

Part 22A Subdivision - General Requirements - Rural Zone, Coastal Zone, Wetland Conservation Zone and Forest Conservation

22A.1 General Requirements

22A.1.1 Application of this Rule

- (a) The General Requirements set out in 22A.1 shall apply to the following zones as shown on the planning maps:
 - (i) Rural Zone
 - (ii) Coastal Zone
 - (iii) Wetland Conservation Zone
 - (iv) Forest Conservation Zone

22A.1.2 Consent Required

- (a) Subject to the provisions of the Act, the subdivision of land for any purpose can only proceed following resource consent by the Council and compliance with any conditions of consent.
- (b) No work on the subject land in connection with the subdivision may be commenced without prior written approval from Council, unless it is essential investigatory work or it is a Permitted Activity in the zone.
- (c) Applications shall be in the prescribed form and must contain all the information, assessments and reports as required by the Act and this plan. (Refer also to ' [Rule 52.2](#) - Information for a Subdivision Consent'.)
- (d) The status of the subdivision activity in the Rural, Coastal, Wetland Conservation, and Forest Conservation Zones shall be that stated in Rules [22B.2](#), [22B.3](#), [22B.4](#), [22B.5](#) and [22B.6](#) that follow.

22A.1.3 Assessment and Information Requirements

- (a) Assessment of applications for subdivision in the Rural, Coastal, Wetland Conservation, and Forest Conservation Zones, shall be in accordance with the standards terms and conditions, matters over which Council exercises control or criteria set out in the plan. The general, particular and specific sections that shall apply are set out under the activity status for each type of subdivision.

PARTICULAR SUBDIVISION REQUIREMENTS

In some instances particular sets of rules for particular subdivision types also apply.

- (i) Environmental Lots within the ENVIRONMENTAL ENHANCEMENT OVERLAY AREA (EEOA) - [Rule 22B.11.1](#).
- (ii) Environmental Lots outside the ENVIRONMENTAL ENHANCEMENT OVERLAY AREA (EEOA) - [Rule 22B.11.2](#).
- (iii) AN INCENTIVE TRANSFER LOT within the ENVIRONMENTAL ENHANCEMENT OVERLAY AREA (EEOA) - [Rule 22B.12.2](#).
- (iv) A TRANSFERABLE RURAL LOT RIGHT within the ENVIRONMENTAL ENHANCEMENT OVERLAY AREA - [Rule 22B.12.3](#).
- (v) A TRANSFERABLE RURAL LOT RIGHT outside, or transferred from the ENVIRONMENTAL ENHANCEMENT OVERLAY AREA (EEOA) into the area outside the ENVIRONMENTAL ENHANCEMENT OVERLAY AREA (EEOA) - [Rule 22B.12.4](#)

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- (vi) Network & Other Utility Lots – [Rule 22B.13](#)
 - (vii) Road Severances – [Rule 22B.14](#)
 - (viii) Boundary Relocation or Adjustment – [Rule 22B.15](#)
- (b) Where SITES may be subject to potential hazards, including but not limited to instability, inundation or erosion, a SPECIFIED BUILDING AREA shall be shown on the scheme plan.

Note:

All subdivisions shall also be assessed in terms of the relevant provisions of the Act. In particular, the Act provides for the Council's discretion to refuse consents on land that is or is likely to be subject to erosion, falling debris, inundation, or subsidence (refer to section 106 of the Act) unless the effects will be avoided, remedied or mitigated.

22A.1.4 Reports

- (a) In accordance with the Act, the Council may require an applicant to provide technical or other reports prepared by suitably qualified specialists to address matters pertaining to or arising from the proposal, including:
- (i) Geotechnical/soil mechanics/coastal erosion reports.
 - (ii) Landscape change assessment reports.
 - (iii) Water quality/quantity analyses.
 - (iv) Effluent disposal/soakage field tests and design calculations.
 - (v) Bush quality and condition analysis.
 - (vi) Stormwater flow analysis and design calculations.
 - (vii) Heritage, archaeological, ecological and biological investigations.
 - (viii) Land Use Capability (LUC) Soil assessment reports including the effect of subsequent development on soil resources. LUC soil assessment reports may be required at scales of at least 1:5,000 in order to show accurate soil types more accurately than they are shown on published worksheets. See definition for VERSATILE LAND.
 - (ix) [Intentionally blank]
 - (x) Planting plan where relevant to Environmental Lots
 - (xi) Detailed site investigations in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in [Appendix Of of the Waikato District Plan](#).

22A.1.5 Conditions

Where a resource consent is granted, conditions may be imposed to deal with any matter as provided for by the Act or this plan, and as appropriate to the circumstances, the status of the application, and the effects of the proposal on the environment. This may include:

- (a) Conditions necessary to avoid, remedy or mitigate adverse environmental effects, including the effects relating to compatibility with the context and character of the area, or to ensure environmental benefits sought are achieved, including complementing and enhancing the quality and character of an area, and the way it looks and functions.
- (b) Conditions to be complied with on a continuing basis by any subsequent owner of a newly created

property. These conditions in terms of section 221 of the Act can relate to uses of and developments on the new properties;

- (c) The requirement to remove or put in place, a bond, covenant, consent notice, encumbrance or deed or other legal instrument.

22A.1.6 Non-Complying Aspects

No subdivision may render any land use, building, activity or development 'non-complying', either on the subject SITE or any abutting SITE, without specifically obtaining prior consent to that non-complying aspect, or seeking consent at the time of subdivision.

22A.1.7 Staging

- (a) Where subdivision is to be staged this shall be clearly explained and depicted on plans, in the application and the assessment of environmental effects. Council will not release any one stage unless it is satisfied that all conditions pertaining to that stage have been satisfied, or that appropriate instruments have been entered into in respect of any conditions that have not been satisfied.
- (b) Where a survey plan is submitted for approval the balance area (not subject to the approval) must comply with the relevant provisions of the plan, remain accessible from a legal road, and must not be rendered incapable of accommodating one or more permitted activities.

22A.1.8 Financial Contributions

- (a) Financial contributions will be set at the time of subdivision consent in accordance with the policies and requirements of [Part 10](#) of the plan.
- (b) Esplanade reserves or strips set aside at the time of subdivision are not deemed to be financial contributions (refer to section 108(9) of the Act and [Part 11](#) of the plan).

Notes:

Persons wishing to subdivide land in the vicinity of overhead or underground power lines should note the following, and take it into account in their subdivision design:

- Many power lines on private land are protected by s23 of the Electricity Act 1992, and the land-owner is obliged to allow continuing access to such lines.
- The Electricity (Hazards from Trees) Regulations 2003 place some obligations on land-owners in respect of trees near power lines. Some species are particularly unsuitable for growing near power lines.
- The New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZCEP 34:2001) limits how close to power lines any earthworks, buildings and other structures can be erected.

Further information is available from Counties Power (0800 100 202).