

# RULE C1 – STATUS OF SUBDIVISIONS

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# RULE C – SUBDIVISION

## RULE C1 – STATUS OF SUBDIVISIONS

(Refer Part 5)

NB – Words outlined in bold type below have a specific definition contained in Chapter 2 (Definitions).

### C1.1 Controlled Activities

#### C.1.1.1 Specifications of Activities

- A) Any subdivision to adjust the position of titles or boundaries, which will not increase the number of titles concerned or the number of permitted **dwelling**s, and which will not result in the subdivision of any “base portion” of an allotment under Rule C2.4.1 A).
- B) Any subdivision for utilities such as substations, transformers or pumping stations, provided that the balance of the **site** continues to comply with the provisions of this Plan, and that access to the utility is independent of the residual **site**.
- C) Any Residential **zone**, Village **zone**, Business **zone**, Industrial **zone** or Recreation **zone** subdivision which meets the relevant standards set out in Rules C2.1 to 2.3 and Rule 2.5.
- D) Any Rural **zone** or Flood Channel **zone** subdivision which meets the relevant standards set out in Rules C2.4 and C2.5, and which does not involve land wholly or partly within the coastal area as shown on the Planning Maps.
- E) Any industrial **zone** subdivision which meets the relevant standards set out in Rules C2.2.1 to 2.3 and the **Growth Precinct 5** Structure Plan.

#### C.1.1.2 Extent of Control

- A) The matters in respect of which **Council** has reserved its control over controlled activity subdivisions are set out in Rule A1.3.2.

## C1.2 Restricted Discretionary Activities

### C.1.2.1 Specification of Activities

- A) The following subdivisions shall be **restricted discretionary activities**:
- i) Any Rural **zone** or Flood Channel **zone** subdivision which does not meet Rule C2.4.1 H) by virtue of a failure to comply with Rule B3.3.1 D), but which does not involve a greater number of allotments than would be permitted by the latter rule and the average lot size controls in Rule C2.4.
  - ii) Any other Rural **zone** or Flood Channel **zone** subdivision which meets the average lot size controls in Rule C2.4, but which does not meet one or more of the other standards in that Rule.
  - iii) Any subdivision to provide separate titles for two or more  **dwellings** which existed on a single title on 1 August 1998, if none of the  **dwellings** concerned were built for dependent relatives or as granny flats under any previous District Plan.
  - iv) Any subdivision of land which provides a  **building site** within 20m either side of the centre point of a high voltage (110kV or higher) transmission line, except that this rule will not apply to any subdivision where rule C1.2.1 a. vii) applies.
  - v) Any subdivision within a  **Growth Precinct** (Appendix 9 A-C or Appendix 16.2) that does not comply with the  **stormwater neutrality** standard in rule C2.1.1 E. or C2.3.3.
  - vi) Any subdivision within a  **Growth Precinct** (Appendix 9A-C or Appendix 16.2) that does not comply with the wastewater disposal standard in Rule C2.1.1 G. or 2.5 D.
  - vii) Any subdivision of land within the  **National Grid Corridor** that is also within  **Growth Precinct 1** (Appendix 9A) and that complies with the standard in Rule C2.1.1 F).

**Restricted discretionary activities** shall be assessed in terms of the matters in Rule A1.3.3.

## C1.3 Discretionary Activities

### C.1.3.1 Specification of Activities

- A) The following subdivisions shall be **discretionary activities**:
- i) Any otherwise non-complying subdivision in the Rural **zone** or Flood Channel **zone**, if as a result of the subdivision an area of **indigenous forest** or a substantial archaeological **site** is to be protected by covenant or other legal means (Refer Appendix 1I).
  - ii) Any Rural **zone** or Flood Channel **zone** subdivision which does not meet the controls in Rule C2.4, on land within a **nodal area**, but only if the allotments being created do not have frontage to an **arterial route** (Appendix 3B.1).
  - iii) Any subdivision of Rural **zone** or Flood Channel **zone** land wholly or partly within the coastal area as shown on the Planning Maps.
  - iv) Any subdivision within the Manfeild Park **zone**.
  - v) Any subdivision within the Special Development **zone**.
  - vi) Any subdivision within a **Growth Precinct** (Appendix 9A-c) that does not comply with the minimum lot sizes and/or minimum lot frontage standard in Rule C2.1.1 a.
  - vii) Any subdivision within a **Growth Precinct** that is not in accordance with the requirements specified in a relevant Structure Plan (Appendix 9A-C and Appendix 16.2).
  - viii) Any subdivision within a **Growth Precinct** (Appendix 9A-C) that does not comply with the flood hazard standards in Rule C2.1.1 H).

### C.1.3.2 Criteria for Assessment

- A) The criteria set out in Rule A1.3.4 A), particularly xiv), xxiv) or xxvi), will be taken into account in assessing the above **discretionary activities**.

## C.1.3A Non-Complying Activities

### C.1.3A.1 Specification of Activities

- A) The following subdivisions shall be **non-complying activities**:
- i) Any subdivision of land within the **National Grid Corridor** that is also within **Growth Precinct 1** (Appendix 9A) that does not comply with the standard in Rule C2.1.1 F).

## C1.4 Power To Decline Subdivisions

Even if a subdivision complies with the above standards, **Council** may decline consent under Section 106 of the **Act**. (Refer Part 5.3.6).