

# Memo

Date 31 May 2024

To: Warren MacLennan Manager Regional, North, West and Island  
 From: Sarah El Karamany – Planning Technician

Subject: **Plan Modification: Clause 20A error correction to Auckland Unitary Plan (Operative in Part 2016) or Hauraki Gulf Islands District Plan (Operative 2018)**

I seek your approval to correct an error pursuant to clause 20A, schedule 1, Resource Management Act 1991:

*A local authority may amend, without using the process in this schedule, an operative policy statement or plan to correct any minor errors.*

You have delegated authority, as a tier four manager, to make a decision to correct an error under clause 20A. Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register authorises all powers, functions, and duties under RMA’s first schedule (except clause 17 which cannot be delegated) to tier four positions.

<b>Provision in AUP or HGI District Plan</b>	Chapter E Auckland-wide, E38 Subdivision - Urban
<b>Subject site and legal description (if applicable)</b>	N/A
<b>Nature of error</b>	A numbering error was made when updating chapter E38 to notify PC78.
<b>Effect of change</b>	A minor numbering error occurred when updating the PDF when PC 78 was notified. This change is to correct a minor error and is neutral (it would not affect the rights of some members of the public).
<b>Changes required to be made (text and/or in-text diagrams)</b>	<p>Amend E38 Subdivision - Urban in Chapter E Auckland-wide.</p> <p><b>E38.8.4 E38.8.3 Standards – residential discretionary activities</b></p> <p>Subdivision listed as a discretionary activity in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions, E38.8.1 General standards in residential zones and E38.8.3 Standards – residential discretionary activities, as relevant.</p> <p><b>E38.8.4.1 E38.8.3.1 Vacant sites subdivision involving parent sites of 1 hectare or greater</b></p> <p>(1) The following standards do not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around</p>

	existing buildings and development.
<b>Changes required to be made (AUP or HGI maps)</b>	N/A
<b>Attachments</b>	Attachment 1: Corrected text

<b>Maps prepared by:</b> N/A Geospatial Specialist	<b>Text Entered by:</b> Sarah El Karamany Planning Technician
<b>Signature:</b>	<b>Signature:</b> 
<b>Prepared by:</b> Sarah El Karamany Planning Technician	<b>Reviewed by:</b> Eryn Shields Team Leader – North/West
<b>Signature:</b> 	<b>Signature:</b> 
<b>Decision:</b> I agree to correct the error under clause 20A, schedule 1, RMA 1991 using my delegated authority  Warren Maclennan Manager Planning - Regional, North, West and Island Date: 4/06/2024	
<b>Signature:</b> 	

## **Attachment 1: Corrected text**

## E38. Subdivision – Urban

### E38.1. Introduction

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location.

#### [new text to be inserted]

Objectives, policies and rules in this section apply to subdivision in all zones except for the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural - Waitākere Foothills Zone, Rural - Waitākere Ranges Zone, Future Urban Zone, and Special Purpose – Quarry Zone which are located in [E39 Subdivision – Rural](#).

### E38.2. Objectives

- (1) Land is subdivided to achieve the objectives of the residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.
- (2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.
- (3) Land is vested to provide for esplanades reserves, roads, stormwater, infrastructure and other purposes.
- (4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.
- (5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (6) Subdivision has a layout which is safe, efficient, convenient and accessible.
- (7) Subdivision manages adverse effects on historic heritage or Maori cultural heritage.
- (8) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the areas.
- (9) Subdivision to protect indigenous vegetation or wetlands is provided for in the residential zones.
- (10) Subdivision:
  - (a) within urban and serviced areas, does not increase the risks of adverse effects to people, property, infrastructure and the environment from natural hazards;

- (b) avoids, where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and
- (c) maintains the function of flood plains and overland flow paths to safely convey flood waters, while taking into account the likely long term effects of climate change.

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[new text to be inserted]

### **E38.3. Policies**

- (1) Provide for subdivision which supports the policies of the Plan for residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.
- (2) Require subdivision to manage the risk of adverse effects resulting from natural hazards in accordance with the objectives and policies in [E36 Natural hazards and flooding](#), and to provide safe and stable building platforms and vehicle access.
- (3) Require subdivision design to respond to the natural landscapes by:
  - (a) avoiding building platforms and, where practicable, infrastructure, on identified or dominant ridgelines on sites zoned Residential – Large Lot Zone or Residential – Rural and Coastal Settlement Zone;
  - (b) locating and designing roads, access and infrastructure in a manner which minimises earthworks; and
  - (c) locating roads and development to follow land contours.
- (4) Require subdivision to be designed to retain, protect or enhance scheduled features including those in the Historic Heritage Overlay and Sites and Places of Significance to Mana Whenua Overlay.
- (5) Provide for subdivision of residential zoned sites containing indigenous vegetation scheduled in the [D9 Significant Ecological Areas Overlay](#) where the significant ecological area is to be protected, and enable the same or a similar number of sites to be created as would be enabled if the site did not contain a significant ecological area.
- (6) Provide for subdivision around existing development, and where it enables creation of sites for uses that are in accordance with an approved land use resource consent and where there is compliance with Auckland-wide and zone rules.
- (7) Provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with Auckland-wide and zone rules.

- (8) Avoid subdivision of minor dwellings or converted dwellings not complying with minimum lot size.
- (9) Require any staged subdivision to be undertaken in a manner that promotes efficient development.
- (10) Require subdivision to provide street and block patterns that support the concepts of a liveable, walkable and connected neighbourhood including:
  - (a) a road network that achieves all of the following:
    - (i) is easy and safe to use for pedestrians and cyclists;
    - (ii) is connected with a variety of routes within the immediate neighbourhood and between adjacent land areas; and
    - (iii) is connected to public transport, shops, schools, employment, open spaces and other amenities; and
  - (b) vehicle crossings and associated access designed and located to provide for safe and efficient movement to and from sites and minimising potential conflict between vehicles, pedestrians, and cyclists on the adjacent road network.
- (11) Require subdivision to be designed to achieve a high level of amenity and efficiency for residents by:
  - (a) aligning roads and sites for maximum sunlight access where topography and parent site shape allows; and
  - (b) aligning sites to the road to maximise opportunities for buildings fronting the road.
- (12) Limiting rear sites to places where the site topography, existing boundaries, natural features, or scheduled places will prevent the creation of front sites.
- (13) Require subdivision to deliver sites that are of an appropriate size and shape for development intended by the zone by:
  - (a) providing a range of site sizes and densities; and
  - (b) providing for higher residential densities in locations where they are supportive of pedestrians, cyclists, public transport and the viability and vibrancy of centres.
- (14) Encourage the design of subdivision to incorporate and enhance land forms, natural features, and indigenous trees and vegetation.
- (15) Encourage shared vehicle access by way of rear lanes where appropriate to avoid the proliferation of vehicle crossings that:

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- (a) creates adverse effects on the safety of the road and footpath;
  - (b) limits opportunities to plant street trees; or
  - (c) creates inefficiencies in the provision of on-street car parking or areas for bus stops.
- (16) Require shared vehicle access to be of a width, length and form that:
- (a) encourages low vehicle speed environments; and
  - (b) provides for the safety of users of the access and the adjoining road network.
- (17) Require sufficient road reserves to accommodate the needs of:
- (a) different types of transport modes;
  - (b) stormwater networks;
  - (c) network utilities; and
  - (d) lighting, street furniture, landscaping and reticulated infrastructure in a way that will not create future safety and maintenance issues.

