SUBDIVISION – SUB

Overview

Subdivision is the legal process of creating new titles to parcels of *land*. *Subdivision* can be fundamental to enabling growth and industry. The council will support *subdivision* that is well designed, is located in the appropriate locations anticipated by the District Plan, with the appropriate capacity for servicing, and integrated transportation.

The District Plan recognises a fundamental relationship between *subdivision* and subsequent land use and a need to ensure that the *subdivision* of *land* creates *allotments* suitable for their intended use. Although *subdivisions* are not land use activities, the use of *land* and the *subdivision* of *land* are linked in terms of potential *effects*, including on character and amenity, and cannot be easily separated.

Subdivision determines patterns of land use. Therefore, *subdivision* has a transformative influence on land use and the *effects* of land use on the *environment*. For this reason, the District Plan controls *subdivision* in order to influence land use decisions, considering the future activities, character and amenity, as well as *infrastructure* provision and site constraints.

It is important that the design and layout of a *subdivision* responds to any constraints on the ability for the *allotments* to be developed. Constraints may include physical, natural, cultural, historical or ecological features, values and resources contamination or *natural hazard* risk within or adjoining the *site*, and the ability to service the *allotments*, without compromising or adversely impacting other *infrastructure*.[1]

Subdivision design must address appropriate transport *access*, connections to electricity and communications networks, and reticulated water, *stormwater* and *wastewater* services in areas where these are available. Larger-scale *subdivision* can also require new *roads*, reserves, and network *infrastructure* to be designed and developed. It is important that *subdivisions* of previously undeveloped areas are planned and designed to integrate with surrounding neighbourhoods, and *transport network* and *infrastructure* network.

The *subdivision* of *land* nearby, and adjacent to, *rivers* raises opportunities for public and customary access to and along *rivers* through creation of *esplanade strips* and *esplanade reserves.*

The Council also has a number Bylaws and/or Code of Practices which have specific requirements with associated approval processes that apply in addition to the rules and standards of this chapter of the District Plan. [2]

[1] Decision 45, paragraph 13.1.22
[2] Decision 30, paragraph 5.12.3

Objectives

SUB-O1 To facilitate the orderly *subdivision* and development of *land*.

SUB-O2 Ensure *subdivision* achieves patterns of land development that are compatible with the purpose, function, character and qualities of each zone.

SUB-O3 *Infrastructure* required to serve the *subdivision* of land is provided in an integrated, efficient and co-ordinated manner.

SUB-O4 *Subdivisions* are designed and developed in a way that:

1. protects significant, physical resources, natural, ecological, historical and cultural features and values ~~and resources~~[3],
2. ~~recognises and provides for the underlying relationships between Ngāi Tahu and the natural environment~~ maintains or enhances mahinga kai values, indigenous vegetation, wetlands and taonga and protects wāhi tapu from inappropriate access or disturbance[4]; and
3. responds to the physical characteristics and constraints of the *site* and surrounding environment.

SUB-O5 *Esplanade reserves* and *esplanade strips* are created through *subdivision* for the purposes stated in section 229 of the Resource Management Act 1991 ~~to contribute to the protection of ecological values and cultural values, provide *natural hazard* mitigation, and provide for public access to and along *rivers*~~.[5]

Policies

SUB-P1 Enable subdivision that creates *allotments* that can accommodate anticipated land use and are consistent with the purpose, character, and qualities of the applicable zone.

SUB-P2 Require size and shape of new *allotments* created, and the provisions for *access* and *infrastructure*, to be suitable for the location and future use of the *land*.

SUB-P3 ~~Ensure~~ Design and layout *subdivisions* ~~are designed to~~ so as to avoid, remedy or mitigate ~~and manage *effects* from *site* constraints, including but not limited to topography, the *national grid,* and *significant natural areas*~~ any constraints on the ability for *allotments* created to be developed[6].

[3] Decision 36, paragraph 4.3.5
[4] Decision 36, paragraph 4.3.7
[5] Decision 36, paragraph 4.4.2
[6] Decision 36, paragraph 4.5.8

SUB-P4 ~~Significant~~ Avoid a *natural hazard* risk that creates a danger to people and property ~~is avoided~~ and for other *natural hazard* risk ~~is~~ manage~~d~~ and mitigate~~d~~ that risk through mitigation measures such as compliance with ~~lot~~ *allotment* density and minimum floor levels.[7]

SUB-P5 ~~Ensure~~ Avoid, remedy or mitigate *reverse sensitivity effects* from *subdivision* on adjacent land uses, including *critical infrastructure*. ~~are avoided or managed, including from adjacent land uses, railway lines and States Highways~~[8]

SUB-P6 Require works associated with *subdivision* to be carried out in conformity with Council's standards.

SUB-P7 Ensure *subdivision* is appropriately serviced and integrated with existing or planned *infrastructure* that is provided in ~~an~~ a safe[9], efficient, integrated and co-ordinated manner by:

1. ~~Ensuring~~ Requiring *infrastructure* networks to have sufficient capacity to accommodate the additional development, ~~and requiring~~ with any necessary upgrades to be completed at the time of *subdivision*; [10]
2. Requiring *infrastructure* to be installed at the time of *subdivision*, except for on-*site infrastructure* that cannot be determined until the *allotment* is developed or for *boundary adjustments*;
3. Requiring *allotments* to connect to the Council's reticulated systems where practicable;
4. Ensuring that sufficient provision has been made for legal and physical access to each *allotment* created by the *subdivision*;
5. In urban areas, require access to and provision for walking and cycling infrastructure through subdivision design;
6. Requiring *allotments* to have access to a water supply suitable for firefighting;
7. Requiring all *sites* to have legal and physical *access* to electricity and opportunity for telecommunications;
8. Encouraging initiatives to reduce water demand and *water* use, such as roof rain water capture and use and *greywater* recycling; and
9. Encouraging *subdivision* layout and orientation which supports energy efficiency and conservation for future land uses.

