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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.

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.

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.

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 landuse 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 – Utilities, Chapter 13 – Esplanades, Chapter 14 – Financial Contributions 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.

- Stormwater

- * the adequacy of the proposed means of disposing of collected stormwater from the roof of all potential or existing buildings and from impervious surfaces;
- * the practicality of retaining open natural waterway systems for stormwater disposal in preference to piped or canal systems and adverse effects on existing waterways;
- * whether there is capacity in the Council's stormwater system to cater for increased runoff from the proposed allotments in the urban areas;
- * where an existing outfall is not capable of accepting increased runoff the adequacy of proposals to cope with the stormwater;
- * any adverse effects of the proposed subdivision on drainage to and from adjoining properties and proposed measures to mitigate the adverse effects.

Stormwater in Rural Residential and Rural Lifestyle Zones Only:

- * whether the discharge and dispersal within each allotment or group of allotments occurs in a controlled, diffused manner;
- * whether Low Impact Design principles (see the Glossary for a fuller explanation on LID) have been applied and evaluated against 'Countryside and Foothills Stormwater Management Code of Practice', Waitakere City Council (WCC) 2005 and the 'Gisborne District Council Waru and Haisman Streams Catchment Management and Stormwater Structure Plan, 2008'.
- * the adequacy of discharge point connections from each allotment to a Council stormwater system or privately managed drain.

- Sewage
 - * the capacity, availability and accessibility of the reticulated system in urban areas to serve the proposed subdivision or the alternative methods proposed for the disposal of human waste (see note below);
 - * whether the existing sanitary sewage disposal system to which the outfall will be connected has sufficient capacity to serve the subdivision;
 - * the ability to provide a reticulated system with gravity outfall and where it is impossible to achieve this the feasibility of alternative individual pump connections or new pumping stations;
 - * that in non-reticulated areas consideration be given at the subdivision consent stage to the nature and type of sewer system to be installed.

Sewage in Rural Residential and Rural Lifestyle Zones Only:

 - * that in non-reticulated areas consideration be given at the subdivision consent stage to:
 - site specific factors to determine the feasibility of on-site wastewater treatment and disposal.
 - the types of sewage treatment and disposal systems that could confirm that sewage management solutions exist for each allotment.
 - * when considering the use of on-site sewage treatment and disposal systems for new sub-divisions and/or intensification, regard shall be had to the potential for cumulative adverse effects.
- Water
 - * where there is no reticulated water available the provision of a safe and potable water supply;
 - * that adequate water be supplied in the Gisborne Urban Area for firefighting capacity in accordance with the New Zealand Fire Service Code of Practice.
- Energy / Telecommunications
 - * the potential adverse effects on the operation, maintenance, upgrading and development of future infrastructure.
 - * the adequacy of the proposed reticulated system;
 - * the need for a reticulated system;
 - * the economic feasibility of supplying a reticulated system and the feasibility of other available alternative methods for the supply of energy/telecommunications.
- Roading and Access
 - * the adequacy of accessways, vehicle crossings and roads to enable the sustainable movement of people and vehicles safely and efficiently.

- 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 subdivision, the Council shall have regard to adverse effects on the functioning of any network utility infrastructure.
 3. Those applicants that wish to provide their own infrastructure shall be able to install that infrastructure, while meeting the standards set in this Plan and ensuring that the environment is safeguarded.
 4. 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*
 - * whether a financial contribution will assist in avoiding, remedying or mitigating any adverse effects that the increased density may cause.
 - 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.
 5. When considering whether to grant consent or impose conditions in respect of any resource consent for a subdivision in the Taruheru block regard shall be given to whether the subdivision is designed in accordance with:
 - The development of a pattern of public roads and accesses which is safe and provides sufficient linkages and connectivity to allow for the efficient movement of traffic (including pedestrians and cyclists), opportunities for walking and cycling and for the development of efficient utility networks;

- The extension of the water supply network throughout the block in a manner

that has sufficient connectivity and capacity in order to achieve a high level of security of supply and meet fire safety standards, while minimising the costs of the infrastructure;

- The development of a co-ordinated wastewater network throughout the block which is resource and energy efficient;
- The development of a co-ordinated stormwater network throughout the block which utilises gravity to provide an effective drainage service for all potential residential properties and which incorporates stormwater infrastructure into the landuse pattern in a way that promotes amenity (e.g. maximising alignment of drainage swales in road reserves);
- Promoting compatible land uses in and around transmission lines; promoting a pattern of development designed to minimise the amenity impacts of the transmission lines (e.g. maximising the alignment of road reserves under the lines); and maintenance of minimum safe separation distances from land uses and the transmission lines.

