

Plan Change amendments

As set out below:

- Amend policy SUB-P6;
- Amend rules SUB-R1.1, SUB-R1.2, SUB-R1.4;
- Delete rules SUB-R1.13 and SUB-R1.16 (noting that there are existing numbering errors in the operative plan whereby SUB-R1.5 is ascribed to two different rules);
- Amend standard SUB-S10;
- Delete standard SUB-S11;
- Amend method SUB-M6; and
- Amend SUB Table 1: Minimum allotment sizes.

NB – some consequential renumbering of various clauses will be required to correct existing errors in the Plan, and/or to account for deletions proposed by this plan change.

SUB – Subdivision

The Resource Management Act makes the Council solely responsible, through the rules in the District Plan, for the control of subdivision and its effects throughout the District. Under the Act, no person may subdivide land unless the subdivision is expressly allowed by a rule in this Plan, or subdivision consent has been obtained.

Subdivision is a form of development whereby land is separated into new parcels with separate records of title. Subdivisions are defined in the Resource Management Act, and include the creation of new allotments by survey, long term leases of parts of an allotment and company leases, cross leases, and unit titles. Subdivision provides the framework for land ownership and facilitates the development of land uses including housing, roading, water supply, sewage disposal, energy production, telecommunication, stormwater disposal and waste management. Subdivision is also the mechanism for the provision of esplanade reserves, esplanade strips and access strips and is therefore significant in the context of providing public access to waterbodies and the coastline.

The New Zealand Coastal Policy Statement 2010 sets a national policy framework for determining the circumstances in which subdivision is or is not appropriate in the coastal environment. These circumstances involve taking account of the protection of natural character of the coastal environment, iwi values, amenity values, public access and natural hazards. While subdivision is a legal process without any direct effects on the environment, the creation of new parcels of land enables the establishment of activities.

Key defined terms for this chapter	
Term	Definition
Access	means that area of land over which a site or lot obtains legal vehicular and/or pedestrian access to a legal road. This land may include: — an access leg; — an access lot; — a private way; — common land as defined on a cross-lease or company-lease; or — common property as defined in Section 2 of the Unit Titles Act 1972.
Allotment (RMA)	(2) In this Act, the term allotment means— a. any parcel of land under the Land Transfer Act 2017 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not— i. the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or i. a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or b. any parcel of land or building or part of a building that is shown or identified separately— ii. on a survey plan; or iii. on a licence within the meaning of subpart 6 of Part 3 of the Land Transfer Act 2017; or c. any unit on a unit plan; or d. any parcel of land not subject to the Land Transfer Act 2017. (3) For the purposes of subsection (2), an allotment that is— a. subject to the Land Transfer Act 2017 and is comprised in 1 record of title or for which 1 record of title could be issued under that Act; or

	b. not subject to that Act and was acquired by its owner under 1 instrument of conveyance— c. shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land. (4) For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.
Archaeological Site	Individual sites recorded by the NZ Archaeological Association which warrant consideration in the event of any proposed development in order to avoid, remedy or mitigate adverse effects on the site's particular values.
Contaminated Sites	means a site at which hazardous substances have been released into the environment, usually over a period of time, such that the concentrations of these substances are above background levels and where assessment indicates the site possesses an immediate or long-term hazard to human health or the environment. Background levels refer to the ambient levels of a contaminant in the local area of the site under consideration.
Earthworks (NPS)	Means the alteration or disturbance of land, including by moving, removing, placing, balding, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.
Esplanade reserve (RMA)	Means a reserve within the meaning of the Reserves Act 1977— a. which is either— i. a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or ii. a reserve vested in the Crown or a regional council under section 237D; and b. which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229.

Esplanade strip (RMA)	Means a strip of land created by the registration of an instrument in accordance with section 232 for a purpose or purposes set out in section 229.
Natural Hazard	means any atmospheric or earth or water related occurrence, the action of which affects or may adversely affect human life, property, or other aspects of the environment. Natural hazards include earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire caused by natural events, flooding and storms, and over-exposure to the sun.
Reserve	means any land set apart for any public purpose; for full definition see the Reserves Act 1977.
Road	has the same meaning as defined in the Local Government Act 1974, which at the notification date of this Plan means the whole of any land which is within a district, and which a. Was a road or street or public highway prior to April 1st, 1979, or for the purposes of this plan, was a state highway alignment created after April 1st, 1979; or b. Immediately before the inclusion of any area in the district was a public highway within that area; or c. Was laid out by the council as a road or street after April 1st, 1979; or d. Is vested in the council for the purpose of a road as shown on a deposited survey plan; or e. Is vested in the council as a road to street pursuant to any other enactment. Road includes - a. Except where elsewhere provided in the Local Government Act 1974, any access way or service lane which, prior to April 1st 1979, was under the control of any council or which is laid out or constructed by or vested in any council as an access way or service lane or which was declared by the Minister of Works and Development as an access way or service land after April 1st 1979 or which was declared by the Minister of Lands

	as an access way or service land on or after the 1st day of April 1988. b. Every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof; - but, except as provided in the Public Works Act 1981, or in any regulation under that Act does not include a motorway within the meaning of that Act.
Utility	means: a. utility buildings; b. lines and necessary incidental structures and equipment for the generation, transmission and distribution of electricity, excluding solar panels where the electricity generated by the panels is not distributed beyond the same site on which the panels are located; c. pipes and necessary incidental structures and equipment for transmitting and distributing gas; d. storage facilities, pipes and structures and equipment necessary for the supply, drainage and treatment of water or sewage; e. water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment; f. structures, lines, facilities, plant, equipment and associated works for receiving and transmitting radio communications and telecommunications; g. meteorological activities including structures, lines, facilities, plant equipment and associated works for monitoring, observation and transmission of information on weather and natural hazards; h. structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards; i. structures, facilities, plant and equipment necessary for navigation by water or air;

	any area of land used principally for the disposal, storage, recovering, or separation of waste or recyclable material, including any associated buildings and on-site retail activities.
Site (NPS)	Means: a. an area of land comprised in a single record of title under the Land Transfer Act 2017; or b. an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or c. the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or d. despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.
Subdivision (RMA)	Means— a. the division of an allotment— i. by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or ii. by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or iii. by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or iv. by the grant of a company lease or cross lease in respect of any part of the allotment; or v. by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; or b. an application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226.

Cross-references
In addition to the zone chapters, several district-wide and overlay chapters also contain provisions that may be relevant to subdivision, including: EI - Energy and Infrastructure NH - Natural Hazards HH - Historic Heritage TREE - Notable Trees ECO - Ecosystems and Indigenous Biodiversity NFL - Natural Features and Landscapes PA - Public Access CE - Coastal Environment EW - Earthworks

Issues

SUB-I1	Natural hazards
Land likely to be subject to damage by erosion, subsidence, slippage or inundation from any source should not be subdivided unless the adverse effects can be avoided, remedied or mitigated.	
SUB-I2	Infrastructure and contributions
Services need to be provided at the time of <i>subdivision</i> and development to avoid, remedy or mitigate any actual or potential effects of such activities on the environment.	
SUB-I3	Site suitability
New <i>allotments</i> created by <i>subdivision</i> should be of a size, shape and have characteristics such that they are suitable for the anticipated use.	
SUB-I4	Special lots

Special *sites* may at times need to be created to provide for *utilities* such as transformers and pumping station *sites*; to provide for roading requirements and access to landlocked land; recreation; and the protection of heritage, conservation or Ngāi Tahu values. The area required for these activities may be less than permitted.

SUB-I5	Ecological, conservation, heritage, and Ngāi Tahu values
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Sites of ecological, conservation, heritage value or *sites* of importance to Ngāi Tahu can be protected at the time of *subdivision*.

SUB-I6	Subdivision design and amenity
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Appropriate *subdivision* design and the retention of existing vegetation can improve the resulting amenity of a *subdivision* and reduce erosion and run-off. *Subdivision* design should also take advantage of solar energy.

SUB-I7	Contaminated sites
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There may be *sites* in the District which have levels of soil contamination as a result of past or present on-site or off-site activities.

Objectives

SUB-O1	Avoid natural hazard risks from subdivision
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Subdivision is:

1. avoided in areas where the risk to life or property from natural hazards is unacceptable; and
2. managed in other areas to ensure that the risk of natural hazards to people and property is appropriately mitigated.

SUB-O2	Provide services at subdivision
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To provide essential services at the time of *subdivision*, subject to any adverse effects on the environment from the provision of these services being mitigated, avoided or remedied.