[7] Decision 44, paragraph 7.2.4
[8] Decision 36, paragraph 4.7.4
[9] Decision 36, paragraph 4.8.4
[10] Decision 36, paragraph 4.8.4

10. Requiring subdivision designs to provide for the treatment and safe disposal of stormwater that avoids any increase in overland flows, flooding or erosion risk; and[11]
11. Requiring subdivision designs to provide for the integration of social infrastructure that supports the well-being and connectivity of future residents, including access to community facilities, public amenities, and open spaces. [12]

SUB-P8 Recognise there will be certain *subdivision* activities, such as *boundary adjustments*, that will not require the provision of services.

SUB-P9 Require the undergrounding of all services associated with the development of subdivided *land*, except:

1. Telecommunications in the General Rural and Rural Lifestyle zones where suitable alternative unreticulated options are available; and
2. Electricity in the General Rural zone, where it is not feasible or practical to underground these services.

SUB-P10 Encourage *subdivision* design that includes the joint use of *stormwater* and flood management networks with open spaces and *pedestrian*/cycling transport corridors and recreational opportunities where these opportunities arise and will maintain the natural character and ecological values of *wetlands* and ~~waterways~~ water bodies.

SUB-P11 Over time build up connected *esplanade reserves* and *esplanade strips* through requiring *esplanade reserves* and *esplanade strips* to be provided at time of *subdivision* along *rivers* and lakes in accordance with section 230 of the Resource Management Act.

SUB-P12 Encourage *access strips* to be provided to connect *esplanade reserves* and *esplanade strips* with public open spaces, *roads*, *pedestrian* paths or cycleways.

SUB-P13 *Subdivision* and development in the General Rural zone ~~preserves~~ protects[13] the productive capability of rural land and high value soils.

SUB-P14 Enable infill *residential* development in the General Residential Zone where it meets density requirements and can accommodate a *residential unit* that can comply with District Plan rules and standards.

[11] Decision 36, paragraph 4.8.4
[12] Decision 36, paragraph 4.8.4
[13] Decision 36, paragraph 4.11.3

SUB-P15 Encourage ~~Enable~~ comprehensive redevelopment of *sites* in the Medium Density Residential Zone by requiring subdivisions to be cohesive and integrated developments, only allowing ~~avoiding the creation of multiple vacant *allotments* or~~ undersized *allotments* where they meet the land use density requirements and are specifically designed ~~unless they are created~~ around existing or proposed *residential units.*[14]

SUB-P16 Ensure that *subdivision* and changes to the use of *land* that result from *subdivision* do not reduce the values of heritage features and other protected items scheduled or identified in the District Plan.

SUB-P17 Enable *subdivision* design that that responds to the cultural constraints and characteristics of the *site* through avoiding incompatible development in culturally unsuitable areas, and celebrating culturally important attributes in order to contribute to a unique sense of place.

SUB-P18 Adopt appropriate *subdivision* design to:

1. Protect Outstanding Natural Landscapes, Outstanding Natural Features, *Significant Natural Areas* and Areas of *Significant Indigenous Vegetation*; ~~and enhance natural features and landscapes, vegetation and ecosystems and indigenous *biodiversity*. that are of a sufficient value that they should be retained~~
2. Manage any significant adverse *effects* on other indigenous biodiversity by applying the *effects management hierarchy*; and
3. Mange other adverse *effects* that may adversely affect indigenous biodiversity in a manner that gives *effect* to the objective and policies of the National Policy Statement for Indigenous Biodiversity.[15]

SUB-P19 Recognise that there is an expectation by future landowners that the key *effects* of and resources required by anticipated *land* uses will have been resolved through the *subdivision* approval process.

SUB-P20 In relation to Development Areas, require any *subdivision* to achieve the outcomes sought by the Outline Development Plan for the Development Area.

SUB-P21 Discourage non-compliance with minimum *allotment* sizes.

SUB-P22 Avoid *subdivision* in the *National Grid Subdivision Corridor* where future activities may result in adverse *effects* on the *National Grid*, including *reverse sensitivity effects*, that would compromise the operation, maintenance, upgrading and development of the *National Grid*.[16]

[14] Decision 36, paragraph 4.12.2
[15] Decision 45, paragraph 13.1.22
[16] Decision 36, paragraph 4.5.8

~~Notes~~[17]

~~**Note 1**~~	~~**Provisions in Other Chapters**~~
	~~The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole.~~ ~~This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua.~~
~~**Note 2**~~	~~**Gore District Council Subdivision and Land Development Engineering Standards**~~
	~~The Gore District Council Subdivision and Land Development Bylaw 2019 provides layout and design standards that apply to construction and *land* development activities. In addition to the requirements of the District Plan, compliance is the required with the provisions and processes of the Bylaw, or any subsequent Council Engineering Code of Practice replacing it.~~
~~**Note 3**~~	~~**Other Regulations**~~
	~~The provisions of the National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health which apply where a HAIL activity has been undertaken on the *land* subject to specified activities and *subdivision*. In certain circumstances resource consent will be required from the Gore District Council.~~

Rules

SUB-R1	***Boundary Adjustments***	
All areas except Development Areas	*Subdivision* to undertake a *boundary adjustment:* **Activity status:** Controlled Where: 1. No additional separately saleable ~~lots~~ *allotments* ~~-~~are created;	**Activity status where compliance is not achieved:** [26] ~~Where SUB-R1(1) to (9) are not achieved, the activity is subject to the subdivision rules SUB-R5 to SUB-R13 below.~~ **SUB-R1(1), SUB-R1(2), SUB-R1(3):** SUB-R7 applies **SUB-R1(4):** SUB-R7 and SUB-~~R10~~R11 applies