*Recreation and Amenity Spaces*

- (18) Require subdivision to provide for the recreation and amenity needs of residents by:
- (a) providing open spaces which are prominent and accessible by pedestrians;
  - (b) providing for the number and size of open spaces in proportion to the future density of the neighbourhood; and
  - (c) providing for pedestrian and/or cycle linkages.

*Infrastructure*

- (19) Require subdivision to provide servicing:
- (a) to be coordinated, integrated and compatible with the existing infrastructure network;
  - (b) to enable the existing network to be expanded or extended to adjacent land where that land is zoned for urban development; and
  - (c) to enable electricity and telecommunications services to be reticulated underground to each site wherever practicable.
- (20) Require sites capable of containing a building, in areas where service connections are available to a public reticulated network, to connect to the following networks:

- (a) wastewater;
  - (b) stormwater; and
  - (c) potable water.
- (21) Require sites capable of containing a building, in areas with no reticulated water supply, stormwater or wastewater network, to be of a size and shape that provides for:
- (a) the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding;
  - (b) management of wastewater via:
    - (i) an on-site wastewater treatment system, or
    - (ii) approval to connect to a private wastewater network; and
  - (c) potable water.
- (22) Require subdivision to be designed to manage stormwater:
- (a) in accordance with any approved stormwater discharge consent or network discharge consent;
  - (b) in a manner consistent with stormwater management policies in [E1 Water quality and integrated management](#);
  - (c) by applying an integrated stormwater management approach to the planning and design of development in accordance with stormwater management policies in [E1 Water quality and integrated management](#);
  - (d) to protect natural streams and maintain the conveyance function of overland flow paths;
  - (e) to maintain, or progressively improve, water quality;
  - (f) to integrate drainage reserves and infrastructure with surrounding development and open space networks; and
  - (g) in an integrated and cost-effective way.
- (23) Manage subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure including reverse sensitivity effects, which may compromise the operation and capacity of existing or authorised infrastructure.

*Esplanade Reserves and Strips*

- (24) Require esplanade reserves or strips when subdividing land adjoining the coast and other qualifying water-bodies.



- (25) Avoid reducing the width of esplanade reserve or strip, or the waiving of the requirement to provide an esplanade reserve or strip, except where any of the following apply:
- (a) safe public access and recreational use is already possible and can be maintained for the future;
  - (b) the maintenance and enhancement of the natural functioning and water quality of the adjoining sea, river or other water body will not be adversely affected;
  - (c) the land and water-based habitats on, and adjoining, the subject land area will not be adversely affected;
  - (d) the natural values, geological features and landscape features will not be adversely affected;
  - (e) any scheduled historic heritage places and sites and places of significance to Mana Whenua will not be adversely affected;
  - (f) it can be demonstrated that the reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long term effects of climate change;
  - (g) it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural character and amenity of the coastal environment;
  - (h) a reduced width in certain locations can be offset by an increase in width in other locations or areas which would result in a positive public benefit, in terms of access and recreation;
  - (i) restrictions on public access are necessary to ensure a level of security for business activities in limited circumstances having regard to the policies in [B8.4](#) relating to public access and open space in the coastal marine area; or
  - (j) direct access to the sea or other water body is required for a business activity in limited circumstances.
- (26) Require esplanade reserves rather than esplanade strips unless any of the following apply:
- (a) land has limited conservation and recreational value;
  - (b) conservation and historic heritage values that are present can be adequately protected in private ownership;
  - (c) the opportunity to acquire an esplanade reserve is unlikely to arise but continuity of access is desirable;

- (d) creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership;
- (e) land is subject to natural hazards or stability issues taking into account the likely long term effects of climate change; or
- (f) a marginal strip of at least 20 metres under the Conservation Act 1987 has not been set aside on land that is Treaty Settlement Land.

*Subdivision Variation Control identified in the planning maps*

- (27) Manage the existing pattern and density of subdivision in locations identified in the Subdivision Variation Control shown on the planning maps to protect their low density character.
- (28) Avoid subdivision that detracts from the natural landscape qualities which are defined by the low density settlement pattern.
- (29) Manage subdivision of land where there are known infrastructure constraints.

*Subdivision in Special Character Areas Overlay – Residential and Business*

- (30) Maintain the distinctive pattern of subdivision as identified in the character statements for special character areas.

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[new text to be inserted]

#### **E38.4. Activity table**

Tables E38.4.1 to E38.4.5 specify the activity status of subdivision pursuant to section 11 of the Resource Management Act 1991.

For subdivision within [the D26 National Grid Corridor Overlay](#), the activity status for subdivision in the urban zones as listed in Tables E38.4.1 to E38.4.5 below will apply unless there are different provisions in [D26 National Grid Corridor Overlay](#) in which case the overlay provisions will take precedence.

For subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural - Waitākere Foothills Zone, Rural - Waitākere Ranges Zone, Future Urban Zone, and Special Purpose – Quarry Zone see [E39 Subdivision – Rural](#).

The activities listed in Table E38.4.1 Subdivision for specific purposes may only comprise a specific element of a subdivision activity. The other elements of a subdivision may also be listed in Tables E38.4.2, E38.4.3, E38.4.4, and E38.4.5. Where the proposed subdivision activity fits into activities listed in Table E38.4.1 Subdivision for specific purposes and those listed in tables E38.4.2, E38.4.3, E38.4.4, and/or E38.4.5 then the activity status listed for each activity in each table also applies.