SUB-O3	Sites are suitable for a range of sustainable land uses
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To provide for <i>allotments</i> which are suitable for a range of sustainable land uses, except where special <i>sites</i> are required as provided for in SUB-I4.	
SUB-O4	Provide for special lots
To recognise the need for special lots to be created or activities where small lot sizes are required for activities such as <i>utilities</i> , recreation, roading and <i>access</i> or to protect values such as heritage, conservation or Ngāi Tahu values.	
SUB-O5	Protect natural, cultural, and heritage values
At the time of <i>subdivision</i> , to avoid, remedy or mitigate adverse effects on <i>sites</i> having ecological, conservation or, heritage values or on <i>sites</i> of importance to Ngāi Tahu.	
SUB-O6	Ensure subdivision design and amenity
To ensure <i>subdivisions</i> are designed and constructed to create a pleasant amenity, so that solar energy is taken advantage of and so that erosion is avoided.	
SUB-O7	Avoid contaminated land risks from subdivision
To ensure that <i>subdivision</i> of potentially <i>contaminated sites</i> is either avoided or undertaken so that there is no increase in risk to human health from contaminants.	

Policies

SUB-P1	Control subdivisions affected by natural hazards
1. To avoid or control <i>subdivision</i> where there is a 0.2% or higher probability that people or property will be affected by flooding from rivers in any one year. 2. To avoid <i>subdivision</i> where there is a risk of erosion, subsidence, slippage, or inundation from coastal hazards, and where the effects from such risks cannot be avoided or suitably mitigated. In respect of <i>subdivision</i> within the coastal environment, consideration will be given to possible future sea level rise. 3. To ensure that any remedial measures do not give rise to adverse effects on the environment. 4. In considering new <i>subdivisions</i>, Council will recognise the following: a. the integrity of natural systems, such as beaches, dunes and wetlands, that are a natural defence to erosion and/or inundation	

	b. the ability of natural features such as beaches, dunes and wetlands, to protect <i>subdivision</i> and Development c. that new <i>subdivision</i> in the coastal environment should be located and designed so that the need for hazard protection works is avoided. 5. In considering <i>subdivisions</i>, to recognise that some natural features may migrate inland as the result of dynamic coastal processes, including sea level rise. 6. In processing <i>subdivision</i> applications, to recognise the role of <i>esplanade reserves</i> and <i>esplanade strips</i> in the avoidance, remediation and mitigation of <i>natural hazards</i>. 7. Subdivision for new hazard sensitive buildings shall: i. Be managed in Urban High Flood Hazard Areas and avoided/mitigated in Non-Urban High Hazard Areas, as well as managed outside of High Flood Hazard Areas. ii. Be avoided/or mitigated within the Fault Avoidance Overlay iii. Be managed within all natural hazard overlays other than those referred to in Clause i and ii above, to ensure that the natural hazard risk is acceptable iv. Be managed in areas of the district that are subject to natural hazards, but are not identified as within a natural hazards overlay, to ensure that the risk to life and property from natural hazards is acceptable. v. Be managed to ensure that development is not likely to require new or upgraded community scale hazard mitigation works
SUB-P2	Require infrastructure for subdivisions
	1. To require upon <i>subdivision</i>, that new lots within Residential, Settlement, and Commercial zones and Kaikōura Peninsula Tourism and Ocean Ridge Development Areas are provided with a means of connection to a Council or community reticulated water supply system, where available, and that water supplies are of a potable standard, and of sufficient capacity for anticipated land use and for firefighting purposes. 2. To require upon <i>subdivision</i>, that anticipated development is provided with a means of disposing of sanitary sewage and trade waste in a manner which is consistent with maintaining public health and where adverse effects on the environment are avoided. 3. Upon <i>subdivision</i> in rural areas, to ensure that lots are provided with the ability to connect to a potable water supply where visitor accommodation or residential units are anticipated. 4. Upon <i>subdivision</i> in Residential, Settlement, and Commercial Zones Kaikōura Peninsula Tourism and Ocean Ridge Development Areas, to require that all new lots are provided with a means of connection to a Council or community reticulated sewage disposal and treatment system, where such a system exists.

- To require that adequate provision is made for the supply of reticulated energy and communication services to new rural lots when required, and to encourage these services to be underground where practicable. - To require that underground reticulated energy and communication services are provided to lots within Residential, Settlement, and Commercial Zones and Kaikōura Peninsula Tourism and Ocean Ridge Development Areas. - To require the integration of <i>subdivision</i> roading with the existing roading network in a manner which reflects expected traffic levels and achieves safe and effective vehicular <i>access</i> to <i>allotments</i>. - To encourage the provision of pedestrian and cycle linkages where possible as well as linkages to and along water bodies. - To encourage the retention of natural open waterbodies and to require the disposal of stormwater in a manner that avoids inundation of land within or adjoining the <i>subdivision</i> and maintains or enhances the quality of surface and ground water. - To avoid <i>subdivision</i> in the Marine Facilities Zone so as to retain the use of this area for appropriate marine activities and public use.	
SUB-P3	Require lots to be of a suitable size and shape
- To require all <i>allotments</i> created as a result of <i>subdivision</i> to be of a size and shape which is suitable for a range of sustainable land uses, except where special <i>sites</i> are required as provided for in SUB-I4. - To ensure that <i>subdivisions</i> in the General Rural Zone are of a sufficient shape and size in order to maintain and enhance rural amenity values. - To ensure that all <i>allotments</i> outside the Building Platform Location Areas in the Kaikōura Peninsula Tourism Development Area are of a sufficient size which is suitable for a range of sustainable rural land uses and are of a sufficient size to maintain the natural and open space character of the Kaikōura Peninsula.	
SUB-P4	Provide for special lots
To provide for small lots to be created to provide for activities such as <i>utilities</i>, recreation, roading or <i>access</i> and the protection of heritage, conservation and Ngāi Tahu values.	
SUB-P5	Encourage subdivisions to protect natural, cultural, and heritage values
To encourage the protection of <i>sites</i> of ecological, conservation, heritage value or <i>sites</i> of importance to Ngāi Tahu at the time of <i>subdivision</i> through the use of mechanisms such as voluntary agreements, <i>esplanade reserves</i>, <i>esplanade strips</i>, <i>access strips</i>, conservation covenants, bonds and caveats.	

2. To encourage the maintenance and enhancement of indigenous biodiversity within and adjacent to areas of <i>subdivision</i> .	
SUB-P6	Policies to subdivision design and amenity
1. At the time of <i>subdivision</i>, to encourage the retention of existing vegetation where possible and to consider alternative methods of run-off control, such as bunding and mechanical silt traps, in order to improve amenity, reduce erosion and reduce the amount of run-off. 2. To encourage <i>subdivision</i> design and construction which results in the creation of pleasant environments. 3. To encourage developers to take advantage of the benefits of solar energy wherever possible. 4. To enable <i>subdivision</i> of allotments for residential and other uses in the Ocean Ridge Development Area provided that: a. The number and location of residential and other <i>allotments</i> are strictly controlled through rules and an Outline Development Plan for the Zone, in order to avoid <u>any inappropriate development which would significantly diminish the conservation, amenity, and landscape values associated with this area is avoided</u>; and, b. Requirements are put in place to ensure the establishment and maintenance of native restoration plantings, <u>amenity plantings</u> and the maintenance of open space areas so that the development is in sympathy with the amenity and landscape values of the area; and, c. <u>the enduring protection and maintenance of open space areas and areas dedicated to native restoration and amenity planting are effectively provided for, including:</u> i. <u>vesting such areas as Council reserves where appropriate; or</u> ii. <u>imposing covenants, consent notices or other appropriate mechanisms over restoration planting areas where retained in private ownership.</u> d. Provision is made for cycle tracks, pedestrian walkways and parks and reserves within the zone; and, e. The location of <i>curtilage and building areas</i> and vehicular access are to be selected so as to reduce the volume or extent of <i>earthworks</i>.	
SUB-P7	Policies relating to contaminated land
1. To identify any potential <i>contaminated sites</i> at the time of <i>subdivision</i>. 2. To avoid <i>subdivision</i> of <i>contaminated sites</i> where risk to human health or exposure to people is increased as a result of the <i>subdivision</i> or as a result of any future activities resulting from the <i>subdivision</i>.	

3. To provide for *subdivision of contaminated sites* only where risk to human health is not increased, or where contamination can be remedied to an appropriate level.