[17] Decision 36, paragraph 3.2.2
[26] Decision 36, paragraph 5.6.2

2. The areas of the resultant *allotments* ~~lots~~ either:[18]

   a. comply with the minimum ~~lot~~ *allotment* size requirement for the zone (where applicable) ~~or~~

   b. if any existing *allotments* ~~lots~~ are less than the minimum ~~lot~~ *allotment* size requirement, the ~~lot~~ *allotment* is not decreased in size; or

   c. for zones with no minimum ~~lot~~ *allotment* size, no *allotment* ~~lot~~ is created that is smaller than the size of the smallest existing ~~lot~~ *allotment*;

   and

3. ~~Lots~~ *Allotments* must be immediately adjoining each other;

4. The *site* does not contain a *historic heritage* item or *site* listed in the Historic Heritage Schedule;

5. The *site* does not contain a protected tree or group of trees listed in *Notable Trees* Schedule

6. [19];The *site* does not contain:

   a. *Significant Natural Area;*

   b. an Outstanding Natural Landscape or Feature; or

   c. an area of *indigenous vegetation;* or

SUB-R1(5): SUB-R7 and SUB-~~R11~~R12 applies

[27]SUB-R1(6): Restricted Discretionary

Where:

1. No new boundary is created within:

   (a) a *Significant Natural Area*;

   (b) an area of *Indigenous Vegetation*; or

   (c) an Outstanding Natural Landscape or Feature.

   Matters of Discretion

   1. The matters of control listed in SUB-R1; and

   2. Adverse effects on the characteristics and values of the feature, including considerations of visual impact, natural character, and ecological integrity.

Activity status where compliance not achieved with SUB-R1(6)(1): SUB-R7 and SUB-R~~14~~15 applies

SUB-R1(7): SUB-R7 applies

SUB-R1(8): SUB-R7 and where relevant SUB-R~~15~~16 applies

SUB-R1(9): SUB-R8, SUB-R9 and SUB-R10 applies dependant on DEV area

[18] Decision 36, paragraph 5.1.9
[19] Decision 45, paragraph 13.1.22
[27] Decision 45, paragraph 13.1.22

7. The *site* does not contain a *wastewater* treatment facility ~~or water supply treatment facility~~ [20] buffer area;
8. The *site* does not contain land ~~within land~~ mapped in the District Plan as being ~~subject to actual or potential inundation~~ Subject to Actual or Potential Inundation, Flood Bank Mitigation Area or Mataura River Floodway; and
9. The site is not within development areas DEV1, ~~and~~ DEV2 and DEV3[21].

Matters of Control:

1. The ~~design and~~[22] provision of *access*; ~~and~~
2. The provision~~, design and construction~~[23] of *infrastructure* and services; ~~and~~
3. The requirement for any easements to legalise *access* and services; ~~and~~
4. ~~4.~~ The need for a *consent notice;* ~~*and*~~
5. Management of *stormwater* and the potential for overland flows; and[24]

[20] Decision 36, paragraph 5.1.17 and Decision 23, paragraph 3.3.6
[21] Consequential to Decision 12 McNab
[22] Consequential to Decision 30 Transport
[23] Consequential to Decision 30
[24] Decision 36, paragraph 4.9.2

	6. Management of potential *reverse sensitivity effects* on existing *land* uses, including *critical infrastructure* and *network utilities*.[25]	
SUB-R2	**Conversion of unit title or cross lease to freehold**	
All areas	*Subdivision* to convert an existing cross lease, company lease, or unit title to freehold: **Activity status:** Controlled Where: 1. Every title or leased area has legal *access* to a *road*; 2. Every title or leased area is supplied with a potable water supply; and 3. Every title or leased area is supplied with a connection to a reticulated *wastewater* network, where the *site* is located in a reticulated *wastewater* network. **Matters of control:** 1. The design and provision of *access*; ~~and~~ 2. The provision, ~~design and construction~~[28] of *infrastructure* and services; and 3. The requirement for any easements to legalise *access* and services and any necessary *consent notices*.	**Activity status where compliance is not achieved:** [29] ~~Where SUB-R2(1) to (3) are not achieved, the activity is subject to the subdivision rules SUB-R5 to SUB-R13 below.~~ Discretionary

[25] Decision 36, paragraph 5.1.14
[28] Consequential to Decision 30
[29] Decision 36, paragraph 5.6.2

SUB-R3	Alteration to a cross lease plan	
All areas	*Subdivision* to alter an existing cross lease, company lease, or unit title plan: **Activity status:** Controlled Where: 1. Every title or leased area has legal *access* to a *road*; 2. Every title or leased area is supplied with a potable water supply; and 3. Every title or leased area is supplied with a connection to a reticulated *wastewater* network, where the *site* is located in a reticulated *wastewater* network. **Matters of Control:** 1. The ~~design and~~[30] provision of *access*; ~~and~~ 2. The provision~~, design and construction~~[31] of *infrastructure* and services; and 3. The requirement for any easements to legalise *access* and services and any necessary *consent notices*.	**Activity status where compliance is not achieved:** [32] ~~Where SUB-R3(1) to (3) are not achieved, the activity is subject to the subdivision rules SUB-R5 to SUB-R13 below.~~ Discretionary
SUB-R4	***Subdivision* resulting in no additional ~~lots~~ records of title[33] created**	
All areas except	Any *subdivision,* that does not create any additional Record of Title and is not a *boundary adjustment*:	**Activity status where compliance is not achieved:** [42]

[30] Consequential to Decision 30
[31] Consequential to Decision 30
[32] Decision 36, paragraph 5.6.3
[33] Decision 36, paragraph 5.3.9
[42] Decision 36, paragraph 5.6.4