**Table E38.4.1 Activity table - Subdivision for specific purposes**

	<b>Activity</b>	<b>Activity status</b>
(A1)	Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease, or unit title subdivision is not involved	P
(A2)	Subdivision for a network utility	P
(A3)	Conversion of a cross lease to a fee simple title	C
(A4)	Cross lease, company lease, unit title and strata-title subdivision	C
(A5)	Amendments to a cross lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners	C
(A6)	Boundary adjustments which do not exceed 10 per cent of the net site area of each site	C
(A7)	Subdivision of a site with two or more zones or subdivision along an undefined zone boundary	RD
(A8)	Subdivision establishing an esplanade reserve	RD
(A9)	Subdivision establishing an esplanade strip	D
(A10)	Any reduction or waiver of esplanade reserves or strips	D
(A11)	Subdivision of land within any of the following natural hazard areas: <ul style="list-style-type: none"> <li>• 1 per cent annual exceedance probability floodplain;</li> <li>• coastal storm inundation 1 per cent annual exceedance probability (AEP) area;</li> <li>• coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;</li> <li>• coastal erosion hazard area; or</li> <li>• land which may be subject to land instability.</li> </ul>	RD
(A12)	Any subdivision listed in this activity table not meeting the standards in E38.6 General standards for subdivision	D
(A13)	Any subdivision listed in this activity table not meeting the permitted, controlled, or restricted discretionary activities standards in E38.7 Standards for subdivision for specific purposes	D

Table E38.4.2 Activity table - Subdivision in residential zones

	Activity	Activity status
[new text to be inserted]	[new text to be inserted]	[new text to be inserted]
(A14)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.2.1	RD
(A15)	Subdivision around existing buildings and development complying with Standard E38.8.2.2	RD
(A16)	Vacant sites subdivision involving parent sites of less than 1ha complying with Standard E38.8.2.3	RD
(A17)	Vacant sites subdivision involving parent sites of less than 1ha not complying with Standard E38.8.2.3.	D
(A18)	Vacant sites subdivision involving parent sites of 1ha or greater complying with Standard E38.8.3.1	D
(A19)	Vacant sites subdivision involving parent sites of 1ha or greater not complying with Standard E38.8.3.1	NC
(A20)	Subdivision of sites identified in the Subdivision Variation Control complying with Standard E38.8.2.4	RD
(A21)	Subdivision of sites identified in the Subdivision Variation Control not complying with Standard E38.8.2.4	NC
(A22)	Subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay complying with Standard E38.8.2.5	RD
(A23)	Subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay not complying with Standard E38.8.2.5	NC
(A24)	Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business complying with Standard E38.8.2.6	RD
(A25)	Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business not complying with Standard E38.8.2.6	NC
(A26)	Subdivision of a minor dwelling from the principal dwelling where the proposed sites comply with the minimum site size requirement for subdivision in the applicable zone	RD
(A27)	Subdivision of a minor dwelling from the principal dwelling where the proposed sites do not comply with the	Pr

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	minimum site size requirement for subdivision in the applicable zone	
(A28)	Subdivision of a converted dwelling established from the conversion of a principal dwelling existing as at 30 September 2013 where the proposed sites comply with the minimum site size requirement for subdivision in the applicable zone	RD
(A29)	Subdivision of a converted dwelling established from the conversion of a principal dwelling existing as at 30 September 2013 where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
[new text to be inserted]	[new text to be inserted]	[new text to be inserted]
(A30)	Any subdivision listed in this activity table not meeting E38.6 General standards for subdivision	D
(A31)	Any subdivision listed in this activity table not meeting the standards in E38.8 Standards for subdivision in residential zones	D
(A32)	Any subdivision not otherwise provided for in Tables E38.4.1 and E38.4.2	D

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**Table E38.4.3 Activity table - Subdivision in business zones**

	Activity	Activity status
(A33)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.9.2.1	RD
(A34)	Subdivision around existing buildings and development complying with Standard E38.9.2.2	RD
(A35)	Vacant sites subdivision complying with Standard E38.9.2.3	RD
(A36)	Vacant sites subdivision not complying with Standard E38.9.2.3	NC
(A37)	Any subdivision listed in this activity table not meeting the standards in E38.6 General standards for subdivision	D
(A38)	Any subdivision listed in this activity table not meeting standards in E38.9 Standards for subdivision in the business zones	D

(A39)	Any subdivision not otherwise provided for in Tables E38.4.1 and E38.4.3	D
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**Table E38.4.4 Activity table - Subdivision in open space zones**

	Activity	Activity Status
(A40)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.10.1.1	RD
(A41)	Subdivision around existing buildings and development complying with Standard E38.10.1.2	RD
(A42)	Any subdivision listed in this activity table not meeting the standards in E38.6 General standards for subdivision	D
(A43)	Any subdivision not otherwise provided for in Tables E38.4.1 and E38.4.4	D

**Table E38.4.5 Activity table - Subdivision in all other zones excluding those covered by E39 Subdivision - Rural**

	Activity	Activity status
(A44)	Any subdivision not meeting the standards in E38.6 General standards for subdivision	D
(A45)	Subdivision not otherwise provided for in Table E38.4.1	D

**E38.5. Notification**

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(1) An application for resource consent for a controlled activity listed in Table E38.4.1 Activity table - Subdivision for Specific Purposes will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.

(2) Any application for resource consent for an activity listed in Tables E38.4.1 to E38.4.5 Activity tables and which is not listed in E38.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

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**[new text to be inserted]**

(3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

**E38.6. General standards for subdivision**

All subdivision listed in Tables E38.4.1 to E38.4.5 Activity tables must comply with the standards set out in E38.6 General standards for subdivision unless otherwise specified, as well as the standards in E38.7 Standards for subdivision for specific purposes to E38.10 Standards for subdivision in open space zones as relevant.

#### **E38.6.1. Site size and shape**

- (1) Except where the purpose of the site is for a network utility (including a site to be vested in Council), sites must meet one of the following:
  - (a) in residential zones and business zones - a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones;
  - (b) be in accordance with an approved land use resource consent; or
  - (c) be around an existing lawfully established development.

#### **E38.6.2. Access and entrance strips**

- (1) All proposed sites must be provided with legal and physical access to a road, unless they meet one of the following:
  - (a) are being created for reserves and network utilities; or
  - (b) will be amalgamated with another site that already has legal and physical access to a road.
- (2) Entrance strips must be less than 7.5 metres wide unless otherwise stated.

#### **E38.6.3. Services**

- (1) For all proposed sites capable of containing a building, or for cross lease or unit title, strata title, company lease, each lot must be designed and located so that provision is made for the following services:
  - (a) collection, treatment and disposal of stormwater;
  - (b) collection, treatment and disposal of wastewater;
  - (c) water supply;
  - (d) electricity supply; and
  - (e) telecommunications.
- (2) Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.

