

# 13. Subdivision

## 13.1 Introduction

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 certificates 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 1994 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.

The following issues have been identified as being associated with subdivision:

## 13.2 Issue 1 - 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.**

### 13.2.1 Objective 1

**To avoid subdivision in localities where it is likely to increase risk to people or property from erosion, sea level rise, subsidence, slippage or inundation from any source, unless this risk can be remedied, avoided or mitigated without significant adverse effects on the environment.**

### 13.2.2 Policies

1. To avoid or control subdivision 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 subdivision 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 subdivision 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 subdivisions, Council will recognise the following:

- the integrity of natural systems, such as beaches, dunes and wetlands, that are a natural defence to erosion and/or inundation
  - the ability of natural features such as beaches, dunes and wetlands, to protect subdivision and development
  - that new subdivision in the coastal environment should be located and designed so that the need for hazard protection works is avoided.
5. In considering subdivisions, to recognise that some natural features may migrate inland as the result of dynamic coastal processes, including sea level rise.
  6. In processing subdivision applications, to recognise the role of esplanade reserves and esplanade strips in the avoidance, remediation and mitigation of natural hazards.

### 13.2.3 Implementation Methods

The above objectives and policies will be implemented through standards in the District Plan and conditions on resource consents relating to natural hazards.

## 13.3 Issue 2 - Infrastructure and Contributions

Services need to be provided at the time of subdivision and development to avoid, remedy or mitigate any actual or potential effects of such activities on the environment.

### 13.3.1 Objective 2

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.

### 13.3.2 Policies

1. To require upon subdivision, that new lots within Residential, Comprehensive Living, Settlement, Tourism and Business zones 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 fire fighting purposes.
2. To require upon subdivision, 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 subdivision 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 subdivision in Residential, Comprehensive Living, Settlement, Tourism and Business Zones, 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.
5. 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.
6. To require that underground reticulated energy and communication services are provided to lots within Residential, Comprehensive Living, Settlement, Tourism and Business Zones.

7. To require the integration of subdivision roading with the existing roading network in a manner which reflects expected traffic levels, and achieves safe and effective vehicular access to allotments.
8. To encourage the provision of pedestrian and cycle linkages where possible as well as linkages to and along water bodies.
9. 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 subdivision and maintains or enhances the quality of surface and ground water.
10. To avoid subdivision in the Marine Facilities Zone so as to retain the use of this area for appropriate marine activities and public use.

### 13.3.3 Implementation Methods

Standards in the District Plan and conditions on resource consents relating to and including:

- effluent disposal;
- water supply;
- energy and communications servicing;
- stormwater disposal;
- access requirements and standards.

### 13.4 Issue 3 - Site Suitability

**New allotments created by subdivision should be of a size, shape and have characteristics such that they are suitable for the anticipated use.**

#### 13.4.1 Objective 3

**To provide for allotments which are suitable for a range of sustainable land uses, except where special sites are required as provided for in Issue 4.**

#### 13.4.2 Policies

1. To require all allotments created as a result of subdivision to be of a size and shape which is suitable for a range of sustainable land uses, except where special sites are required as provided for in Issue 4.
2. To ensure that subdivisions in the Rural Zone are of a sufficient shape and size in order to maintain and enhance rural amenity values.
3. To ensure that all allotments outside the Building Platform Location Areas in the Kaikoura Peninsula Tourism Zone 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 Kaikoura Peninsula.

### 13.4.3 Implementation Methods

Standards in the District Plan and conditions on resource consents relating to shape and dimension of allotments.

## 13.5 Issue 4 - 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 Ngai Tahu values. The area required for these activities may be less than permitted.

### 13.5.1 Objective 4

To recognise the need for special lots to be created for activities where small lot sizes are required for activities such as utilities, recreation, roading and access or to protect values such as heritage, conservation or Ngai Tahu values.

### 13.5.2 Policy

To provide for small lots to be created to provide for activities such as utilities, recreation, roading or access and the protection of heritage, conservation and Ngai Tahu values.

### 13.5.3 Implementation Methods

Standards in the District Plan and conditions on resource consents relating to and including:

- sites to be used for recreation purposes;
- roading and access;
- protection of significant natural, cultural and historic features;
- the subdivision of special allotments;
- the need to retain existing vegetation; and
- protection of Ngai Tahu values, including waahi tapu and waahi taonga.

## 13.6 Issue 5 - Ecological, Conservation, Heritage and Ngai Tahu Values

Sites of ecological, conservation, heritage value or sites of importance to Ngai Tahu can be protected at the time of subdivision.

### 13.6.1 Objective 5

At the time of subdivision, to avoid, remedy or mitigate adverse effects on sites having ecological, conservation or, heritage values or on sites of importance to Ngai Tahu.