Development Areas	**Activity status:** Controlled Where: 1. No additional separately saleable ~~lots~~ *allotments* or Record of Titles are created; 2. The combined areas of the resultant ~~lots~~ *allotments* either comply with the minimum ~~lot~~ ~~*allotment*~~ size requirement for the zone (where applicable), or for zones with no minimum ~~lot~~ *allotment* size, no title is created that is smaller than the size of the smallest existing title area; ~~and~~ 3. ~~Lots~~ *Allotments* must be immediately adjoining each other or separated by a Legal Road parcel only; 4. The site does not contain a *historic heritage* item or site listed in the Historic Heritage Schedule; 5. The site does not contain a protected tree or group of trees listed in *Notable Trees* Schedule 6. [34] ~~The site does not contain~~ No new boundary line is within a a *Significant Natural Area*; or b an Outstanding Natural Landscape or Feature; or c an area of *indigenous vegetation*;	~~Where SUB-R4(1) to (9) are not achieved, the activity is subject to the subdivision rules SUB-R5 to SUB-R13 below.~~ **SUB-R4 (1), SUB-R4 (2), SUB-R4 (3):** SUB-R7 applies **SUB-R4 (4):** SUB-R7 and SUB-R11~~10~~ applies **SUB-R4 (5):** SUB-R7 and SUB-R12~~11~~ applies [43]**SUB-R4 (6): Restricted Discretionary** Where: 1. No new boundary is created within: (a) a Significant Natural Area; (b) an Area of Significant Indigenous Vegetation; or (c) an Outstanding Natural Landscape or Feature. Matters of Discretion 1. The matters of control listed in SUB-R4; and 2. Adverse effects on the characteristics and values of the feature, including considerations of visual impact, natural character, and ecological integrity. ~~**Activity status where compliance is not achieved:**~~ ~~SUB-R4 (6): Restricted Discretionary~~ ~~Where:~~ ~~2. No new boundary is created within:~~

[34] Decision 45, paragraph 13.1.22
[43] Decision 45, paragraph 13.1.22

7. The *site* does not contain a~~n~~ *wastewater* treatment ~~facility or water supply treatment~~[35] facility buffer area;
8. The *site* does not contain land within land mapped in the District Plan as being ~~subject to actual or potential inundation~~ subject to Actual or Potential Inundation, Flood Bank Mitigation Area or Mataura River Floodway;
9. The site is not within development areas DEV1, ~~and~~ DEV2 and DEV3[36]; and
10. The subdivision does not result in a new vehicular access to a State Highway[37]

Matters of control:

1. The ~~design and~~[38] provision of *access*; ~~and~~
2. The provision~~, design and construction~~[39] of *infrastructure* and services; ~~and~~
3. The requirement for any easements to legalise *access* and services; ~~and~~
4. The need for a *consent notice;*
5. Management of *stormwater* and the potential for overland flows; and[40]

~~(a) a Significant Natural Area;~~

~~(b) an Area of Significant Indigenous Vegetation; or~~

~~(c) an Outstanding Natural Landscape or Feature.~~

~~Matters of Discretion~~

~~1. The matters of control listed in SUB-R4; and~~

~~2. Adverse effects on the characteristics and values of the feature, including considerations of visual impact, natural character, and ecological integrity~~

Activity status where compliance not achieved with SUB-R4(6)(1): SUB-R7 and SUB-R15~~14~~ applies

SUB-R4 (7): SUB-R7 applies

SUB-R4 (8): SUB-R7 and where relevant SUB-R16~~15~~ applies

SUB-R4 (9): SUB-R8, ~~and~~ SUB-R9 and SUB-R10 applies dependant on DEV area

SUB-R4 (10): SUB-R7 applies

[35] Decision 36, paragraph 5.1.18 and Decision 23, paragraph 3.3.6
[36] Consequential to Decision 12
[37] Decision 36, paragraph 5.3.7
[38] Consequential to Decision 30
[39] Consequential to Decision 30
[40] Decision 36, paragraph 4.9.2

	6. Management of potential *reverse sensitivity effects* on existing *land* uses, including *critical infrastructure* and *network utilities*. [41]	
[44]**SUB-R5**	**Certification of existing *allotments* under s226 of the RMA 1991**	
	Applications for certification of allotments on an existing survey plan under section 226(1)(e)(ii) **Activity Status:** Controlled Where; 1. The *allotments* ~~lots~~ are existing *allotments* not bound by way of an amalgamation condition or covenant; 2. The *site* does not contain *land* mapped in the District Plan as being Subject to Actual or Potential Inundation, Flood Bank Mitigation Area or Mataura River Floodway; 3. The *site* does not contain a *historic heritage* item or *site* listed in the Historic Heritage Schedule; 4. The *site* does not contain a protected tree or group of trees listed in *Notable Trees* Schedule; 5. The *allotments* comply with the following: a. SUB-S1 – Minimum *allotment* ~~Lot~~ Size; b. SUB-S2 – ~~Lot~~ *Allotment* Dimension; c. Existing *buildings* on *site* comply with *setback* standards, *height in relation to boundary* and	**Activity status where compliance is not achieved:** **SUB-R5 (1):** SUB-R7 applies **SUB-R5 (2):** SUB-R7 and where relevant SUB-R16~~15~~ applies **SUB-R5 (3):** SUB-R7 and SUB-R11~~10~~ applies **SUB-R5 (4):** SUB-R7 and SUB-R12~~11~~ applies **SUB-R5 (5):** SUB-R7 applies **SUB-R5 (6):** SUB-R7 and SUB-R15~~14~~ applies **SUB-R5 (7):** SUB-R7 applies

[41] Decision 36, paragraph 5.3.6
[44] Decision 36, paragraph 5.5.6

building coverage standards of the relevant zone chapter, as they relate to new title *boundaries* enabled by s226 certification; and

d. *Access* to each *site* complies with TRANS-S5, TRANS-S6 and TRANS-S7.