#### **E38.6.4. Staging**

- (1) Where a subdivision is to be carried out in stages, the applicant must provide adequate detail of the proposed timetable and sequencing of the staging at the time they apply for the overall subdivision consent. This must include all of the following:

- (a) the time period over which the development is likely to take place;
- (b) the areas of land subject to the proposed stages; and
- (c) the balance area of the site remaining after the completion of each stage.

**E38.6.5. Overland flow paths**

- (1) All subdivision must be designed to incorporate overland flow paths on the site.
- (2) Stormwater must exit the site in a location that does not increase the risk of hazards to downstream properties.

**E38.6.6. Existing vegetation on the site**

- (1) All subdivision plans, excluding subdivision plans for boundary adjustments, must show any of the following features that exist on, or on the boundary of, the land being subdivided:
  - (a) any areas identified as Significant Ecological Area in the Significant Ecological Areas Overlay; or
  - (b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.

**E38.7. Standards for subdivision for specific purposes**

**E38.7.1. Standards – specific purposes permitted activities**

Subdivision listed as permitted activities in Table E38.4.1 Subdivision for specific purposes must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.7.1 Standards – specific purposes permitted activities.

**E38.7.1.1. Lease in excess of 35 years of a building or part of a building where a cross lease, company lease or unit title subdivision is not involved:**

- (1) The subject building must be lawfully established.
- (2) The boundaries of the proposed sites must follow existing or proposed walls, ceilings and floors.
- (3) The scheme plan must show the proposed sites in relation to the exterior of the building and provide upper and lower elevations in terms of a datum to be established.
- (4) Each lease area must have either frontage to a legal road or allow for access through common areas to a legal road.



**E38.7.1.2. Subdivision for a network utility**

- (1) The network utility activity must:
  - (a) be a permitted activity pursuant to [E26 Infrastructure](#); or
  - (b) have all resource consents or notices of requirements approved.
- (2) A covenant or consent notice will be required to state that land that is no longer required for the network utility after it disestablishes must be amalgamated with the adjoining land.
- (3) The balance sites must comply with the relevant overlays, Auckland-wide and zone standards, other than the minimum site size, unless resource consent has been granted for any infringements.
- (4) Sites must have access to a legal road through an appropriate legal mechanism.

**E38.7.2. Standards – specific purposes controlled activities**

Subdivision listed as controlled activities in Table E38.4.1 Subdivision for specific purposes must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.7.2 Standards – specific purposes controlled activities.

**E38.7.2.1. Boundary adjustments which do not exceed 10 per cent of the net site area of each site**

- (1) All sites prior to the boundary adjustment must be contained within the same zone.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.

**E38.7.2.2. Conversion of a cross-lease to a fee simple title**

- (1) All existing development must meet one of the following:
  - (a) comply with the relevant overlays, Auckland-wide and zone rules;
  - (b) be in accordance with an approved resource consent;
  - (c) have existing use rights;
  - (d) be in accordance with an approved building consent,
  - (e) have a code of compliance certificate, or
  - (f) have a certificate of acceptance.

- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.

**E38.7.2.3. Cross lease, company lease, unit title and strata-title subdivision; and Amendments to a cross lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners**

- (1) All buildings must meet one of the following:
  - (a) have existing use rights;
  - (b) comply with the relevant Auckland-wide and zone rules; or
  - (c) be in accordance with an approved land use resource consent.
- (2) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.
- (3) Subdivision consent affecting a building or any part of a building and any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant overlays, Auckland-wide and zone rules.
- (4) Parking spaces must not be created as principal units, unless provided for by a resource consent. Instead parking spaces must be created as accessory units or common areas when associated with an approved use or activity.
- (5) All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.

**E38.7.3. Standards – specific purposes restricted discretionary activities**

Subdivision listed as restricted discretionary activities in Table E38.4.1 Subdivision for specific purposes must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.7.3 Standards – specific purposes restricted discretionary activities.

**E38.7.3.1. Subdivision of a site with two or more zones or subdivision along an undefined zone boundary**

- (1) Where a site has two or more zones the lot boundaries of the subdivision must follow, as near as possible to, the zone boundaries.
- (2) Where a proposed site is located entirely within a single zone, the proposed site must comply with the relevant subdivision standards for that zone.

- (3) The lots created must comply with the overlay, Auckland-wide and zone rules applying to that particular part of the site.

**E38.7.3.2. Subdivision establishing an esplanade reserve**

- (1) Any subdivision involving the creation of sites less than 4 hectares and the proposed site adjoins the line of mean high water springs or the bank of a river or stream 3 metres or more in width or any lake, must provide a minimum 20 metre wide esplanade reserve in accordance with section 230 of the Resource Management Act 1991. This must be shown on the application plan and the subsequent land transfer plan.
- (2) The width of any esplanade reserve must be measured in a landward direction at 90 degrees to the line of mean high water spring, or the bank of a river or stream or margin of any lake.
- (3) Standards E38.7.3.2(1) and (2) do not apply to the subdivision of Treaty Settlement Land where a marginal strip of at least 20 metres has been set aside under the Conservation Act 1987.

**E38.7.3.3. Subdivision of a site within the one per cent annual exceedance probability floodplain**

- (1) Each proposed site within the one per cent floodplain that is to contain a more vulnerable activity must meet one of the following:
  - (a) in residential zones and business zones - a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones; or
  - (b) be in accordance with a land use consent that authorises development or building in the floodplain.

**E38.7.3.4. Subdivision of land in the coastal erosion hazard area; or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area**

- (1) Each proposed site on land in the coastal erosion hazard area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area must demonstrate that all of the relevant areas/features in E38.7.3.4(a) to (c) below are located outside of any land that may be subject to coastal erosion or coastal storm inundation:
  - (a) in residential zones and business zones - a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones;
  - (b) access to all proposed building platforms or areas; and
  - (c) on-site private infrastructure required to service the intended use of the site.

## **E38.8. Standards for subdivisions in residential zones**

Subdivision listed in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision in E38.6 General standards for subdivision and E38.8.1 General standards in residential zones.