Rules

SUB-R1	<i>Subdivision of land</i>
All zones (except the Marine Facilities Zone)	1. Activity status: Controlled Where: a. Compliance is achieved with SUB-S1 to SUB-S123. Matters of control are limited to: 1. <i>Allotment</i> size and dimensions i. <i>Allotment</i> dimensions of <i>subdivisions</i> in the Commercial Zone ii. Size and dimensions of <i>allotments</i> for <i>access, utilities, reserves</i> and <i>roads</i> iii. Size and dimensions of <i>allotments</i> for heritage items and <i>archaeological sites</i>. 2. <i>Subdivision</i> design i. Relationship and orientation of <i>allotments</i> ii. The location of walkways and cycleways iii. The provision and/or use of stormwater channels and wetland areas iv. The degree to which <i>subdivision</i> design, including the location of <i>roads</i> and <i>reserves</i> recognises and provides for existing high voltage electricity transmission lines so that reasonable <i>access</i> to the lines is maintained. 3. <i>Roading, access, and vehicle crossings</i> i. The location, alignment and pattern of roading or service lanes ii. The location and provision of <i>access</i> to <i>allotments</i> for vehicles, cycles and pedestrians iii. Any financial contributions to be made by the applicant iv. <i>Road reserves</i> and provision for future <i>subdivision</i> on adjoining land v. The standard of construction required for roading, <i>access</i> and vehicle crossings, other than as required by SUB-S6 to SUB-S8 vi. Street lighting vii. Naming of private vehicular <i>access</i> viii. Protection of <i>road reserves</i> and vehicle crossings ix. Requirement for seal, in relation to any <i>road</i> where on any part of its length it has a gradient steeper than 1 in 8 and in relation to any private <i>access</i> with a

	gradient of steeper than 1 in 6 on any part of its length x. Any environmental effects of providing <i>access</i> xi. Provision of <i>access strips</i> xii. Provision of <i>esplanade reserves or strips</i> xiii. The purpose of the <i>esplanade strip</i> provisions. 4. <i>Natural hazards</i> Liquefaction within the Liquefaction Hazard Overlay, with the matters of control restricted to: I. Geotechnical recommendations from a site-specific geotechnical assessment of liquefaction hazard, including testing of soils; II. Location, size and design of the subdivision, roads, access, services; III. Recommendations for foundations for future buildings; IV. Remediation and ground treatment 5. <i>Earthworks</i> i. Effects on the stability of land ii. Whether appropriate safeguards are in place to avoid contact with or flashovers from high voltage electricity transmission lines, and effects on the stability of support structures. 6. <i>Water supply</i> i. The supply of potable water in any zone from a reticulated water supply system, which is not owned by the Council, or where no reticulated supply is available. ii. The supply of potable water in any zone, where a Council reticulated system does not have sufficient capacity iii. Water supplies for firefighting purposes iv. The standard of water supply infrastructure installed in <i>subdivisions</i>, and the adequacy of existing supply systems outside the <i>subdivision</i> v. Any financial contributions required in respect of water supply vi. The quantity of water to be supplied vii. The need for potable water to be supplied or consent notices to be imposed in the General Rural Zone viii. The aesthetics and quality of potable water supplied. 7. <i>Stormwater disposal</i> i. The capacity of existing and proposed stormwater infrastructure and disposal systems
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		ii. The effectiveness and environmental impacts of any measures proposed for mitigating the effects of stormwater run-off, including the control of water-borne contaminants, litter and sediments iii. The location, scale and construction of stormwater infrastructure iv. Any financial contributions required in respect to stormwater disposal. 8. Sewage disposal i. The method of sewage disposal and treatment systems where a community or public reticulation and treatment is not available ii. The capacity of, and impacts on, the existing reticulated sewage disposal system iii. The location and environmental effects of the proposed sewage system iv. Any financial contributions that may be required in respect of sewage provision v. Whether an individual, or a joint connection, is required vi. The need for reticulated sewage disposal and/or treatment in the General Rural Zone. 9. Trade waste disposal i. The disposal of trade waste. 10. Energy supply and telecommunications i. The adequacy and standard of electrical <i>utility</i> installation. ii. The adequacy and standard of telecommunications installation. 11. Vegetation and landscape i. The preservation of vegetation and landscape ii. The impact of the <i>subdivision</i> on the Rural Amenity and Landscape character iii. Any financial contributions that may be required to offset adverse effects on vegetation or landscape. iv. <u>For subdivision in the Ocean Ridge Development Area the following matters relating to Restoration and Amenity Planting areas as identified and described in the Outline Development Plan at DEV2 Appendix 1:</u> a. <u>the location and total area of land to be subject to restoration and amenity planting;</u> b. <u>where any planting is proposed in alternate locations relative to the areas indicated on Outline Development Plan 3 or Plan 5 in DEV2-Appendix 1, whether a similar or better restoration or amenity outcome will be provided for;</u>
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	c. <u>the species, density and grade of vegetation to be provided in areas dedicated to restoration and amenity planting;</u> d. <u>requirements for monitoring, replacement, pest management and fencing;</u> e. <u>location of any pathways, bridges, furniture or other small structures to be established in restoration planting areas; and</u> f. <u>legal mechanisms required to provide for the ongoing protection and effective management of planting areas.</u> 12. Easements i. The need to create easements for any purpose. 13. Building location i. The location of buildings and floor height ii. The extent of separation between building platforms and existing high voltage transmission lines, taking into account the requirements of NZECP:34 or any subsequent code of practice. 14. Soil contamination i. Whether the <i>site</i> contains any known contaminants ii. The nature and extent of any soil contamination and risk to human health iii. Any mitigation or de-contamination measures iv. Whether a <i>site</i> has the potential to be contaminated from past or existing activities. 15. Light Emissions i. All subdivision applications within the Light Industrial Zone shall provide a detailed light management plan. This must consider the light emission effects on the flight path of the Hutton's Shearwater. The plans must be approved by Kaikōura Districts Council Infrastructure Team prior to s224 certification. 16. <u>Ocean Ridge Development Area Outline Development Plan</u> i. <u>The spatial elements on Outline Development Plans 1-5 and the Development Requirements in DEV2-Appendix 1.</u>
All zones (except the Marine Facilities Zone)	2. Activity status: Restricted discretionary Where: a. Compliance is not achieved with SUB-S1 to SUB-S910; and

	b. <u>The subdivision is not a discretionary activity under SUB-R1.11.</u> Matters of discretion are restricted to: 1. The matters of discretion of any standard that is not met 2. The matters of control listed under SUB-R1(1) 3. <u>In the Ocean Ridge Development Area, whether any departure from relevant elements on Outline Development Plans 1-5 or relevant Development Requirements in DEV2-Appendix 1 results in similar or better environmental outcomes.</u>
Kaikōura Peninsula Tourism Development Area	3. Activity status: Restricted discretionary Where: a. The land to be subdivided is within the Lifestyle Living Area as shown on the Outline Development Plan for the zone in DEV1 Appendix 1. Matters of discretion are restricted to: 1. <i>Allotment</i> layout and design 2. Suitable building platform for each lot 3. The bulk, height, location, foundations, or height of floor levels of any structure or building on the <i>allotments</i> 4. Within the Lifestyle Living Area or any part thereof, or within any part of land adjacent to, but not forming part of the Lifestyle Living Area, any risk of and proposed mitigation against erosion, subsidence, slippage or inundation from any source (being in the case of land not forming part of the <i>subdivision</i>, subsidence, slippage, erosion or inundation arising or likely to arise as a result of the works in the Lifestyle Living Area) 5. Any filling and compaction of the land and <i>earthworks</i> to be carried out 6. The matters of discretion listed in standards SUB-S1 to SUB-S9 and SUB-S12 7. The matters of control listed under SUB-R1(1).
All zones within the:	4. Activity status: Restricted Discretionary Where:

URBAN FLOOD ASSESSMENT OVERLAY: or NON-URBAN FLOOD ASSESSMENT OVERLAY; or DEBRIS INUNDATION OVERLAY; or FAULT AWARENESS OVERLAY	a. Any subdivision locates a new hazard sensitive building platform within the: i. the Urban Flood Assessment Overlay, <u>except where b. below applies;</u> ii. the Non-Urban Flood Assessment Overlay outside of a High Flood Hazard Area as stated in a Flood Assessment Certificate issued in accordance with activity standard NH-S1; iii. the Debris Inundation Overlay; or iv. the Fault Awareness Overlay. b. <u>This rule does not apply to the subdivision of land in the Urban Flood Assessment Overlay within the Ocean Ridge Development Area were it can be demonstrated that all hazard sensitive buildings within proposed allotments are ably to comply with Rule NH-R14(1).</u> Matters of discretion are restricted to: 1. Geotechnical recommendations from a site-specific geotechnical assessment of hazards, including testing of soils; 2. Flooding mitigation recommendations from a site-specific flooding assessment; 3. Location, size, and design of the subdivision, roads, access, services and the extent to which natural hazard risk is managed; 4. Recommendations for foundations for future buildings and ground remediation; 5. The level of risk; and 6. The potential effects of mitigation measures.
Kaikōura Business Park - Outline Development Area	5. Activity status: Restricted Discretionary Where: c. Compliance is not achieved with standard SUB-S13. Matters of discretion: 1. The matters of discretion of any standard not complied with. 2. The extent to which development is in accordance with the outline development plan. 3. The extent to which development has adverse effects on the anticipated amenity values of adjoining zones and means of mitigating this.