In considering any applications that depart from the concept for the development of infrastructure in Appendix 20 consideration shall also be given to any impact upon arrangements for shared and co-ordinated funding of infrastructure (e.g. financial contribution arrangements).

6. 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.

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.

Policy 12.4.6
 Reference No. 98/02
 ECFIG

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

Explanation and Principal reason (1): There is a need to provide an outfall for stormwater and an adequate reticulation system to dispose of it particularly in the urban environment. The main reason for this is to avoid potential adverse effects on adjoining land caused by inadequate stormwater disposal systems.

In addition to the above, the principal reason for the stormwater policies for the Rural Residential and Rural Lifestyle zones is to make provisions for managing the high water tables to acceptable levels for peri-urban development.

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.

The purpose of sewage policy is to ensure that sewage is disposed of in a suitable manner and compliments the requirements contained in the Regional Discharges to Land and Water, Waste Management and Hazardous Substances Plan. Gisborne urban area has a reticulated network where it is required that waste be disposed. This is to ensure co-ordinated and adequate treatment.

In terms of water provision the purpose is to ensure that there is an adequate supply of water in terms of volume and quality for human consumption.

Telephones and electricity supply are deemed essential services.

Explanation and Principal reasons (2 and 3): Provision of network utility services is critical to the well-being of the community. However it is important that the provision of these services to meet legitimate community needs does not unreasonably compromise the sustainable management of the natural and physical environment. Individuals shall be enabled to install their own infrastructure where the adverse effect on the environment can be avoided, remedied or mitigated.

Explanation and Principle Reason (4): 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 as well as whether a financial contribution would be able to avoid, remedy or mitigate any potential adverse effects.

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 financial 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 Principle Reasons (5): Subdivision implies an ultimate pattern of landuse and supporting infrastructure. To achieve the purpose of the Act, the pattern of subdivision should encourage a development pattern that will promote efficiency and a high level of amenity.

The swale promoted for the Taruheru Block should be incorporated into the area in a way which promotes safety and amenity and which allows for maintenance. A "back section" location should be avoided, as it would likely create a space bordered by high fences, with a low level of passive surveillance, causing safety and amenity issues. It is considered that the best option is to align the swale with roads.

Taking into consideration the existing transmission line corridor, and compliance with the NZCEP 34:2001, will ensure that the safety buffers between the transmission lines and development are incorporated into the area in a positive way, avoiding adverse effects on this existing infrastructure, and health and safety. Additionally, alignment of the proposed roads with the high voltage transmission lines is also promoted, as this will ensure ease of access for maintenance.

Explanation and Principal Reason (6): 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 4.1 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.

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 8-Utilities, Chapter 9-Contaminated Sites, Chapter 10 – Signs, Chapter 14-Financial Contributions.

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

General Rules

The following General Rules shall apply to all subdivision activities:

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.

12.6.1 Subdivisions shall comply with the rules specified in Chapter 13-Esplanades, Chapter 15-Roads, Accessways and Parking.

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.
Rural Residential	1 hectare	Every site shall be capable of containing a rectangle of 50m x 80m.
Rural Lifestyle (Glenelg Corner)	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
Rural General	1000m ²	Nil

Refer to 17.2.5, 21.3, 21.4, 21.5.

Refer to 21.3, 21.4, 21.6, 21.11.1.1, 21.11.1.2.

Refer to 21.3, 21.4, 21.6.

Refer to 21.3, 21.4.