### **E38.8.1. General standards in residential zones**

#### **E38.8.1.1. Site shape factor in residential zones**

- (1) Access and manoeuvring must meet the requirements of [E27 Transport](#).
- (2) All vacant sites must be able to contain a rectangle of 8 metres by 15 metres except the Residential - Terrace Housing and Apartment Buildings Zone must contain a rectangle of 15 metres by 20 metres, to accommodate a building that complies with all applicable standards of the zone and is located outside:
  - (a) the 1 per cent annual exceedance probability floodplain;
  - (b) the coastal erosion hazard area;
  - (c) the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; and the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;
  - (d) land which may be subject to land instability;
  - (e) the protected root zone of trees identified in the Notable Trees Overlay;
  - (f) areas identified as significant ecological areas, outstanding natural features, outstanding natural landscapes, outstanding natural character areas or high natural character areas in the Significant Ecological Areas Overlay, the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay, or the Outstanding Natural Character and High Natural Character Overlay.
  - (g) areas identified as scheduled historic heritage places, or sites and places of significance to Mana Whenua in the Historic Heritage Overlay or the sites and Places of Significance to Mana Whenua Overlay;
  - (h) network utilities, including private and public lines;
  - (i) right-of-way easements;
  - (j) area of esplanade reserves required by Standard E38.7.3.2 Subdivision establishing an esplanade reserve;

(k) yard setback requirements of the zone including riparian, lakeside or coastal protection yards; and

(l) the National Grid Yard.

**E38.8.1.2. Access to rear sites**

- (1) A single jointly owned access lot or right-of-way easement must not serve more than ten proposed rear sites.
- (2) Vehicle access to proposed sites without direct vehicular access to a formed legal road must be by way of an entrance strip, jointly owned access lot or right-of-way easement over adjoining land, or by a combination of these mechanisms, provided the total width and other dimensions of the access comply with the standards in Table E38.8.1.2.1 Access to rear sites below.

**Table E38.8.1.2.1 Access to rear sites**

	Total number of rear sites served		
	1	2 – 5	6 - 10
Minimum legal width	3.0m	3.5m	6.5m
Minimum formed width	2.5m	3.0m	5.5m
Minimum service strip	0.5m	0.5m	1.0m
Maximum length	50m	50m	100m Note 1
Maximum gradient	1 in 4	1 in 5	
Minimum vertical clearance from buildings or structures	3.8m		
Minimum inside turning radius for bends	6.5m		

[PC 79 \(see Modifications\)](#)

[PC 79 \(see Modifications\)](#)

**Note 1**

For accessways greater than 50 metres in length speed management measures should be considered.

(3) Accessways serving six or more rear sites must provide separate pedestrian access, which may be located within the formed driveway.

(4) The pedestrian access required by E38.8.1.2(3) must meet all of the following:

- (a) have a minimum width of 1 metre;
- (b) can include the service strip; and
- (c) be distinguished from the vehicle carriageway through the use of a raised curb or different surface treatment.

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[PC 79 \(see Modifications\)](#)

[PC 79 \(see Modifications\)](#)

[new text to be inserted]

**E38.8.2. Standards – residential restricted discretionary activities**

Subdivision listed as a restricted discretionary activity in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions, E38.8.1 General standards in residential zones and E38.8.2 Standards – residential restricted discretionary activities as relevant.

**E38.8.2.1. Subdivision in accordance with an approved land use resource consent**

- (1) Any subdivision relating to an approved land use consent must comply with that resource consent.

**E38.8.2.2. Subdivision around existing buildings and development**

- (1) Prior to subdivision occurring, all development must meet one of the following:
- (a) have existing use rights;
  - (b) comply with the relevant overlay, Auckland-wide and zone rules; or
  - (c) be in accordance with an approved land use resource consent.

**E38.8.2.3. Vacant sites subdivisions involving parent sites of less than 1 hectare**

- (1) The following standards do not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings and development.
- (2) Site sizes for proposed sites must comply with the minimum net site areas specified in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare below.

**Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare**

<b>Zone</b>	<b>Minimum net site area for vacant proposed sites</b>
Residential - Terrace Housing and Apartment Buildings Zone	1,200m <sup>2</sup>
Residential - Mixed Housing Urban Zone	300m <sup>2</sup>
Residential - Mixed Housing Suburban Zone	400m <sup>2</sup>
Residential - Single House Zone	600m <sup>2</sup>

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Modifications)

[new text to be inserted]	[new text to be inserted]
Residential - Large Lot Zone	4,000m <sup>2</sup>
Residential - Rural and Coastal Settlement Zone	2,500m <sup>2</sup>

#### E38.8.2.4. Subdivision of sites identified in the Subdivision Variation Control

- (1) E38.8.2.3 Vacant sites subdivision involving parent sites of less than 1 hectare and E38.8.3.1 Vacant sites subdivision involving parent sites of 1 hectare or greater do not apply to sites identified in the Subdivision Variation Control in the planning maps.
- (2) Proposed sites identified in the Subdivision Variation Control in the planning maps must comply with the minimum net site area in Table E38.8.2.4.1 Subdivision of sites identified in the Subdivision Variation Control

**Table E38.8.2.4.1 Subdivision of sites identified in the Subdivision Variation Control**

Area	Minimum net site area
Beachlands	700m <sup>2</sup>
Bombay	800m <sup>2</sup> for proposed sites serviced by a private wastewater network 2,500m <sup>2</sup> for proposed sites serviced by on-site wastewater systems
Buckland	800m <sup>2</sup>
Clarks Beach	800m <sup>2</sup>
Eastern Whangaparaoa Peninsula	700m <sup>2</sup>
Glenbrook Beach	800m <sup>2</sup>
Herald Island	800m <sup>2</sup>
Maraetai/Omana Beach	700m <sup>2</sup>
Patumahoe	800m <sup>2</sup>
Point Wells	1,000m <sup>2</sup>
Waiau Beach	800m <sup>2</sup>
Waimauku	800m <sup>2</sup> for proposed sites serviced by a private wastewater network 2,500m <sup>2</sup> for proposed sites serviced by on-site wastewater systems
Parau	4,000m <sup>2</sup>

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Huia	4,000m <sup>2</sup>
Little Huia	4,000m <sup>2</sup>
Karekare	4,000m <sup>2</sup>
Piha	4,000m <sup>2</sup>
Bethells/ Te Henga	4,000m <sup>2</sup>
Cornwallis	4,000m <sup>2</sup>
Snells Beach	1,000m <sup>2</sup>

**E38.8.2.5. Subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay**

- (1) The subdivision scheme plan must identify the following areas:
  - (a) the indigenous vegetation scheduled in the Significant Ecological Areas Overlay and to be marked for protection; and
  - (b) the areas available for residential subdivision.
- (2) The following standards apply to the areas available for residential subdivision:
  - (a) the total number of lots created must not exceed the total number of lots which could be created over the net site area of the parent site subject to meeting Table E38.8.2.3.1 Minimum net site area for subdivision involving parent sites of less than 1 hectare or Table E38.8.3.1.1 Minimum net site area for subdivision involving parent sites of 1 hectare or greater;
  - (b) residential lots to be created must be located entirely within the areas available for residential subdivision;
  - (c) the minimum net site areas in Table E38.8.2.3.1 Minimum net site area for subdivision involving parent sites of less than 1 hectare or Table E38.8.3.1.1 Minimum net site area for subdivision involving parent sites of 1 hectare or greater do not apply to the area available for residential development of the parent site outside the Significant Ecological Areas Overlay as determined under E38.8.2.5(1)(b) above;
  - (d) a plan showing the proposed development on the areas available for residential subdivision must be provided;
  - (e) the proposed development must meet the relevant standards in the residential zones; and
- (3) The indigenous vegetation area scheduled in the Significant Ecological Areas Overlay must be legally protected and maintained in accordance



with the process outlined in [Appendix 15 Subdivision information and process](#); and

- (4) The subdivision resource consent must be made subject to a consent condition which requires that the subdivision scheme plan creating the sites is to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation, or area of restoration planting to be protected, as applicable.