### 13.6.2 Policies

1. To encourage the protection of sites of ecological, conservation, heritage value or sites of importance to Ngai Tahu at the time of subdivision through the use of mechanisms such as voluntary agreements, esplanade reserves, esplanade strips, access strips, conservation covenants, bonds and caveats.
2. To encourage the maintenance and enhancement of indigenous biodiversity within and adjacent to areas of subdivision.

### 13.6.3 Implementation Methods

1. Standards and conditions on resource consents relating to and including:
  - protection of significant natural, cultural and heritage values;
  - protection of Ngai Tahu values, including waahi tapu and waahi taonga;
  - protection of sites having ecological or habitat values.
2. Consultation with Ngai Tahu in relation to sites of cultural value.
3. Education and advocacy.

## 13.7 Issue 6 - Subdivision Design and Amenity

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.

### 13.7.1 Objective 6

To ensure subdivisions are designed and constructed to create a pleasant amenity, so that solar energy is taken advantage of and so that erosion is avoided.

### 13.7.2 Policies

1. At the time of subdivision, 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 subdivision 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 subdivision of allotments for residential and other uses in the Ocean Ridge Comprehensive Living Zone provided that:
  - a. The number and location of residential and other allotments are strictly controlled through rules and an Outline Development Plan for the Zone, in order to avoid any inappropriate development which would significantly diminish the conservation, amenity, and landscape values associated with this area; and,
  - b. Requirements are put in place to ensure the establishment and maintenance of native restoration plantings 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. Provision is made for cycle tracks, pedestrian walkways and parks and reserves within the zone; and,
  - d. The location of curtilage and building areas and vehicular access are to be selected so as to reduce the volume or extent of earthworks; and,

### 13.7.3 Implementation Methods

1. Conditions on resource consents relating to and including the need to:
  - retain existing vegetation;

- 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 subdivisions to take advantage of the benefits of solar energy.
  3. Within the Ocean Ridge Comprehensive Living Zone subdivision controls on:
    - The number, size and location of allotments;
    - The location of access;
    - Servicing, and;
    - The establishment of curtilage and building areas, plantings and fencing.
  4. Within the Ocean Ridge Comprehensive Living Zone, the provision on subdivision of a recreational reserve, neighbourhood reserves 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 P, and also a contribution to a cycle track that links the zone with Kaikoura Township.

## 13.8 Issue 7 - Contaminated Sites

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.

### 13.8.1 Objective 7

To ensure that subdivision of potentially contaminated sites is either avoided or undertaken so that there is no increase in risk to human health from contaminants.

### 13.8.2 Policies

1. To identify any potential contaminated sites at the time of subdivision.
2. To avoid subdivision of contaminated sites where risk to human health or exposure to people is increased as a result of the subdivision or as a result of any future activities resulting from the subdivision.
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.

### 13.8.3 Implementation Methods

1. Rules relating to contaminated sites.
2. Assessment Matters, which allow consideration of any potential risk from contaminated sites.
3. Liaise with the Regional Council in respect of contaminated sites and sites suspected of being contaminated.

## Explanation and Reasons

### **Roading and Access**

Roading and access standards within subdivisions need to reflect the volume and type of traffic anticipated. If high traffic volumes or large numbers of heavy vehicles are expected, roads and accesses will need to be constructed to higher standards.

New subdivision roading needs to be integrated with the existing roading network so that efficiency and safety of the road network is not compromised. The opportunity also exists at the time of subdivision for the addition of walkways and cycleways to be considered.

Roading and access can also have significant adverse visual effects on the environment. The location of roading and access, 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.

### **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 needs to be protected, ready access to sufficient water supplies must be available for fire fighting purposes.

Subdivision and development often leads 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 Zones, the ability to connect to a potable water supply is necessary where accommodation is provided or where there are residential units.

### **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 Residential, Comprehensive, Settlement, Tourism and Business 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:

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

The Kaikoura Peninsula Tourism Zone 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 subdivision, 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 allotments at the time of subdivision.

### **Energy and Communications**

Energy supply and telecommunications are regarded as essential services. The supply of these services to individual sites 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.

### **Ecological, Conservation, Heritage and Ngai Tahu Values**

Subdivision 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, archaeological sites and sites of importance to Ngai Tahu.

Sites can be protected by esplanade reserves, esplanade strips, access strips, conservation covenants, bonds, caveats or other legal mechanisms. The most appropriate technique will depend on many factors, one of which is the desired ownership. Esplanade strips, access strips, covenants, bonds, and caveats allow for ownership to be retained by the landowner.

### **Subdivision Design and Amenity**

During the process of subdivision 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 subdivision, 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 allotments, configuration and orientation of allotments, protection of views, and the network of open space can improve the amenity of subdivisions and enable developers to take advantage of the benefits of solar energy.

### **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.

### **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 measures themselves also need to be considered, as they themselves may result in adverse environmental effects.