Zone	Minimum Net Area	Shape Factor and Road Frontage Requirements	
Suburban Commercial (Reticulated) (Non-reticulated)	200 m ²	6 m minimum frontage	Refer to 18.3, 18.4, 18.5, 18.6
	1000m ²	7.5 m minimum frontage	
Rural Commercial (Reticulated) (Non-reticulated)	200 m ²	6 m minimum frontage	Refer to 18.3 – 18.6
	1000m ²	7.5 m minimum frontage	
Residential dwellings Inner Residential Zone General Residential and Residential Protection Zones (reticulated) General Residential and Residential Protection Zones (non reticulated) Taruheru 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)	Nil	Refer to 17.26, 17.3 – 17.12, 17.15.2
	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		
	800m ² per unit 1000m ² per unit		
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	Nil	Refer to 17.15.6
	2000m ²	Nil	
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	Refer to 17.6.
General Industrial	800m ²	Nil	
Rural Industrial A zone	1000m ²	Nil	
Rural Industrial B zone	2 hectares	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.

12.6.3 Roads in the Taruheru Block

- a) The pattern of roading and accesses created through the subdivision shall be consistent with the infrastructure plan roads shown in Appendix 20 – Taruheru Block Infrastructure Plan), that is:
 - i) Subject to ii), all roads shown in Appendix 20 (Taruheru Infrastructure Plan) within the site being subdivided shall be provided to the boundary in accordance with the indicated alignment and the applicant shall be responsible for the full cost of forming the roads.
 - ii) The applicant shall not be responsible for the full cost of forming roads where a financial / development contribution is provided. In this case, the pattern of subdivision shall enable the future creation of the road.
 - iii) For clarity, additional roads may be provided that are not shown in Appendix 20.

12.6.4 Underground Services in the Gisborne or Te Karaka Urban Areas

- a) Subject to 12.6.4c), an underground reticulation system for water, sewage, electricity, telecommunications and stormwater shall be installed in any new road reserve or shared accessway developed as a result of a subdivision. Installation shall be to the boundary of the road reserve.
- b) Where there is a shared access way, a reticulated system for water, sewage, electricity, telecommunications and stormwater shall be provided at the terminus of the right-of-way.
- c) Stormwater infrastructure shall instead be provided above ground in the road reserve where consistent with swales in Appendix 20 – Taruheru Block Infrastructure Plan.

Note:

Attention is drawn to the provisions of S459 of the Local Government Act 1977 regarding drains (including sewage connections); and the provisions of the Proposed Regional Plan for Discharges to Land and Water Waste Management and Hazardous Substances.

12.6.5 Water

- a) All new allotments in reticulated areas shall be provided with the ability to connect to the network except where the allotment is for a network utility service, road, reserve or access purposes.
- b) In the reticulated areas fire fighting water supply shall be in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice 2003 SNZ PAS 4509:2003.
- c) A safe and potable water supply shall be shown to be capable of being provided where there is no reticulated supply available.

12.6.6 Stormwater

- a) All new allotments shall be provided within their site area with a means for the disposal of collected stormwater from the roof of all buildings and from all impervious surfaces.
- b) In Rural R and Rural L zones, a site plan shall be submitted, identifying all impervious surfaces, so that they should not exceed 16% of the site area (and any access strip for rear sites).
- c) In Rural R and Rural L zones, discharge and dispersal of stormwater shall not exceed the peak runoff as calculated for conditions prior to development occurring, and runoff from the development site shall not be in a concentrated flow.

PROVIDED THAT:

In respect to b) and c) the 'Gisborne District Council Waru and Haisman Streams Catchment Management and Stormwater Structure Plan, 2008' shall be complied with.

12.6.7 Sewerage

- a) It shall be demonstrated that all new allotments are able to be provided with a practical and sustainable means of disposing of sewage, except where the allotment is for a network utility service, road, reserve or access purposes.
- b) It shall be demonstrated that the reticulation pattern for new allotments in the Taruheru Block is consistent with the wastewater catchments shown in Appendix 20 – Taruheru Block Infrastructure Plan.
- c) In Rural L and Rural Residential zones, the anticipated cumulative effects on surface water and groundwater from on-site disposal of sewage as a result of the development shall be quantified.
- d) That in non-reticulated areas, shallow cut-off drains are to be constructed at the perimeter of the disposal fields to ensure that the surface water does not pond. The cut-off drains should be channelled into the stormwater management system for each property.