6. [45]No new boundary line is within:

a a Significant Natural Area; or
b an Outstanding Natural Landscape or Feature; or
c an area of indigenous vegetation.
d ~~the Hokonui Hills Area~~

7. ~~Lots~~ *Allotments* within the General Residential Zone, Medium Density Residential Zone, Neighbourhood Centre Zone, Local Centre Zone; Mixed Use Zone Chapter; Town Centre Zone; Light Industrial Zone and General Industrial Zone have water supply and *wastewater infrastructure* connected to the *boundary* where available.

Matters of control:

1. The provision of *access*;
2. The provision of services; and
3. The adequacy of measures to address the risk of *natural hazards* including overland flows.

[45] Decision 45, paragraph 13.1.22

[46]SUB-R6	***Subdivision* of land solely to create an *allotment* that is for the purpose network utilities**	
	Subdivision to create any site to be used solely for the provision of network utilities **Activity status:** Controlled Where: 1. Other than the site(s) created for network utilities, there are no more sites after the subdivision than existed before the subdivision. **Matters of control:** 1. The size, design and layout of ~~lots~~ *allotments* for the purpose of network utilities; 2. Legal and physical *access* to and from ~~lots~~ *allotments*; 3. Where relevant, provision of appropriate *infrastructure* and services, including water supply (including firefighting water supply), *wastewater* systems, *stormwater* control and disposal, *telecommunications* and electricity; 4. *Subdivision* design in response to the *sites* and surrounding areas natural and physical features, character, amenity, constraints and vegetation; and 5. Measures to avoid, remedy or mitigate adverse *effects*~~: of~~ on: (a) any *natural hazards* or other risks; (b) any historic heritage or notable tree;	**Activity status where compliance is not achieved:** **SUB-R6 (1):** SUB-R7 applies and where relevant SUB-R11, SUB-R12, SUB-R13, SUB-R14, SUB-R15 and SUB-R16, SUB-R12, SUB-R13, SUB-R14, SUB-R15 and SUB-R16~~10 – SUB-R15~~

[46] Decision 36, paragraph 5.5.2

	(c) a Significant Natural Area, Outstanding Natural Landscape or Feature; (d) or area of *indigenous vegetation*, *waterbodies*, *ecosystems*; (e) existing i*nfrastructure*; and (f) on existing or permitted adjoining or adjacent *land* uses.[47]	
SUB-R~~5~~ 7	***All other subdivision***	
All areas except Development Areas	~~Any *subdivision*, unless provided for in Rules SUB-R1, SUB-R2, SUB-R3, SUB-R4, SUB-R10, SUB-R11, SUB-R12 or SUB-13 is:~~ SUB-R11~~10~~, SUB-R12~~11~~, SUB-R13~~12~~, SUB-R14~~13~~, SUB-R15~~14~~, SUB-R16~~15~~ may also be applicable in addition to this rule. [48] **Activity status:** Restricted Discretionary Where: 1. Standard SUB-S1, SUB-S2 and SUB-S3 are met. **Matters of discretion:** 1. The suitability of *subdivision* design, orientation, ~~lot~~ *allotment* sizes and dimensions; 2. Internal r*oading* design and provision, including *roading* connections for future *subdivision* on *adjoining land;* 3. *Site access*;	**Activity status where compliance is not achieved:** ~~Non-Complying~~ Where relevant SUB-S1, SUB-S2 and/or SUB-S3 apply.[51]

[47] Decision 45, paragraph 13.1.22
[48] Decision 36, paragraph 5.6.5
[51] Decision 36, paragraph 5.4.7

4. Provision for cyclists and *pedestrians*;
5. The effects of traffic generation on the safe and efficient operation of the *transport network*;
6. *Earthworks*, including the alteration of contours, and retention of existing natural features;
7. The provision of *esplanade reserves* and *esplanade strips*.
8. The adequacy of measures to address the risk of *natural hazards* *including overland flows*;
9. Provision for servicing, including water supply, fire-fighting water supply, *wastewater* treatment and disposal, *stormwater* design and disposal, electricity and *telecommunications*;
10. The provision for, or *access* to, open space and recreation;
11. ~~Impacts on and *access* to cultural, natural and ecological value areas including the impacts on any wetland~~ *Effects* on natural features and landscapes, ecosystems and indigenous *biodiversity*;[49]
12. Easements.
13. Impacts on Ngāi Tahu cultural values~~, including those listed in MW-2.3.~~ listed in MW-1,2; and[50]

[49] Decision 36, paragraph 5.4.9
[50] Consequential to Decision 14

	14. *Reverse sensitivity* on adjacent *land* uses, *airports*, railway lines and State Highways.	
SUB-R~~6~~ 8	***Subdivision* in Gore South Development Area**	
DEV1 – Gore South Industrial Development Area	**Activity status:** Restricted Discretionary Where: 1. It is in accordance with the Gore South Industrial Outline Development Plan; 2. It is in accordance with standard SUB-S2; and 3. Is in accordance with standard SUB-S4. **Matters of discretion:** 1. The suitability of *subdivision* design, orientation, ~~lot~~ *allotment* sizes and dimensions; 2. Internal *roading* design and provision, including *roading* connections for future *subdivision* on adjoining *land*; 3. *Site access;* 4. Provision for cyclists and *pedestrians*; 5. The *effects* of traffic generation on the safe and efficient operation of the *transport network*, including the provision of a *Travel Management Plan* which encourages alternative modes of transport; 6. *Earthworks*, including the alteration of contours, and retention of existing natural features; 7. The provision of *esplanade reserves* and *esplanade strips*;	**Activity status where compliance is not achieved with:** **SUB-R~~6~~8(1) and (3):** Discretionary **SUB-R~~6~~8 (2):** Non-Complying