		4. The extent to which the location of vehicular access points, the design of the transport network (including road alignment and intersection design within the development plan area and connections with the wider network), and associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on the safety and efficiency of the transport network. 5. The degree to which any reverse sensitivity effects are avoided or mitigated through landscaping. Notification: An application for a restricted discretionary activity under this rule is precluded from being publicly notified but may be limited notified. Unless written approval is provided, NZ Transport Agency Waka Kotahi will be considered as an affected party for the purpose of limited notification.
	Marine Facilities Zone	6. Activity status: Discretionary. NOTE TO READER: This rule is misnumbered '5' in the operative Plan. For the purposes of Plan Change 6, the numbering has been corrected and all subsequent clauses consequentially renumbered.
	General Residential Zone	7. Activity status: Discretionary Where: a. The land to be subdivided fronts onto The Esplanade between Torquay Street and Wakatu Quay.
	All zones (except Ocean Ridge Development Area)	8. Activity status: Discretionary Where: a. The land to be subdivided is located within Flood Hazard Areas 1, 1a, 2, 2a, or P.
	General Residential Zone Settlement Zones	9. Activity status: Discretionary Where: a. The land to be subdivided is located within 50 linear metres of the Coastal Marine Area.
	General Rural Zone	10. Activity status: Discretionary Where:

		a. The land to be subdivided is located within 100 linear metres of the Coastal Marine Area.
	Ocean Ridge Development Area	11. Activity status: Discretionary Where: a. <i>Subdivision</i> results in additional discharge of stormwater to the Lyell Creek catchment; <u>or</u> b. <u>Compliance with SUB-S10.1 is not achieved.</u>
	Kaikōura Peninsula Tourism Development Area	12. Activity status: Non-complying Where: a. The land to be subdivided is located outside the Building Platform Areas or the Lifestyle Living Area shown in the Outline Development Plan for the zone in DEV1 Appendix 1, except where provided for in SUB-R1(3).
	Kaikōura Peninsula Tourism Development Area	13. Activity status: Non-complying Where: b. The land to be subdivided is located within the Lifestyle Living Area shown in the Outline Development Plan for the zone in DEV1 Appendix 1, and cannot comply with any of the following: - The <i>subdivision</i> consent shall be lodged in conjunction with an Overall Structure Plan for <i>subdivision</i> and all required land use consent activities in accordance with the matters listed in SUB-R1(3) - Any <i>subdivision</i> shall be in accordance with the Overall Structure Plan approved at the time of <i>subdivision</i> and land use consent - Compliance is achieved with standards SUB-S1 to SUB-S12. - Compliance is achieved with standards SUB-S2(2).
	Ocean Ridge Development Area	13 Activity status: Non-complying Where: a. The <i>subdivision</i> does not comply with any one or more of the standards in SUB-S10 and SUB-S11, excluding SUB-S10(1).
	All zones within the:	14. Activity status: Non-complying Where:

Fault Avoidance Overlay	a. Any subdivision locates a platform for a new hazard sensitive building within the Fault Avoidance Overlay;
All zones within the: Non-Urban Flood Assessment Overlay	15. Activity status: Non-complying Where: a. Any subdivision locates a platform for a new hazard sensitive building within a High Flood Hazard Area within the Non-urban Flood Assessment Overlay as stated in a Flood Assessment Certificate issued in accordance with activity standard NH-S1.
Ocean Ridge Development Area	16 Activity status: Prohibited Where: a. The subdivision results in the creation of more than 336 residential allotments; or b. Does not comply with standard SUB-S1.

Standards

SUB-S1	Minimum allotment sizes
1. All <i>allotments</i> created must comply with the minimum <i>allotment</i> size set out in SUB - Table 1: Minimum allotment sizes.	Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.
SUB-S2	Water supply
1. In the General Rural Zone (where new <i>allotments</i> for one or more visitor accommodation or residential unit are anticipated) and Residential, Settlement, and Commercial zones and Kaikōura Peninsula Tourism and	Matters of discretion: The effects of not meeting the standard.

Ocean Ridge Development Areas where a Council or community reticulated water supply exists and has sufficient capacity, all new <i>allotments</i> (other than <i>allotments</i> for access, <i>roads</i>, <i>utilities</i> and <i>reserves</i>) shall be provided with a connection to the reticulated system, laid to the boundary of the <i>allotment</i>. Except: 2. In any zone (except the Lifestyle Living Area shown on the Outline Development Plan for the Kaikōura Peninsula Tourism Development Area in DEV1 Appendix 1 and the Inland Kaikōura Road Outline Development Plan in Appendix 7) where a Council or Community reticulated water supply has insufficient capacity to service the new lots: a. All new <i>allotments</i> serving 25 or fewer people for less than 60 days per year shall be provided with a potable water supply, and b. all new <i>allotments</i> serving more than 25 people for more than 60 days per year shall be provided with a community drinking water supply Except that this shall not include <i>allotments</i> for access, <i>roads</i>, <i>utilities</i> and <i>reserves</i>.	Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.
SUB-S3	Sewage disposal
1. In Residential and Commercial Zones and Ocean Ridge and Kaikōura Peninsula Tourism Development Areas, each new <i>allotment</i> shall be provided with a sewerage connection to the boundary of the <i>allotment</i>, except where <i>allotments</i> are for access;	Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.

<i>roads</i>; and <i>utilities</i> and <i>reserves</i> not requiring sewage disposal. 2. In any zone other than Residential and Commercial Zones and Ocean Ridge and Kaikōura Peninsula Tourism Development Areas, where <i>subdivision</i> is for 10 or more <i>allotments</i>, and residential units or commercial activities are proposed, a community sewerage system shall be provided and each lot shall be connected to the system, except where <i>allotments</i> are for <i>access</i>; <i>roads</i>; and <i>utilities</i> and <i>reserves</i> not requiring sewage disposal.	
SUB-S4	Energy supply, telephone systems, and high voltage electricity transmission lines
1. All new <i>allotments</i> in the Residential, Settlement, and Commercial Zones and Ocean Ridge and Kaikōura Peninsula Tourism Development Areas shall be provided with connections to electric supply and telecommunications systems to the boundary of the <i>allotment</i> except where <i>allotments</i> are for <i>access</i>, <i>roads</i>, <i>utilities</i>, or <i>reserves</i>. Refer to the EI - Energy and Infrastructure chapter for standards relating to lines. 2. High Voltage Electricity Transmission Lines – No new <i>allotments</i> shall be created, either wholly or partially, within 20m of the centre line of any electricity transmission line with a voltage of 66kV or higher, except that this rule shall not apply to the Ocean Ridge Development Area where DEV2-S17 applies.	Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.
SUB-S5	Preservation of vegetation

1. Any protected tree, or group of trees, listed in TREE Appendix 1, shall be preserved and a Consent Notice shall be registered requiring continual preservation as an ongoing condition for approval to the <i>allotment</i> containing such trees.	Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.
SUB-S6	Property access - general
1. Every <i>allotment</i> shall have a frontage or legal <i>access</i> to an existing <i>road</i> or to a new road. Vehicle crossings shall be provided in terms of the vehicle crossing provisions of the TRAN - Transportation chapter. 2. Where the existing <i>road</i> frontage is subject to a <i>road</i> widening designation, provision shall be made to enable the Council to acquire such land when required, by separately defining the parcels of land.	Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.
SUB-S7	Property access - roads
1. All new roads shall be laid out and vested in the Council, in accordance with the standards set out in SUB - Table 2: Road classification and pavement structure. 2. The carriageway of all new roads laid out and vested in accordance with a above shall be formed and sealed. 3. Footpaths shall be constructed as a sealed strip, of asphaltic concrete or concrete, of 1.4m width within the berm. All areas of berms not sealed in footpath are to be formed in grass. 4. In the General Residential Zone, Ocean Ridge Development Area, Settlement Zone, and General Rural Zone, cul-de-sac shall be constructed with turning heads of 9	Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.

metres radius, measured kerb face to kerb face. 5. All new roads vested upon <i>subdivision</i> of land shall be given distinctive names not already in use with the area covered by the District Council. The name shall be agreed to by the Council. 6. No new <i>road</i> shall be laid out or constructed with a gradient on any part of its length steeper than 1 in 8, except that in the Ocean Ridge Ocean Ridge and Kaikōura Peninsula Tourism Development Areas the gradient on any part of its length shall not be steeper than 1 in 6. Where such new roads are curved, the gradient shall be measured on the inside kerb alignment.	
SUB-S8	Property access
1. Vehicle Access a. All vehicle access to fee simple title <i>allotments</i>, cross leases, unit titles or leased premises shall be in accordance with the standards set out in SUB - Table 3: Vehicle access, excluding Kaikōura Peninsula Tourism Development Area below, except that this rule shall not apply to: i. Vehicle crossings directly onto individual <i>sites</i>, which do not involve an access (refer to the definition of “access”), and ii. The Kaikōura Peninsula Tourism Development Area. b. In the Kaikōura Peninsula Tourism Development Area all vehicle access to and within fee simple title <i>allotments</i>, cross leases, unit titles or leased premises shall be in accordance with the standards set	Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.