**E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business**

- (1) Proposed sites identified in the Special Character Areas Overlay – Residential and Business must comply with the minimum net site area in Table E38.8.2.6.1 Special Character Overlay – Residential and Business subdivision controls.
- (2) Proposed sites identified in the Special Character Areas Overlay – Residential and Business that are not listed in Table E38.8.2.6.1 must comply with the relevant minimum net site area for that site’s zone in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.

**Table E38.8.2.6.1 Special Character Areas Overlay – Residential and Business subdivision controls**

Special Character Areas Overlay – Residential and Business – Sub area	Minimum net site area
Isthmus A	400m <sup>2</sup> or 500m <sup>2</sup> where the site does not comply with the shape factor
Isthmus B1 and B3	1,000m <sup>2</sup>
Isthmus B2	600m <sup>2</sup>
Isthmus C1	400m <sup>2</sup> or 500m <sup>2</sup> where the site does not comply with the shape factor
Isthmus C2	600m <sup>2</sup>
Isthmus C2a (refer to Figure E38.8.2.6 below)	1,000m <sup>2</sup> on sites identified in Figure E38.8.2.6 below
North Shore Area A*	450m <sup>2</sup>
North Shore Area B*	500m <sup>2</sup>
North Shore Area C*	600m <sup>2</sup>

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\*The maps showing North Shore Area A, North Shore Area B, and North Shore Area C can be found in Schedule 15 Special Character Schedule, Statements and Maps.

Figure E38.8.2.6 Isthmus C2a sites

[PC 78 \(see Modifications\)](#)



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**E38.8.3. Standards – residential discretionary activities**

Subdivision listed as a discretionary activity in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions, E38.8.1 General standards in residential zones and E38.8.3 Standards – residential discretionary activities, as relevant.

**E38.8.3.1. Vacant sites subdivision involving parent sites of 1 hectare or greater**

- (1) The following standards do not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings and development.
- (2) Site sizes for proposed vacant sites subdivision in the Residential - Large Lot Zone, Residential - Rural and Coastal Settlement Zone and Residential - Terrace Housing and Apartment Buildings Zone, must meet the minimum net site area for subdivision in the relevant zone as set out in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare above.
- (3) For other residential zones, each vacant site must comply with the minimum net site area in Table E38.8.3.1.1 Minimum net site areas for subdivisions involving parent sites of 1 hectare or greater.
- (4) The minimum average net site area calculated over the total of all sites created must comply with Table E38.8.3.1.1 Minimum net site areas for subdivisions involving parent site of 1 hectare or greater.

**Table E38.8.3.1.1 Minimum net site areas for subdivisions involving parent sites of 1 hectare or greater**

Zone	Minimum Net Site Area	Minimum Average Net Site area	Maximum Average Net Site area
Single House Zone	480m <sup>2</sup>	600m <sup>2</sup>	720m <sup>2</sup>
[new text to be inserted]	[new text to be inserted]	[new text to be inserted]	[new text to be inserted]
Mixed Housing Suburban Zone	320m <sup>2</sup>	400m <sup>2</sup>	480m <sup>2</sup>
Mixed Housing Urban Zone	240m <sup>2</sup>	300m <sup>2</sup>	360m <sup>2</sup>

- (5) When calculating the minimum average net site area for the purpose of Standard E38.8.3.1(3), any proposed site with a net site area greater

than the maximum average net site area specified for the applicable zone in Table E38.8.3.1.1 Minimum net site areas for subdivision involving parent sites of 1 hectare or greater must be included in the averaging calculation at the figure specified as the maximum average net site area for the applicable zone.

- (6) For all subdivision on a parent site greater than 1 hectare where 30 or more vacant sites are proposed, the total number of rear sites must not exceed five per cent of the total number of proposed sites.

### **E38.9. Standards for subdivisions in the business zones**

Subdivision listed in Table E38.4.3 Subdivision in business zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivision and E38.9.1 General standards for business zones.

#### **E38.9.1. General standards for business zones**

##### **E38.9.1.1. Site shape factor in business zones**

- (1) All vacant sites must be able to contain a rectangle with an area equal to half the area of the site where the longer sides are no greater than twice the length of the shorter sides to accommodate a building that complies with all applicable controls of the zone and is located outside all of the following:
- (a) the 1 per cent annual exceedance probability floodplain;
  - (b) the coastal storm inundation 1 per cent annual exceedance probability (AEP) area;
  - (c) the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise area;
  - (d) the coastal erosion hazard area;
  - (e) land which may be subject to land instability;
  - (f) the protected root zone of trees identified in the Notable Trees Overlay;
  - (g) areas identified as significant ecological areas, outstanding natural features, outstanding natural landscapes, outstanding natural character areas or high natural character areas in the Significant Ecological Areas Overlay, the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay, or the Outstanding Natural Character and High Natural Character Overlay.
  - (h) areas identified as scheduled historic heritage place, or sites and places of significance to Mana Whenua in the Historic Heritage Overlay or the Sites and Places of Significance to Mana Whenua Overlay;

- (i) private and public network utilities;
- (j) private and public stormwater and wastewater lines;
- (k) building line restrictions;
- (l) right-of-way easements;
- (m) area of esplanade reserves required by Standard E38.7.3.2 Subdivision establishing an esplanade reserve;
- (n) yard setback requirements of the zone including riparian, lakeside or coastal protection yards; and
- (o) National Grid Yard (Uncompromised) (except that if the subdivision is for an activity sensitive to the National Grid, the building platform must not be located within the National Grid Yard (Uncompromised or Compromised)).