8. The adequacy of measures to address the risk of *natural hazards* including overland flows[52];
9. Provision for servicing, including water supply, fire-fighting water supply, *wastewater* treatment and disposal, *stormwater* design and disposal, electricity and telecommunications;
10. Provision of open space, amenity landscaping, recreation facilities and recreation;
11. Impacts on and *access* to cultural, natural and ecological value areas;
12. Easements;
13. Impacts on Ngāi Tahu cultural values~~, including those listed in MW-2.3.~~ listed in MW-1,2;[53]
14. *Reverse sensitivity* on adjacent *land* uses, including [54]*airports*, railway lines and state highways;
15. The appropriateness of any staging in relation to the overall Outline Development Plan and existing activities; and
16. Where relevant the matters of discretion for DEV1-S1 and DEV1-S2.

[52] Decision 36, paragraph 4.9.2
[53] Consequential to Decision 14
[54] Decision 22, paragraph 4.8.7

SUB-R~~7~~ 9	***Subdivision* in Gore West Development Area**	
DEV2 – Gore West Residential Development Area	**Activity status:** Restricted Discretionary Where: 1. It is in accordance with standard SUB-S1; and 2. It is in accordance with standard SUB-S5. **Matters of discretion:** 1. The suitability of *subdivision* design, orientation, ~~lot~~ *allotment* sizes and dimensions; 2. Internal *roading* design and provision, including *roading* connections for future *subdivision* on *adjoining land*; 3. *Site access*; 4. Provision for cyclists and *pedestrians*; 5. The *effects* of traffic generation on the safe and efficient operation of the *transport network*; 6. *Earthworks*, including the alteration of contours and retention of existing natural features; 7. The provision of *esplanade reserves* and *esplanade strips*. 8. The adequacy of measures to address the risk of *natural hazards* including overland flows[55]; 9. Provision for servicing, including water supply, fire-fighting water supply, *wastewater* treatment and	**Activity status where compliance is not achieved with:** **SUB-R~~7~~9(1):** Non-complying **SUB-R~~7~~9 (2):** Discretionary

[55] Decision 36, paragraph 4.9.2

disposal, *stormwater* design and disposal, electricity and *telecommunications*;

10. Provision of open space, amenity landscaping, and recreation facilities and recreation;
11. Impacts on and *access* to cultural, natural and ecological value areas, including the impacts on any wetland;
12. Easements.
13. Impacts on Ngāi Tahu cultural values, ~~including those listed in MW-2.3.~~ listed in MW-1,2;[56]
14. *Reverse sensitivity* on adjacent *land* uses;
15. The appropriateness of any staging in relation to the overall Outline Development Plan and existing activities; and
16. The extent the proposal is in accordance with the Outline Development Plan.

Additional matters of discretion for *subdivision* within Hazard Area 1 and 2:

17. The appropriateness of the *site* for development and proposed *land* use;
18. Whether the appropriate geotechnical data has been provided; and
19. The appropriateness of the techniques proposed for remediation and mitigation of the *effects* of the hazard

[56] Consequential to Decision 14

	identified i.e. ground strengthening and if these are supported by a suitably qualified and experienced professional.	
SUB-R10[57]	***Subdivision* in McNab Development Area**	
Light Industrial Zone, Rural Industry and Rural Lifestyle Zone Precinct PREC14	**Activity status:** Restricted Discretionary Where: 1. It is in accordance with the McNab Outline Development Plan; 2. It is in accordance with standard SUB-S2 and SUB-S6; 3. A Traffic Impact Assessment and Management Plan prepared by a suitably qualified and experienced person is provided to assess traffic *effects* on the safe and efficient operation of the *transport network* arising from permitted activities on the new ~~lots~~ *allotments* created; and 4. For *land* within the Light Industrial Zone, a Lighting and *Glare* Management Plan prepared by a suitably qualified and experienced person is provided to assesses *glare* and lighting *effects* on the safe and efficient operation of State Highway 1. **Matters of discretion:** 1. The suitability of *subdivision* design, orientation, ~~lot~~ *allotment* sizes and dimensions.	**Activity status where compliance is not achieved:** Discretionary

[57] Decision 12

2. Internal *roading* design and provision, including *roading* connections for future *subdivision* on *adjoining land.*
3. The standard of any *access* or *road* connection to the McNab Development Area from McKinnon Road or State Highway 1.
4. Improvements to *transport network* including the McKinnon Road/Talbot Street and Talbot Street/State Highway 1 intersections.
5. For land within the Light Industrial Zone, measures and their timing to mitigate the *effect* of light and *glare* from traffic and activities on the safe and efficient operation of users of State Highway 1.
6. The outcome of any consultation undertaken with New Zealand Transport Agency Waka Kotahi.
7. *Earthworks*, including the alteration of contours, and retention of existing natural features.
8. The adequacy of measures to address the risk of *natural hazards* including overland flows.
9. Provision for servicing, including water supply, fire-fighting water supply, *wastewater* treatment and disposal, *stormwater* design and disposal, electricity and *telecommunications*.
10. Impacts on and *access* to natural and ecological value areas.
11. Impacts on Ngāi Tahu cultural values, as listed in MW-1.2.