out in SUB - Table 4: Vehicle access for Kaikōura Peninsula Tourism Development Area, below. 2. Minimum height clearance for vehicle access shall be 4.5m. 3. All vehicle access onto sealed roads or service lanes shall be in accordance with the vehicle crossing provision of the rules in TRAN - Transport. 4. Within a General Residential, Settlement or Commercial Zone, or Ocean Ridge Development Area where a vehicle access serves more than one <i>allotment</i>, it shall be formed and sealed. 5. Where a vehicle access serves more than 6 <i>allotments</i> in a General Residential, Settlement or Commercial Zone or more than 10 <i>allotments</i> in any other zone, access shall be provided by way of a road, except that this rule does not apply to the Kaikōura Peninsula Tourism Development Area. 6. No new vehicle access shall be laid out or constructed with a gradient on any part of its length steeper than 1 in 6. Where such new accesses are curved, the gradient shall be measured on the inside kerb alignment. 7. Where curves of a private vehicular access have a radius of less than 50m, the gradient on any part of its length shall not be steeper than 1 in 8, except that in the Ocean Ridge Development Area the gradient on any part of its length shall not be steeper than 1 in 6. 8. Within the Kaikōura Peninsula Tourism Development Area crossfalls on the carriageway	
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shoulders and swale drains shall not exceed 3:1 (H:V) between the outer edge of each traffic lane and the centreline of the swales.	
SUB-S9	Esplanade provision
1. In all zones, whenever any <i>subdivision</i> occurs adjacent to any river or lake or the mark of Mean High Water Springs, an <i>esplanade reserve</i> or <i>esplanade strip</i> may be required at the discretion of the Council, where the following conditions are met: a. Where, in the case of a river, the bed has an average width of 3 metres or more where the river flows through or adjoins an <i>allotment</i>, and; b. Where in the case of a lake, the bed has an area of 8ha or more, and; c. Where the river, lake or Coastal Marine Area contains values which give rise to any one or more of the purposes in SUB - Schedule 1 of this part of the Plan. 2. Any <i>esplanade reserve</i> or <i>esplanade strip</i> required under SUB-S9(1) shall be 20m in width, except that the Council may approve a reduction, provided that the minimum width shall not be less than 5m and it achieves the purposes of the reserve or strip, as set out in Schedule 1 to this part of the Plan. 3. Where Section 236 (Land previously set aside or reserved) of the Act applies to land comprised in the <i>subdivision</i>, and an <i>esplanade reserve</i> is required in accordance with SUB-S9(1) above, and the width that was previously set aside is less	Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.

than 20 metres, or the width has been diminished by erosion or avulsion, then additional land shall be vested making the <i>esplanade reserve</i> not less than 20 metres in width, except that the Council may approve a reduction, provided that the minimum width shall not be less than 5m and it achieves the purposes of the <i>reserve</i>, as set out in Schedule 1 to this part of the Plan. 4. Exemption: SUB-S9(1) shall not apply where a <i>subdivision</i> is for any of the following purposes: a. Minor adjustment to an existing cross-lease or unit title due to the increase in the size of the <i>allotment</i> by alterations to the building outline or the addition of accessory buildings; b. Minor boundary adjustment to an <i>allotment</i> involving an alteration of no more than 10% of the <i>allotment</i> area; or c. Solely due to land being acquired or created for a <i>road</i> designation, public <i>utility</i> or <i>reserve</i>. Note: <i>Esplanade reserves or strips</i> 5. Section 235 of the Resource Management Act allows the creation of an <i>esplanade strip</i> at any time, for any purpose specified in the matters of discretion of this standard, by agreement between the Council and the landowner. Section 237B of the Resource Management Act allows the creation of an <i>access strip</i> (easement over the land) at any time to provide <i>access</i> to an <i>esplanade reserve</i> or <i>esplanade strip</i>.	
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6. All land in coastal marine areas shall vest in the Crown with the Minister of Conservation's consent, or if consent not given, in the Council. 7. Where an <i>esplanade reserve</i> is to vest, the adjoining bed of rivers shall vest in the Council. 8. Where an <i>esplanade strip</i> is to be created, the adjoining bed of the river shall not be vested in the Council. 9. In determining whether an <i>esplanade reserve</i> or an <i>esplanade strip</i> is required under SUB-S9(1), and in determining whether a lesser width of the <i>reserve</i> or <i>strip</i> is appropriate if the width required under SUB-S9(2) is not provided. d. Conservation values: To contribute to the protection of conservation values by: i. Maintaining or enhancing the natural functioning of the adjacent sea, river or lake; ii. Maintaining or enhancing water quality; iii. Maintaining or enhancing aquatic habitats; iv. Protecting the natural values associated with the <i>esplanade reserve</i>; v. Mitigating <i>natural hazards</i> e. Public access: To enable public access to or along the coast and any river or lake; f. Recreational values: To enable public recreational use of the <i>esplanade reserve</i> or <i>strip</i> and adjacent sea, river or lake, where the use is compatible with conservation values.	
SUB-S10	Ocean Ridge Development Area
1. The total number of residential <i>allotments</i> within the Ocean Ridge Development Area shall not exceed <u>486</u>	Matters of discretion:

336. The maximum number of residential <i>allotments</i> within each of the Residential, Low Density Residential and Mixed Use <u>Foundation Areas and Sub Areas</u> shown on the Outline Development Plan 1 in DEV2 Appendix 1 shall not exceed the following: <u>Foundation Areas</u> a. Residential Area A = 74 b. Residential Area B = <u>3856</u> c. Low Density Residential Area D (i) C = 40 d. Low Density Residential Area D = <u>614</u> <u>Sub-Areas</u> e. Residential <u>The Crest</u> Area G = 35 f. Residential <u>Greenlane</u> Area-E = <u>22047</u> g. Residential <u>The Farm</u> Area F = <u>6037</u> h. Residential <u>Country Living</u> Area G = <u>513</u> i. Mixed Use <u>The Hub</u> Area = <u>240</u> <u>Note: The maximum allotment numbers in the Foundation Areas and Sub-Areas, in combination, exceeds the overall maximum of 486 allotments. This is to enable a degree of flexibility with final sub-area yield at subdivision stage; however, compliance with the overall 486 allotment maximum will necessitate lower respective yields in some Sub-areas.</u> 2. Prior to the signing of a certificate by the Council, under section 224 of the Resource Management Act 1991, for the 35th residential <i>allotment</i> in the Low Density Residential Area C-D (i), a 1.5m wide right of way in favour of the Kaikōura District Council, shall be	The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity; <u>and</u> <u>For any subdivision that contravenes SUB-S10.1, the matters in Policy DEV2-P1.</u>
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created and be located in accordance with the walking tracks shown on the Outline Development Plan 1 in Appendix 1. 3. The walking tracks required in SUB-S10(2) above shall be established in accordance with the Native Planting Restoration Management Plan. 4. The Community and Recreational Use shown on the Outline Development Plan 1 in Appendix 1 are, on <i>subdivision</i>, to be vested with the Council as Recreation Reserve. 5. Access roads and the Future Road Link shall be located in accordance with those locations shown on Outline Development Plan 1 in Appendix 1. 6. Prior to the signing of a certificate by the Council, under section 224 of the Resource Management Act 1991, for any <i>subdivision</i> creating the overall <u>No more than 168th residential allotments for residential use</u> or alternatively the 40th <i>allotment</i> in the Residential Area B whichever occurs first as shown on the Outline Development Plan 1 in Appendix 1, the following shall be <u>created completed: prior to a road connection between Ocean Ridge Drive to and Green Lane being formed and operational for vehicle use</u>, shown on Outline Development Plan 1 in Appendix 1, shall have been fully constructed for public vehicular use, and is available for that use. 7. The railway crossing is constructed to Kiwirail (or any successor) specifications and is available for public vehicular use. 8. Each contiguous land area within the Open Space/Grazing Area shown on the Outline Development Plan 1 in Appendix 1 shall be held in one fee simple record of title or alternatively be	
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amalgamated with one or more adjoining titles. 93. Prior to the signing of a certificate by the Council, under section 224 of the Resource Management Act 1991, for residential <i>allotments</i> LDR 18 to 45 in the Low Density Residential Area C D(i) shown in the Outline Development Plan 32 in Appendix 2, the following shall be completed: a. A Floating Building Height Contour Diagram for each <i>allotment</i> shall be produced. b. The Floating Building Height Contour Diagram, when prepared, shall enable a plane to be determined from a series of contours. c. This plane shall be created at such a level that any building that is at or under the plane would not protrude above the main ridgeline, as viewed from the South Bay boat ramp and the viewing platform on the KDC Water Reservoir, Maui Street (refer to Designations D45 in the Plan. d. A geotechnical report specific to the area being subdivide shall be produced. The geotechnical report shall determine the suitability of each <i>allotment</i> proposed and take into consideration recommendations of existing geotechnical reports. Note: The maximum height of any building is determined by the height between the existing ground level and the plane described above unless otherwise stipulated in the land use rules for the Ocean Ridge Development Area. 104. The subdivision size and shape of the low density residential allotments in Low Density Residential Area D(i) and their	
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respective curtilage and building areas shall be in <u>general</u> accordance with these boundaries shown on the Outline Development Plans <u>1-5</u> and all relevant <u>Development Requirements 2</u> in <u>DEV2-Appendix 1</u> 2.	
SUB-S11	Native Planting Area Standards
The following standards apply to Native Planting Restoration Areas, Mixed Native Visual Integration Planting shown on Outline Development Plan 1 in Appendix 1 and the Residential Native Planting Areas and Road Side Native Planting shown on Outline Development Plan 2 in Appendix 2 relating to the Ocean Ridge Development Area: 1. The Native Planting Restoration Area (dryland only) shown on the Outline Development Plan 1 in Appendix 1 shall be held in one fee simple record of title. 2. A Native Planting Restoration Management Plan shall be submitted to the Council for approval as part of any subdivision application. It shall provide for: a. The retention of existing indigenous vegetation b. Native species to be planted and planting location (in accordance with Appendix 1: Outline Development Plan 1), density, and staging c. Preparation of ground for planting d. Maintenance requirements, including weed and pest removal, monitoring and replacement of plants e. Construction of walking tracks f. Fencing	Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.