#### **E38.9.1.2. Parking areas**

- (1) Where parking spaces are permitted in association with a development or proposed as part of a development, where resource consent has been obtained and any such development is subdivided under the Unit Titles Act 2010, the parking spaces must be:
  - (a) held together with the principal units; or
  - (b) form a part of the common property.
- (2) Any parking spaces identified as a principal unit must be tied to the approved land use by way of a legal instrument on the title.
- (3) Discretion may be applied where specific approval has been granted by resource consent for shared car parking with other development within close proximity to the site.
- (4) This standard does not apply to buildings or land used exclusively for car parking.

#### **E38.9.1.3. Signs and billboards**

- (1) Where signs or billboards have been approved on a building with resource consent and the development is subdivided under the Unit Titles Act 2010, the signs or billboards must not be created as principal units on the survey plan. The sign or billboard must be identified as an accessory unit or alternatively form a part of the common property.

#### **E38.9.2. Standards – business restricted discretionary activities**

Subdivision listed as a restricted discretionary activity in Table E38.4.3 Subdivision in business zones must comply with the applicable standards for the proposed

subdivision listed in E38.6 General standards for subdivisions, E38.9.1 General standards in business zones and E38.9.2 Standards – business restricted discretionary activities, as relevant.

**E38.9.2.1. Subdivision in accordance with an approved land use resource consent**

- (1) Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans.

**E38.9.2.2. Subdivision around existing buildings and development**

- (1) Prior to subdivision occurring, all development must:
  - (a) have existing use rights;
  - (b) comply with the relevant overlay, Auckland-wide and zone rules; or
  - (c) be in accordance with an approved land use resource consent.

**E38.9.2.3. Vacant sites subdivision**

- (1) The following standards do not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings.
- (2) Site sizes for proposed sites must comply with the minimum net site areas specified in Table E38.9.2.3.1 Minimum net site size and frontage for vacant site subdivision below.
- (3) Rear sites must not exceed 20 per cent of the total number of proposed sites.
- (4) Entrance strips and accessways for rear sites must comply with [Table E27.6.4.3.2 Vehicle crossing and vehicle access widths](#).

**Table E38.9.2.3.1 Minimum net site size and frontage for vacant site subdivision**

Standard	Business - City Centre Zone	Business - Metropolitan Centre Zone	Business - Town Centre Zone	Business - Local Centre Zone	Business - Neighbourhood Centre Zone
Minimum net site size	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>
Minimum frontage	10m for sites over 2,000m <sup>2</sup>	10m for sites over 2,000m <sup>2</sup>	10m for sites over 2,000m <sup>2</sup>	N/A	N/A

Standard	Business - Mixed Use Zone	Business - General Business Zone	Business - Business Park Zone	Business - Light Industry Zone	Business - Heavy Industry Zone
Minimum net site size	200m <sup>2</sup>	200m <sup>2</sup>	1,000m <sup>2</sup>	1,000m <sup>2</sup>	2,000m <sup>2</sup>
Minimum average site size	N/A	N/A	N/A	2,000m <sup>2</sup>	5,000m <sup>2</sup>
Minimum frontage	N/A	N/A	10m	20m	20m

### E38.10. Standards for subdivision in open space zones

#### E38.10.1. Standards – open space restricted discretionary activities

Subdivision listed in Table E38.4.4 Subdivision in open space zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.10.1 Standards – open space restricted discretionary activities as relevant.

##### E38.10.1.1. Subdivision in accordance with an approved land use resource consent

- (1) Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans.

##### E38.10.1.2. Subdivision around existing buildings and development

- (1) Prior to subdivision occurring, all development must meet one of the following matters:
- (a) have existing use rights;
  - (b) comply with the relevant overlay, Auckland-wide and zone rules; or
  - (c) be in accordance with an approved land use resource consent.

### E38.11. Assessment – controlled activities

#### E38.11.1. Matters of control

The Council will reserve control over all of the following matters when assessing a controlled activity resource consent application:

- (1) all controlled activities:
- (a) compliance with an approved resource consent except for boundary adjustment subdivision;
  - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;

PC 78 (see [Modifications](#))

- (c) the effects of infrastructure provision; and
- (d) the effects on historic heritage and cultural heritage items.

[PC 78 \(see Modifications\)](#)

[new text to be inserted]

### **E38.11.2. Assessment criteria**

The Council will consider the relevant assessment criteria for controlled activities from the list below:

[PC 78 \(see Modifications\)](#)

(1) all controlled activities:

(a) compliance with an approved resource consent except for boundary adjustment subdivision:

(i) refer to Policy E38.3(6);

[PC 78 \(see Modifications\)](#)

(b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:

(i) the extent to which the design, size, shape, gradient and location of any site including access, existing buildings, manoeuvring areas and outdoor living space affect the safety of pedestrians and cyclists and other users of the space or access;

(ii) whether the sites created are able to accommodate development in accordance with the relevant Auckland-wide and zone rules; and

(iii) refer to Policy E38.3(1), (10) and (22);

(c) the effects of infrastructure provision:

(i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and

(ii) refer to Policy E38.3(17); and

(d) the effects on historic heritage and cultural heritage items;

(i) whether the protection or avoidance of any Scheduled Historic Heritage Place, or Site and Places of Significance to Mana Whenua is ensured; and

(ii) refer to Policy E38.3(4).

[PC 78 \(see Modifications\)](#)

[new text to be inserted]



## **E38.12. Assessment – restricted discretionary activities**

### **E38.12.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) subdivision of a site within the 1 per cent annual exceedance probability floodplain:
  - (a) the effects of the hazard on the intended use of the site or sites created by the subdivision and the vulnerability of the uses to flood hazard events.
- (2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:
  - (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events.
- (3) subdivision of a site in the coastal erosion hazard area:
  - (a) the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion.
- (4) subdivision of a site subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:
  - (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use.
- (5) subdivision establishing an esplanade reserve:
  - (a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features.
- (6) subdivision around existing buildings and development; and subdivision in accordance with an approved land use resource consent:
  - (a) the effect of the design and layout of the proposed sites created.
- (7) all other restricted discretionary activity subdivisions:
  - (a) the effect of the design and layout of sites to achieve the purposes of the zone or zones and to provide safe legible and convenient access to a legal road;
  - (b) the effect of infrastructure provision and management of effects of stormwater

- (c) the effect on the functions of floodplains and provision for any required overland flow paths:
  - (d) the effect on historic heritage and cultural heritage items:
  - (e) the effect of the layout, design and pattern of blocks and roads in so far as they contribute to enabling a liveable, walkable and connected neighbourhood;
  - (f) the effect of layout and orientation of blocks and sites on the solar gain achieved for sites created, if relevant;
  - (g) the effects arising from any significant increase in traffic volumes on the existing road network;
  - (h) the visual effect on landscape and on topographical features and vegetation arising from subdivision of sites zoned Residential - Large Lot Zone and Residential - Rural and Coastal Settlement Zone;
  - (i) the provision made for the incorporation and enhancement of land forms, natural features and indigenous trees and vegetation;
  - (j) the effect on recreation and open space.
  - (k) the effect of the design and layout of sites on transport infrastructure and facilities within roads.
- (8) subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay:
- (a) the matters in E38.12.1(7); and
  - (b) the effects on the significant ecological area.
- (9) subdivision of sites identified in the Subdivision Variation Control:
- (a) the matters in E38.12.1(7); and
  - (b) the effects of the pattern and density of subdivisions on the low-density settlement pattern of those areas.