	12. Easements. 13. Where relevant the matters of discretion for DEV3-R3, DEV3-S1 and DEV3-S2.	
SUB-R~~8~~ 11	***Subdivision* and *Historic Heritage***	
Historic Heritage	**Activity status:** Restricted Discretionary Where: 1. *The subdivision* is of a *site* containing a *historic heritage item* or an *archaeological site* listed in a *Historic Heritage* Schedule. **Matters of discretion:** 1. Any adverse *effects* on each *historic heritage item* or *archaeological site*. These *effects* include, but are not limited to: (a) whether the size and shape of the *sites* are adequate to contain each *historic heritage item* or *archaeological site* within its setting; (b) whether the size and shape of the *sites* are adequate to maintain *access* to and *maintenance* of the *historic heritage item* or *archaeological site* to protect heritage values; ~~and~~ (c) whether the *historic heritage* values can be retained and protected if the *land* is subdivided;	**Activity status where compliance is not achieved:** N/A [58]

[58] Decision 36, paragraph 5.6.6

	(d) whether there are measures to minimise obstruction of public *access* and/or views of the *heritage item* or *archaeological site* from adjoining public spaces, where relevant and appropriate; and (e) whether *subdivision* will continue to provide customary *access* to an identified culturally significant mahinga kai *site*. And where the item or *site* is listed with Heritage New Zealand Pouhere Taonga: 2. Whether Heritage New Zealand Pouhere Taonga has been consulted, and the outcome of that consultation.	
SUB-R~~9~~ 12	***Subdivision* of notable trees**	
Notable Trees	**Activity status:** Restricted Discretionary Where*:* 1. *The subdivision* is of *land* that contains any *notable tree* or trees within a notable group of trees in TREE-SCHED. **Matters of discretion:** 1. The location, design and size of *allotments*, including whether any future *buildings* or *infrastructure* have the potential to compromise the integrity, ongoing viability and health and/or values of the *notable tree(s*) in TREE-SCHED;	**Activity status where compliance is not achieved:** N/A [59]

[59] Decision 36, paragraph 5.6.6

	2. Whether the *subdivision* would assist to protect, maintain or enhance the values of the tree; and 3. Whether the *subdivision* will adversely affect the cultural values of a tree(s) or group of trees of significance to *Māori* communities.	
[60]**SUB-R13**	***Subdivision* within the *National Grid Subdivision Corridor***	
	Activity Status: Restricted Discretionary Where: 1. All resulting *allotments*, except *allotments* for access or a public work, demonstrate that they are capable of locating *buildings* outside of the *National Grid Yard*. **Matters of discretion:** 1. The nature of the *consent notice* or other mechanism proposed to ensure *buildings* are located outside of the *National Grid Yard*; 2. Impacts on the operation, maintenance, upgrade and development of the *National Grid*, including the ability for continued reasonable access to *National Grid transmission lines* and *structures*; 3. The extent to which the *subdivision* allows for *earthworks*, *buildings* and *structures* to comply with the requirements of NZECP34:2001; 4. The extent to which potential adverse *effects* (including visual and *reverse sensitivity effects*) are mitigated through the location of an identified *building platform* or platforms;	**Activity status where compliance not achieved:** Non-complying

[60] Decision 36, paragraph 5.5.4

	5. The extent to which the design and construction of the *subdivision* allows for activities to be *setback* from the *National Grid*; 6. The risk of electrical hazards affecting public or individual safety, and the risk of property damage; 7. The nature and location of any proposed vegetation to be planted in the vicinity of the *National Grid*; and 8. The outcome of any consultation with Transpower New Zealand Limited.	
SUB-R~~10~~ 14	***Subdivision* in Natural Open Space zone, Sport and Active Recreation Zone and Camp Columba Zone**	
Natural Open Space zone, Sport and Active Recreation Zone and Camp Columba Zone	**Activity status:** Discretionary	**Activity status where compliance is not achieved:** N/A
SUB-R~~11~~ 15	[61]***Subdivision* including any area of an Outstanding Natural Landscape, Outstanding Natural Feature or *Significant Natural Area,* Hokonui Hills Area A Significant Indigenous Vegetation, Hokonui Hills Area B Significant Indigenous Vegetation or Hokonui Hills Area C Indigenous Vegetation:**	
Outstanding Natural Landscape, Outstanding	Any subdivision, unless provided for in Rules SUB-R1, SUB-R4, SUB-R5 or SUB-6 is: **Activity status:** Discretionary	**Activity status where compliance is not achieved:** ~~N/A~~ Non - Complying

[61] Decision 45, paragraph 13.1.22

Natural Feature ~~or~~ *Significant Natural Area,* Hokonui Hills Area A Significant Indigenous Vegetation, Hokonui Hills Area B Significant Indigenous Vegetation or Hokonui Hills Area C Indigenous Vegetation:	Where: 1. Standard SUB-S1 is met. ~~Activity status where compliance is not achieved: Non-Complying~~ ~~SUB-R11 legal effect only applies to Significant Natural Area/ Significant Indigenous Vegetation Area~~	
SUB-R~~12~~ 16	***Subdivision* in the Mataura River Floodway**	
Mataura River Floodway	**Activity status:** Non-Complying	**Activity status where compliance is not achieved:** N/A
SUB-R~~13~~ 17	***Subdivision* of a *Minor Residential Unit* off a *Residential Unit***	
All areas	**Activity status:** Non-Complying	**Activity status where compliance is not achieved:** N/A