g. Native species to be planted in the vicinity of high voltage transmission lines and which at maturity will comply with the requirements of the Electricity (Hazards from Trees) Regulations (2003) or any subsequent replacement or amendment thereof. 3. Prior to the signing of a certificate by the Council, under section 224 of the Resource Management Act 1991, for any residential <i>allotment</i> in the Ocean Ridge Development Area, which adjoins Native Planting Restoration Areas or Mixed Native Visual Integration Planting shown on Outline Development Plan 1 in Appendix 1 the following shall be completed: a. Native restoration plantings shown in the Native Planting Restoration Areas (wetland/riparian and dryland) in Outline Development Plan 1 in Appendix 1 shall be established at a rate of one hectare per seven and a half residential lots being created. b. The Native Planting Restoration Area (wetland/riparian and dryland), or parts thereof, as shown in the Outline Development Plan 1 in Appendix 1 shall be fenced to permanently exclude stock prior to the establishment of any native restoration plantings in any particular area. (Refer to SUB-S11(2)). c. The native restoration plantings shall be established in accordance with the Native Planting Restoration Management Plan (Refer to SUB-S11(2)). d. The native restoration plantings, including any existing indigenous vegetation, in the Native Restoration	
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Plantings Area shall be protected and maintained on an on-going basis, in accordance with the Native Planting Restoration Management Plan (Refer to SUB-S11(2)) and this condition is to be secured by way of a Consent Notice on any titles containing a Native Planting Restoration Area. 4. Prior to the signing of a certificate by the Council, under section 224 of the Resource Management Act 1991, for any residential <i>allotment</i> in the Low Density Residential Area D(i) shown in the Outline Development Plan 2 in Appendix 2, the following shall be completed: a. The establishment of the plantings in the Residential Native Planting Areas within the Low Density Residential Area D(i), shown in the Outline Development Plan 2 in Appendix 2. b. The establishment of the plantings within the Residential Native Planting Areas shall be in accordance with the Native Planting Restoration Management Plan (Refer to SUB-S11(2)). c. Fencing to permanently exclude stock from the Residential Native Planting Areas shall be constructed prior to the establishment of the plantings in these areas. d. All plantings in the Residential Native Plantings Areas, including any existing indigenous vegetation, shall be protected, and maintained on an on-going basis, in accordance with the Native Planting Restoration Management Plan (Refer to SUB-S11(2)).	
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e. The above standard SUB-S11(4)(d) is to be secured by way of a Consent Notice on the title for each residential <i>allotment</i> in the Low Density Residential Areas D(i) shown in the Outline Development Plan 2 in Appendix 2. 4. Prior to the signing of a certificate by the Council, under section 224 of the Resource Management Act 1991, for any residential <i>allotment</i> within the Low Density Residential Area D(i), and adjacent to the Road Side Native Planting shown in the Outline Development Plan 2 in Appendix 2, the following shall be completed: a. The establishment of the native plantings adjacent to the relevant residential <i>allotments</i> shall have been established in the Road Side Native Planting shown in the Outline Development Plan 2 in Appendix 2. b. The establishment of the native plantings in the Road Side Native Planting Areas shall be in accordance with the Native Planting Restoration Management Plan (Refer to SUB-S11(2)). cb. Fencing to exclude stock from the native plantings in the Road Side Native Planting shall be constructed prior to the establishment of the plantings in these areas. 5. Prior to the signing of a certificate by the Council, under section 224 of the Resource Management Act 1991, for any residential <i>allotment</i> in Area E shown in the Outline Development Plan 1 in Appendix 1, the following shall be completed:	
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a. The establishment of the Mixed Native Visual Integration Planting (MNVIP) shown within Area E and adjoining the Trans Coastal Rail Line in the Outline Development Plan 1 in Appendix 1 shall be established and maintained on an on-going basis, in accordance with the Native Planting Restoration Management Plan (Refer to SUB-S11(2)). b. North of the access road to Green Lane between the common boundary of Areas E and F shown in the Outline Development Plan 1 in Appendix 1 and the Main North railway corridor a 1.5m high fence shall be constructed. 6. Prior to the signing of a certificate by the Council, under section 224 of the Resource Management Act 1991, for any residential allotment adjoining the Railway line or along the eastern boundary of Area F shown in the Outline Development Plan 1 in Appendix 1, the following shall be completed: a. The establishment of the Mixed Native Visual Integration Planting (MNVIP) shown within Area F of Outline Development Plan 1 in Appendix 1 shall be established and maintained on an on-going basis, in accordance with the Native Planting Restoration Management Plan (Refer to SUB-S11(2)). b. The future road link shall be vested in the Kaikōura District Council. 7. Prior to the signing of a certificate by the Council, under section 224 of the Resource Management Act 1991, for any residential allotment within Area G shown in the Outline Development	
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Plan 1 in Appendix 1, the following shall be completed: The establishment of clustered street tree planting to be located in the road reserve at the time of subdivision. The cluster tree planting shall be in accordance with the Native Planting Restoration Management Plan (Refer to SUB-S11(2)). Standards SUB-S11(6)(a) and SUB-S11(7)(a) is to be secured by way of a Consent Notice on the title for each allotment which contains MNVIP.	
SUB-S12	Kaikōura Peninsula Tourism Development Area
The following standards shall also apply to the Lifestyle Living Area shown in DEV1 Appendix 1, in the Kaikōura Peninsula Tourism Development Area, provided that: - The <i>subdivision</i> and land use consent are applied for concurrently and no <i>subdivision</i> may be approved without all required Land Use consents. - An Overall Structure Plan for the whole Lifestyle Living Area must be prepared and lodged with the <i>subdivision</i> consent application. - The maximum number of residential <i>allotments</i> within the Lifestyle Living Area shall be 30. <i>Subdivision</i> design including location of services and <i>access</i> and roading layout for the Lifestyle Living Area shown on the Outline Development Plan in DEV1 Appendix 1 shall be designed in order to minimise any visual impact on the landscape value of the Upper Peninsula Terraces and the unbuilt Eastern Peninsula Area.	Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity

5. The vehicle access to the Lifestyle Living Area shown on the Outline Development Plan in DEV1 Appendix 1, shall be fully constructed including cycle and pedestrian access to the standard outlined in TRAN Tables 2 to 4 and SUB-S8.	
SUB-S13	S13 Inland Kaikōura Road Outline Development Plan
The following performance standards shall also apply to the Inland Kaikōura Outline Development Plan shown in Appendix 7 of the Kaikōura District Plan. 1. All subdivision development shall be undertaken in accordance with the provisions of the ODP contained in Appendix 7. 2. Rooding a. The primary road shall be located in accordance with the location shown on the Outline Development Plan in Appendix 7 and shall be vested in the Kaikōura District Council. b. There shall be no direct access to State Highway 1 from sites contained in the Outline Development Plan. 3. Landscaping All landscaping along the external perimeter of the Light Industrial Zone as depicted on the Outline Development Plan at Appendix 7, shall be landscaped to the following standards: a. A 6 m wide landscape strip shall be established along the boundaries of State Highway 1 and Inland Kaikōura Road. b. A 6 m wide landscape strip shall be established along all boundaries of the ODP which	Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.