[PC 78 \(see Modifications\)](#)

[new text to be inserted]

### **E38.12.2. Assessment Criteria**

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

- (1) subdivision of a site within the one per cent annual exceedance probability floodplain:

- (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events:
  - (i) whether measures are proposed to ensure the long term protection of flood plain conveyance functions;
  - (ii) whether the location and design of development including building platforms and access ways are located to avoid the hazard;
  - (iii) the extent to which changes to the landform and the design of mitigation structures/features are necessary for the subdivision; and
  - (iv) refer to Policy E38.3(2).
- (2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise area:
  - (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events:
    - (i) whether the location and design of development including proposed and existing building platforms and access ways include the ability to relocate uses within the proposed site area, taking into account in urban and serviced areas a 1 metre rise in sea levels;
    - (ii) whether the use of defences to protect the land and any buildings or structures on the land from coastal storm inundation are necessary;
    - (iii) whether there is any residual risk posed by coastal storm inundation to the site(s) associated with any existing or proposed coastal defences;
    - (iv) whether there are effects on landscape values resulting from associated built and/or land form modifications required to provide for the intended use of the site; and
    - (v) refer to Policy E38.3(2).
- (3) subdivision of a site in the coastal erosion hazard area:
  - (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:
    - (i) whether public access to the coast is affected;

- (ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and
  - (iii) refer to Policy E38.3(2).
- (4) subdivision of a site subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:
  - (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use:
    - (i) the extent to which the proposed sites are stable and suitable;
    - (ii) the extent to which the site instability will affect the intended use, including the provision for onsite infrastructure (where applicable) and accessways; and
    - (iii) refer to Policy E38.3(2).
- (5) subdivision establishing an esplanade reserve:
  - (a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features:
    - (i) the extent to which the design purpose and location of the esplanade reserve enables public access and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features; and
    - (ii) refer to Policies E38.3(24), (25) and (26).
- (6) subdivision around existing buildings and development, and subdivision in accordance with an approved land use resource consent:
  - (a) the effect of the design and layout of the proposed sites created:
    - (i) whether the design and layout of the proposed sites create result in new or increased non-compliance with Auckland-wide and zone rules;
    - (ii) whether there is appropriate provision made for infrastructure;
    - (iii) whether there is appropriate creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and
    - (iv) refer to Policies E38.3(1) and (6).

- (7) all other restricted discretionary activity subdivisions:
- (a) the effect of the design and layout of sites to achieve the purposes of the zone or zones and to provide safe legible and convenient access to a legal road;
    - (i) refer to Policies E38.3(1), (10), (12) and (13).
  - (b) the effect of infrastructure provision and management of effects of stormwater
    - (i) whether there is appropriate provision of and adequate access to existing and new infrastructure, and provision of appropriate management of effects of stormwater;
    - (ii) the extent to which drainage reserves are integrated into the layout of the subdivision and neighbourhood;
    - (iii) whether the design and implementation of any necessary physical works including those associated with site preparation works, infrastructure and access are carried out in accordance with recognised best engineering practice or in accordance with Section 2 - Earthworks and Geotechnical Requirements of the Auckland Council Code of Practice for Land Development and Subdivision Version 1.6 dated 24 September 2013.
    - (iv) refer to Policies E38.3(19) to (23).
  - (c) the effect on the functions of floodplains and provision for any required overland flow paths:
    - (i) refer to Policy E38.3(2).
  - (d) the effect on historic heritage and cultural heritage items:
    - (i) the extent to which any sites identified in the Historic Heritage Overlay, or Sites and Places of Significance to Mana Whenua Overlay are protected or avoided; and
    - (ii) refer to Policy E38.3(4).
  - (e) the effect of the layout, design and pattern of blocks and roads in so far as they contribute to enabling a liveable, walkable and connected neighbourhood;
    - (i) refer to Policy E38.3(10).
  - (f) the effect of layout and orientation of blocks and sites on the solar gain achieved for sites created, if relevant;
    - (i) refer to Policy E38.3(11).

- (g) the effects arising from any significant increase in traffic volumes on the existing road network;
  - (i) refer to Policies E38.3(15) to (17).
- (h) the visual effect on landscape and on topographical features and vegetation arising from subdivision of sites zoned Residential - Large Lot Zone and Residential - Rural and Coastal Settlement Zone;
  - (i) refer to Policy E38.3(3).
- (i) the provision made for the incorporation and enhancement of land forms, natural features and indigenous trees and vegetation;
  - (i) refer to Policy E38.3(14).
- (j) the effect on recreation and open space:
  - (i) the extent to which reserves and open space are provided and their integration with the surrounding open space network and suitability for the intended function and future requirements of the area;
  - (ii) refer to Policy E38.3(18).
- (k) the effect of the design and layout of sites on transport infrastructure and facilities within roads
  - (i) refer to Policy E38.3(15); and
  - (ii) the extent to which the location and design of driveways and vehicle crossings compromises access to and the operation of transport infrastructure and facilities in roads including on-street parking, bus stops, street trees, network utilities and stormwater infrastructure.
- (8) subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay:
  - (a) the matters in E38.12.1(7);
    - (i) the assessment criteria listed in E38.12.2(7); and
  - (b) the effects on the significant ecological area:
    - (i) whether the legal protection proposed for the significant ecological area is appropriate;
    - (ii) whether there are positive effects associated with the protection of the significant ecological area; and
    - (iii) refer to Policy E38.3(5).

- (9) subdivision of sites identified in the Subdivision Variation Control
  - (a) the matters in E38.12.1(7): and
    - (i) the assessment criteria listed in E38.12.2(7); and
  - (b) the effects of the pattern and density of subdivisions on the low-density settlement pattern of those areas:
    - (i) refer to Policies E38.3(27), (28) and (29).

[PC 78 \(see Modifications\)](#)

[new text to be inserted]

### **E38.13. Special information requirements**

There are no special information requirements in this section.