Note:

Attention is drawn to the provisions of the Proposed Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Substances.

12.6.8 Energy and Telecommunications

- a) New allotments shall be supplied with energy and telecommunications where:
 - a lot is served by a shared driveway
 - a new road is created as a result of subdivision

Note: Policy 12.4 gives the circumstances where the requirement to provide telecommunications or energy services shall be waived or amended through the consent process.

Where a site is not supplied with telecommunications or energy services at the time of subdivision, the cost for any subsequent provision of those services to the site will be the responsibility of the owner of the site.

12.6.9 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.

12.6.10 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.

12.6.11 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.

12.6.12 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.

*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.*

12.6.13 Fire Service

- a) That in non-reticulated areas, sufficient water volume (storage) will be available to all lots for fire fighting purposes in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ 4509:2003.

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) – i) specified below:

- a) Suitability of building platform.
- b) Suitability of wastewater systems.
- c) Suitability of stormwater systems, and if applicable sub-soil drainage.
- d) The extent to which the amenity values of the surrounding areas are affected.
- e) The extent to which the subdivision conforms to any relevant structure plan for the site e.g. a stormwater catchment management plan.
- f) Financial contributions.
- g) Esplanade reserves:
 - a) the creation of an esplanade strip instead of an esplanade reserve
 - b) the width of any such esplanade reserve or strip
 - c) the appropriateness of the creation of an access strip
 - d) conservation value of the site
 - e) public access to or along the coastal marine area or any strategically important river
 - f) the ability to gain access onto and between an existing or potential future reserve
 - g) recreational opportunity
 - h) the waiver or part-waiver of any such esplanade reserve or esplanade strip.
- h) Any consequential impacts on network utility services; including safe access to and from roads.
- i) 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).

12.7.2 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) – l) 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) Esplanade reserves
- i) Calculation of reserve contributions where an esplanade reserve is required for the same division.
- j) Any consequential impacts on network utility services.
- k) Effects on existing rural activities
- l) 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

- m) Subject to Section 94C of the Act for a restricted discretionary activity resource consent for subdivision in the Taruheru subdivision block, shall not be publicly notified and shall be considered without the approval of affected parties.

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) – f) specified below:

- a) Ensuring that activities do not cause or contribute to land instability
- b) Financial contributions and bonds
- c) Esplanade reserves
- d) Site function
- e) Any consequential impacts on network utility services, including safe access to and from roads
- f) 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) – f) specified below:

- a) Ensuring that activities do not cause or contribute to land instability
- b) Financial contributions and bonds
- c) Esplanade reserves
- d) Site function
- e) Any consequential impacts on network utility services; including safe access to and from roads
- f) 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).

12.9 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 Any subdivision which occurs on a site identified as a known contaminated site

Refer to Appendix 15 – Contaminated Sites and Chapter 9.7.1

12.9.3 Subdivision in Coastal Hazard Overlay 3 (moderate risk area)

Refer to 5.32.1.1.

12.9.4 Subdivision in Coastal Hazard Overlay 4 (safety buffer area)

Refer to 5.33.1.1.

12.9.5 Subdivision in the Coastal Environment Overlay

Refer to 4.3, 4.4, 5.3.4.

12.9.6 Subdivision in the Protection Management Area Overlay

Note:

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

Refer to 5.26.2.1.

12.10 Prohibited Activities

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

- 12.10.1 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**
- 12.10.2 Subdivision to enable new development to occur, except for the provision of esplanade reserves in Coastal Hazard Overlay 1 (Extreme Risk)**
- 12.10.3 Subdivision for new commercial or residential development in Coastal Hazard Overlay 2 (High Risk Area)**

Refer to 5.30.2.1.

Refer to 5.31.2.1.

12.11 ANTICIPATED ENVIRONMENTAL RESULTS

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