adjoin a site contained in another zone, except road boundaries. c. The landscaping planted shall be maintained and if dead or diseased or damaged, shall be removed or replaced. d. Any planting located near the entrance points of the ODP shall be reduced in height to ensure safe and sufficient sightlines. e. All planting shall be chosen from the Native Planting List contained in Appendix 1. This shall include a mixture of species from the categories contained in the list and have a minimum one tree or shrub per 10 m of road frontage (minimum height 1.5 m at the time of planting). A landscape plan in accordance with Policy 11 shall be provided as part of any subdivision application within the ODP area in Appendix 7. 4. Lighting All artificial lighting within the ODP boundaries is required to follow the light performance standards contained in Appendix 1.	
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Methods Other Than Rules

SUB-M1	Methods for natural hazards
The objectives and policies in SUB-O1 and SUB-P1 will be implemented through standards in the District Plan and conditions on resource consents relating to <i>natural hazards</i>.	
SUB-M2	Infrastructure for subdivision

Standards in the District Plan and conditions on resource consents relating to and including:	
a. effluent disposal; b. water supply; c. energy and communications servicing; d. stormwater disposal; e. access requirements and standards.	
SUB-M3	Controls on shape and size of-allotments
Standards in the District Plan and conditions on resource consents relating to shape and dimension of <i>allotments</i> .	
SUB-M4	Methods for subdivision design and amenity
Standards in the District Plan and conditions on resource consents relating to and including:	
a. <i>sites</i> to be used for recreation purposes; b. roading and <i>access</i>; c. protection of significant natural, cultural and historic features; d. the subdivision of special <i>allotments</i>; e. the need to retain existing vegetation; and f. protection of Ngāi Tahu values, including waahi tapu and waahi taonga.	
SUB-M5	Methods to protect natural, cultural, and heritage values
Standards and conditions on resource consents relating to and including:	
a. protection of significant natural, cultural and heritage values; b. protection of Ngāi Tahu values, including waahi tapu and waahi taonga; c. protection of <i>sites</i> having ecological or habitat values. 6. Consultation with Ngāi Tahu in relation to <i>sites</i> of cultural value. 7. Education and advocacy.	
SUB-M6	Methods to encourage energy efficiency
1. Conditions on resource consents relating to and including the need to:	

a. retain existing vegetation b. avoid erosion and run-off during the development of land 2. Through the Council's annual planning process, provide advice and information to people regarding the benefits of designing <i>subdivisions</i> to take advantage of the benefits of solar energy. 3. Within the Ocean Ridge Development Area <i>subdivision</i> controls on: a. The number, size and location of <i>allotments</i>; b. The location of <i>access</i>; c. Servicing, and; d. The establishment of <i>curtilage and building areas</i>, plantings and fencing. 4. Within the Ocean Ridge Development Area, the provision on <i>subdivision</i> of a recreational <i>reserves</i>, neighbourhood <i>reserves</i> in Residential Areas A and B, and walking and cycling tracks in the native planting restoration areas as shown on the Outline Development Plan 1 in Appendix 1, and also a contribution to a cycle track that links the zone with Kaikōura Township.	
SUB-M7	Methods for contaminated sites
1. Rules relating to <i>contaminated sites</i>. 2. Assessment Matters, which allow consideration of any potential risk from <i>contaminated sites</i>. 3. Liaise with the Regional Council in respect of <i>contaminated sites</i> and sites suspected of being contaminated.	

Principal Reasons

SUB-PR1	Roading and access
Roading and <i>access</i> standards within <i>subdivisions</i> need to reflect the volume and type of traffic anticipated. If high traffic volumes or large numbers of heavy vehicles are expected, <i>roads</i> and <i>accesses</i> will need to be constructed to higher standards. New <i>subdivision</i> roading needs to be integrated with the existing roading network so that efficiency and safety of the <i>road</i> network is not compromised. The opportunity also exists at the time of <i>subdivision</i> for the addition of walkways and cycleways to be considered. Roading and <i>access</i> can also have significant adverse visual effects on the environment. The location of roading and <i>access</i>, in terms of topography and landscape, and the design	

of access routes, should aim to enhance the natural environment and minimise any adverse visual effects.

SUB-PR2**Water supply**

Water supply to *allotments* created as a result of *subdivision* must be potable where human consumption is anticipated, and of sufficient quantity to provide for anticipated land use. In addition, where life and property need to be protected, ready access to sufficient water supplies must be available for firefighting purposes.

Subdivision and development often lead to the need for water supply systems to be upgraded unless the water supply system has excess capacity. The ability to connect to the water supply system at the property boundary must be provided by the subdivider. Where a public system is readily available, and where the required capacity exists, the subdivider or developer must provide for the connection to that system at the time of *subdivision*. Where a public system (i.e., reticulated Council or community system) is not available, an individual on-site system of sufficient capacity and of potable quality needs to be provided. In the rural area, and in the Tourism Development Area, the ability to connect to a potable water supply is necessary where accommodation is provided or where there are residential units.

SUB-PR3**Sewage and trade waste**

Effective treatment and disposal of sanitary sewage is required to ensure protection of the quality, and cultural acceptability of surface water, groundwater, coastal water and receiving waters. Where a reticulated sewerage system exists in General Residential, Comprehensive, Settlement, Tourism and Commercial Zones, connection is required. In rural areas where connection is impractical, or where a reticulated system does not exist, care must be taken to protect surface and ground water quality when treating and disposing of treated sewage. Resource consent may also be required from the Canterbury Regional Council in such cases.

In rural areas, where community reticulated systems do not exist, individual on-site systems are seen as generally suitable for isolated dwellings. Reticulated community treatment and disposal is favoured over individual on-site systems for the following reasons:

- a. the more sophisticated the individual on-site systems, the higher the maintenance and the greater the potential for failure;
- b. community systems generally provide a greater degree of protection as there is a separation between the public and any sewage disposal areas.

The Kaikōura Peninsula Tourism Development Area is intended to be connected to the Council's sewage system. In terms of trade waste, some industries involve processes

which generate large volumes of waste products which must be discharged to an approved outfall. Frequently, at the time of <i>subdivision</i>, it is not known what intensity of trade wastes will be generated and even when these are known, land uses may change in the future. Where connection to the Council sewerage system is available, provision for trade waste disposal will be made by way of connection to individual <i>allotments</i> at the time of <i>subdivision</i>.	
SUB-PR4	Energy and communications
Energy supply and telecommunications are regarded as essential services. The supply of these services to individual <i>sites</i> will require reticulated systems which are located below ground where practicable. Underground reticulation is required in order to protect visual amenity. The cost of underground reticulation is recognised, and therefore underground reticulation is required only where practicable.	
SUB-PR5	Ecological, conservation, heritage, and Ngāi Tahu values
<i>Subdivision</i> should enable the effective management and retention of areas of land containing significant natural, cultural and historic features, trees and areas of vegetation, wildlife habitats, <i>archaeological sites</i> and <i>sites</i> of importance to Ngāi Tahu. <i>Sites</i> can be protected by <i>esplanade reserves</i>, <i>esplanade strips</i>, <i>access strips</i>, conservation covenants, bonds, caveats or other legal mechanisms. The most appropriate technique will depend on many factors, one of which is the desired ownership. <i>Esplanade strips</i>, <i>access strips</i>, covenants, bonds, and caveats allow for ownership to be retained by the landowner.	
SUB-PR6	Subdivision design and amenity
During the process of <i>subdivision</i> or subsequent development, existing vegetation is often cleared. As a consequence, the amenity of land can often be adversely affected until vegetation is re-established. At the time of <i>subdivision</i>, the opportunity exists for existing vegetation, in particular any significant trees to be retained. Retention of existing vegetation can also have benefits in terms of reducing erosion and run-off. Matters such as roading design and layout, the shape and size of <i>allotments</i>, configuration and orientation of <i>allotments</i>, protection of views, and the network of open space can improve the amenity of <i>subdivisions</i> and enable developers to take advantage of the benefits of solar energy.	
SUB-PR7	Stormwater

It is important that any possible adverse effects of stormwater on neighbouring land are prevented by remedial works installed by the subdivider. Recognition and enhancement of the values of natural waterbodies and receiving waters is a necessary part of *subdivision* and subsequent land use developments. Open waterbodies can be visually attractive and generally provide an opportunity for enhancement through suitable landscape treatment. Preservation of natural waterbody systems is ecologically, culturally and environmentally desirable. The Regional Council may also require resource consent for discharge of stormwater.