Standards

SUB-S1	Minimum *Allotment* ~~Lot~~ Size	
All areas	1. No ~~lots~~ *allotments* to be created by *subdivision*, including balance *lots allotments*, ~~shall~~ must have a ~~*net*~~ gross[62] *site area* less than the minimum specified: (a) General Residential Zone – 400m^2 (b) Medium Density Residential Zone – 300m^2 (c) Large Lot Residential Zone – 2,000m^2 (d) Large Lot Residential Precinct 12 – 8,000m^2 (e) Settlement Zone – 2,000m^2 (f) Rural Lifestyle Zone (excluding Gore West Development Area) – 1ha (g) Rural Lifestyle Zone Gore West Development Area - 2,000m^2 provided the average ~~lot~~ *allotment* size over the whole Rural Lifestyle Zone Gore West Development Area is not less than 1 hectare. (h) General Rural Zone – 8ha Except that: (i) This rule does not apply to the Medium Density Zone or General Residential Zone where *allotments* each contain an existing *residential unit*.~~;~~ (ii) ~~There is no minimum density for zones not listed~~	[63]**Activity status where compliance is not achieved with:** **SUB-S1(1)(a)** Where the minimum *allotment* size exceeds 350m^2: Discretionary Where the minimum *allotment* size is less than 350m^2: Non-Complying **SUB-S1(1)(e)** Where the minimum *allotment* size exceeds 1,000m^2: Discretionary Where the minimum *allotment* size is less than 1000m^2: Non-Complying **SUB-S1.1(b), SUB-S1.1(c), SUB-S1.1(d), SUB-S1.1(f), SUB1.1(g) and SUB-S1.1(h):** Non-Complying

[62] Decision 36, paragraph 6.1.6
[63] Decision 36, paragraph 6.1.6 and 23/3.7.6

	~~above, however *site* size for all *subdivisions* is a considered under Rules SUB-R5, SUB-R6 and SUB-R7.~~ *Note: While there is no minimum allotment size listed for other zones, allotment size is a consideration within matters of discretion.*	
SUB-S2	***Allotment*** ~~**Lot**~~ **dimensions**	
All areas	1. The dimensions of *allotments* ~~lots~~ in the following zones, other than for *access*, utilities, reserves or *roads*, ~~shall~~ must be able to accommodate a square of the following dimensions: (a) Medium Density Residential: 12 m x 12 m (b) General Residential: 15 m x 15 m (c) Large Lot Residential and Settlement: 30 m x 30 m (d) Light Industrial and General Industrial: 15 m x 15 m Except that: *(i)* This rule does not apply to the Medium Density Zone or General Residential Zone where *allotments* each contain an existing *residential unit.* ~~(ii) There are no minimum dimensions for zones not listed above, however *site* dimensions for all *subdivisions* is a considered under Rules SUB-R5, SUB-R6 and SUB-R7.~~ *Note: While there is no minimum allotment size listed*	**Activity status where compliance is not achieved:** ~~Non-Complying~~ Discretionary[64]

[64] Decision 36, paragraph 6.2.3

	for other zones, allotment size is a consideration within matters of discretion.	
SUB-S3	**Rear ~~Lots *Allotments*~~**	
Town Centre Zone and Local Centre Zone	1. In the Town Centre and Local Centres Zones, no rear ~~Lot *allotment*~~ ~~shall~~ must be created.	**Activity status where compliance is not achieved:** Non-Complying
SUB-S4	**Gore South Development Area**	
DEV1 – Gore South Industrial Development Area	1. A landscape plan is provided with the resource consent for *subdivision* which shows how landscaping will be provided in accordance with the outline development plan and includes the following: (a) Species and quantity (at least 30 % must be species that will grow to at least 2 metres in *height*); ~~and~~ (b) Retention of any existing vegetation; ~~and~~ (c) Coverage area; ~~and~~ (d) Density of planting; ~~and~~ (e) Percentage of mix; ~~and~~ (f) Anticipated maximum growth rate and height; ~~and~~ (g) An ongoing weed control and maintenance programme; and	**Activity Status when compliance is not achieved:** Discretionary

	2. All necessary *roads* are laid out and constructed in general[65] accordance with the layout shown on the Outline Development Plan; and 3. Existing *road access* to / from State Highway 1 are permanently closed (except this does not apply to any *access* to State Highway 1 authorised by a resource consent under SUB-R6 or DEV1-R1).	
SUB-S5	**Gore West Development**	
DEV2 – Gore West Residential Development Area	1. All necessary *roads* ~~shall~~ must be constructed in general accordance with the layout shown on the Outline Development Plan; ~~and~~ 2. *Roads* are designed and constructed in accordance with the requirements of the Transport Chapter; ~~and~~ 3. *Stormwater* provision ~~shall~~ must be designed and constructed by the developer such that: (a) downstream flooding from the Council's Primary Stormwater and *Wastewater* Network in a 20% AEP rainfall event is not increased; and (b) downstream flooding on any private property in a 1% AEP rainfall event is not increased; ~~and~~ 4. Reticulated water supply provision ~~shall~~ must be designed and constructed by the developer to all development ~~lots~~ *allotments*, other than for *access*, utilities, reserves or *roads*; and	**Activity Status when compliance is not achieved:** Discretionary

[65] Decision 22, paragraph 4.8.11

	5. Reticulated *wastewater* provision ~~shall~~ must be designed and constructed by the developer such that: (a) the overflows of Council's reticulated *wastewater* network during all 20% AEP rainfall events are not increased. Except that: (i) Standards SUB-S5(3), (4) and (5) do not apply to the Rural Lifestyle Zone as on-*site* service provision is permitted.	
SUB-S6	**McNab Development Area**	
DEV3 McNab Development Area	1. A landscape plan is provided with the resource consent for subdivision which shows how landscaping will be provided in accordance with the outline development plan and includes the following: (a) Species and quantity (at least 30 % must be species that will grow to at least 2 metres in height) within 5 years; (b) Retention of any existing vegetation; (c) Coverage area; (d) Density of planting; (e) Percentage of mix; (f) Anticipated maximum growth rate and height; (g) An ongoing weed control and maintenance programme; and	**Activity Status when compliance is not achieved:** Discretionary

2. *Stormwater* provision ~~shall~~ must be designed and constructed by the developer such that:

   (a) downstream flooding on any private property in a 1% AEP rainfall event is not increased.