited Activities

The following activities shall be prohibited activities, for which no resource consent will be granted:

- 12.11.1** Subdivision, except for adjustment of boundaries which will not create any additional housing sites, or for the creation of esplanade reserves in Makorori Hazard Overlay
- 12.11.2** Subdivision to enable new development to occur, except for the provision of esplanade reserves in Coastal Hazard Overlay 1 (Extreme Risk)
- 12.11.3** Subdivision for new commercial or residential development in Coastal Hazard Overlay 2 (High Risk Area)

12.12 ANTICIPATED ENVIRONMENTAL RESULTS

- a) Subdivision that ensures that adverse environmental effects from consequent landuse are avoided, remedied or mitigated.