SUB-PR8**Natural hazards**

There are areas within the District which are unsuitable for development because of the potential effects of *natural hazards*. Such hazards include flooding, sea level rise, coastal erosion, inundation, inland migration of coastal features like sand dunes, subsidence and slippage. Areas subject to these hazards may require specific mitigation or risk-avoidance measures.

In assessing applications for *subdivision* consents, the Council will take into account potential damage by *natural hazards* and whether the hazard can be adequately mitigated, avoided or remedied. In addition, the Council will ensure that any mitigation measures are adequate to overcome the hazard. The effects of the mitigation measure themselves also need to be considered, as they themselves may result in adverse environmental effects.

SUB-PR9**Contaminated sites**

There may be *sites* in the District which are contaminated, either as a result of past activities, or as a result of existing activities. These *sites* may be obvious, as in the case of old rural landfills, or there may be no records that they are contaminated.

Where a *site* is known or suspected to be contaminated, the type, degree and extent of contamination will need to be verified prior to *subdivision* so that the effects of any contamination on future land use can be assessed. The Regional Council maintains its own register of *contaminated sites* that may provide information on history, any remediation work, or the management of the *sites*.

Anticipated Environmental Results

SUB-A1**Anticipated environmental results relating to *subdivision***

1. Safe, convenient access to and from subdivided *allotments*.

2. Water supplies, including potable drinking water, which are sufficient in quality and volume to meet the needs of land use and which are adequate for firefighting purposes.
3. Improved and extended patterns of vehicular, cycle and pedestrian linkages.
4. Adequate disposal of stormwater, sewage and trade wastes.
5. Retention and enhancement of natural drainage systems.
6. Adequate provision for energy supplies and telecommunications.
7. Maintenance of amenity values, public health, and the quality of the environment, particularly significant natural, cultural and heritage values.
8. A pattern of *subdivision* which complements the character of the land uses in the area concerned.
9. A pattern of *subdivision* consistent with roading patterns appropriate in residential environments.
10. A pattern of *subdivision* which allows *sites* to take advantage of solar energy.
11. Increased innovation in *subdivision* design and protection of significant trees or features.
12. Avoidance of potential risk from flooding, erosion or subsidence.
13. Recognition and protection of *sites* of Māori historical and cultural significance.
14. A pattern of *subdivision* which respects and allows for the retention and enhancement of the natural and open space character of the Kaikōura Peninsula.
15. Provision of suitable zoned land to meet the foreseeable residential needs of the Kaikōura Community.

SUB Table 1: Minimum allotment sizes

Allotments created by subdivision, including balance titles, shall not have a net area less than the net area specified for each zone in Table 1 below. Exceptions to minimum allotment sizes apply for access, utilities, roads and reserves, heritage items, and archaeological sites and areas as set out in Table 1, below.

Zone	Minimum net allotment area	
General Rural Zone	On any site outside the areas of Significant or Outstanding Landscape as identified on the Planning Maps, except in the Kaikōura Peninsula Tourism Development Area: 2 Hectares	
	On any site within the areas of Significant or Outstanding Landscape as identified on the Planning Maps, except in the Kaikōura Peninsula Tourism Development Area: 4 hectares	
	Medium Density Residential Precinct	500m ²

General Residential and Settlement Zones	Low Density Residential Precinct	1,000m ²
	Settlement Zone	500m ²
	except the average net allotment area of all lots shall not be less than the minimum areas specified above, provided that no one lot is less than 350m ² in area in the Medium Density Residential Precinct, and 750m ² in area in the Low Density Residential Precinct	
Commercial Zones	All precincts	60m ²
Kaikōura Peninsula Tourism Development Area	Land within the Building Platform Location Areas shown on the Outline Development Plan (DEV1 Appendix 1)	No minimum specified
	Land within the Lifestyle Living Area shown on the Outline Development Plan (DEV1 Appendix 1)	No minimum specified (see SUB-S12)
	Land outside the Building Platform Location Areas and outside the Lifestyle Living Area shown on the Outline Development Plan (DEV1 Appendix 1)	No lot size appropriate (see SUB-R1(10))
Light Industrial Zone	All precincts	500 m ²
Ocean Ridge Development Area	<u>All Foundation Areas and Sub-Areas</u> Residential Areas A, B, C, E, F, and G shown on the Outline Development Plan 1 (Appendix 1)	<u>Refer to minimum allotment sizes and details indicated on Outline Development Plans 2 and 3 in DEV2-Appendix 1</u> 500m ² Except that 20 residential allotments in Residential Area B may

		have a minimum area of 300m ²
	Low Density Residential Areas (D) District Plan shown on the Outline Development Plan 1 (Appendix 1)	1,500m ²
	Low Density Residential Area D(i) shown on the Outline Development Plan 1 (Appendix 1)	Refer to allotment shape shown in DEV2 Appendix 1 (SUB-S10(10))
	Mixed Use Area shown on the Outline Development Plan 1 (Appendix 1)	300m ²
	Open Space/Grazing Area shown on the Outline Development Plan 1 (Appendix 1)	Any area required to achieve SUB-S10 and SUB-S11.
	Native Planting Restoration Areas (dryland only) shown on the Outline Development Plan 1 (Appendix 1)	Refer to rule SUB-S11.

Access, utilities, roads, and reserves

There shall be no specified minimum allotment sizes in any zone for allotments for access, utilities, reserves and roads provided that:

- a. The area of the land contained within the allotment shall only be that area sufficient for the proposed allotments for access, utilities, reserves and roads; and
- b. Sewage disposal is not required and;
- c. Any balance area of land, which does not conform with the minimum lot sizes above shall be amalgamated with land in an adjoining Record of Title.

Heritage items and archaeological sites and areas

There shall be no specified minimum allotment sizes in any zone for allotments containing Historic Buildings listed in HH Appendix 1 and Archaeological Sites and Areas listed in HH Appendix 2 provided that:

- a. In the case of archaeological sites and Areas, subdivision is for the express purpose of protecting an archaeological site; and

- b. The area of the land contained within the allotment shall only be that area sufficient for the protection of the listed area, site or item; and
- c. Sewage disposal is not required on the allotment containing the historic building and;
- d. Any balance area of land, which does not conform with the minimum lot sizes above shall be amalgamated with land in an adjoining Record of Title.

SUB Table 2: Road classification and pavement structure

Zone	Traffic volume (VPD) or residential units (RU)	Design Speed (kph)	Minimum road width (m)	Carriageway width (m)			Pavement structure. Two-layer basecourse construction. Depth (mm) aggregate type code.	
				Parking	Traffic	Total	Lower layer	Upper layer
GRZ, Set, Bus, ORCL, LIZ	<20 RU	40	12	1x2m	1x3.5m	5.5	100 SBAP 60	100 GAP 40
	>20 RU		14	1x2m	1x4m	6.0		
	<100 RU		15	2x2m	1x3.5m	7.5		
Rural	<200 VPD	100			3.5	Use SHPDRM design method		
GRZ, Set, Bus, ORCL, LIZ	400-1000 VPD	50		2x2.5m				8.0
Rural	200-1000 VPD	100			2x3m	6.0		
GRZ, Set, Bus, ORCL, LIZ	800-3000 VPD	100		2x2m	2x3.5m	11.0	200 GAP 40 150 TNZ AP40	
Rural		50				7.0		

Rural	1000-4000 VPD	100				7.0	Use SHPDRM design method
GRZ, Set, Bus, ORCL, LIZ	3000 VPD	50		Specific design			

SUB Table 3: Vehicle access, excluding Kaikōura Peninsula Tourism Development Area

Design criteria			Required standards				
Zone	Potential number of lots	Length (m)	Legal width (m)	Carriage-way width (m)	Turning area	Passing bay	Footpaths
GRZ, ORCL, Set	1-2	Any length	3.5	3.0	Optional	Optional	Optional
GRZ, ORCL, Set	3-6	0-50	4	3.5	Required	Optional	Optional
GRZ, ORCL, Set	3-6	Over 50	4.5	4.0	Required	Required	Optional
Rural	1-5	Any length	6	4.0	Optional	Required	Optional
Rural	6-10	Any length	10	4.0	Optional	Required	Optional
All other zones	1-10	Any length	6.0	4.0	Required	Required	Optional

SUB Table 4: Vehicle access for Kaikōura Peninsula Tourism Development Area

Activity	Carriage -way width (m)	Parking	Turning area	Surface options	Drainage	Pavement structure	Footpaths
Primary vehicle access	8.0	No	Yes	All weathe r surface	Yes	Specific design	Yes
Secondary vehicle access	5.0	No	Yes	All weathe r surface	Yes	Specific design	Yes
Service lane	4.0	No	Yes, if there is a bend	All weathe r surface	Yes	Specific design	Optional