### **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.

### 13.9 Anticipated Environmental Results

The environmental results expected upon subdivision are:

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 fire fighting 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 Maori 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 Kaikoura Peninsula.
15. Provision of suitable zoned land to meet the foreseeable residential needs of the Kaikoura Community

# Subdivision Rules

## 13.10 General Provisions Applicable to all Subdivision Activities

### a. **Definition of Subdivision of Land**

The definition of subdivision of land shall be as set out in Section 218 of the Resource Management Act, 1991.

### b. **Sections of the Act**

All applications are subject to the requirements set out in the Act, with particular reference to Sections 11, 106, 108, 218, 220, 229 to 237H.

### c. **Code of Practice for Urban Subdivisions**

The Council's requirements are based on New Zealand Standards 4404 - Code of Practice for Urban Subdivisions.

### d. **Consent Conditions**

The completion of works or the provision of services shall be undertaken as required by a condition on a resource consent, or rule, or, if there is no specific time frame, prior to a certificate being given pursuant to section 224(c) of the Act.

## 13.11 Subdivision Activities

### 13.11.1 Controlled Subdivision Activities

Except as provided for in 13.11.2, 13.11.3 and 13.11.4 below, any subdivision which complies with all performance standards shall be a Controlled subdivision activity with Council's control being reserved to the following matters:

#### **Allotment Size and Dimensions**

- Allotment dimensions of subdivisions in the Business Zones.
- Size and dimensions of allotments for access, utilities, reserves and roads.
- Size and dimensions of allotments for heritage items and archaeological sites.

#### **Subdivision Design**

- Relationship and orientation of allotments.
- The location of walkways and cycleways.
- The provision and/or use of stormwater channels and wetland areas.
- The degree to which subdivision design, including the location of roads and reserves recognises and provides for existing high voltage electricity transmission lines so that reasonable access to the lines is maintained.

#### **Roading, Access and Vehicle Crossings**

- The location, alignment and pattern of roading or service lanes.
- The location and provision of access to allotments for vehicles, cycles and pedestrians.

- Any financial contributions to be made by the applicant.
- Road reserves and provision for future subdivision on adjoining land.
- The standard of construction required for roading, access and vehicle crossings, other than as required by Standards contained in Section 13.12.
- Street lighting.
- Naming of private vehicular access.
- Protection of road reserves and vehicle crossings.
- Requirement for seal, in relation to any road where on any part of its length it has a gradient steeper than 1 in 8 and in relation to any private access with a gradient of steeper than 1 in 6 on any part of its length.
- Any environmental effects of providing access.

#### **Esplanade Provision**

- Provision of access strips.
- Provision of esplanade reserves or strips.
- The purpose of the esplanade strip provisions.

#### **Natural Hazards**

- Provision of protection works, and measures to avoid, remedy or mitigate effects of such works, the location and type of services, building location, and location and quantity of filling and earthworks that could be affected by the following natural hazards or which could affect the impact of those natural hazards on the site or other land in the vicinity.
  - Erosion
  - Flooding and Inundation
  - Landslip
  - Rockfall
  - Aggregation
  - Unconsolidated Fill
  - Subsidence
  - Coastal erosion
  - Tsunami.

#### **Earthworks**

- Effects on the stability of land.
- 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.

#### **Water Supply**

- 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.

- The supply of potable water in any zone, where a Council reticulated system does not have sufficient capacity.
- Water supplies for fire fighting purposes.
- The standard of water supply infrastructure installed in subdivisions, and the adequacy of existing supply systems outside the subdivision.
- Any financial contributions required in respect of water supply.
- The quantity of water to be supplied.
- The need for potable water to be supplied or consent notices to be imposed in Rural Zones.
- The aesthetics and quality of potable water supplied.

#### **Stormwater Disposal**

- The capacity of existing and proposed stormwater infrastructure and disposal systems.
- 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.
- The location, scale and construction of stormwater infrastructure.
- Any financial contributions required in respect to stormwater disposal.

#### **Sewage Disposal**

- The method of sewage disposal and treatment systems where a community or public reticulation and treatment is not available.
- The capacity of, and impacts on, the existing reticulated sewage disposal system.
- The location and environmental effects of the proposed sewage system.
- Any financial contributions that may be required in respect of sewage provision.
- Whether an individual, or a joint connection, is required.
- The need for reticulated sewage disposal and/or treatment in Rural Zones.

#### **Trade Waste Disposal**

- The disposal of trade waste.

#### **Energy Supply and Telecommunications**

- The adequacy and standard of electrical utility installation.
- The adequacy and standard of telecommunications installation.

#### **Vegetation and Landscape**

- The preservation of vegetation and landscape.
- The impact of the subdivision on the Rural Amenity and Landscape character.
- Any financial contributions that may be required to offset adverse effects on vegetation or landscape.

### **Easements**

- The need to create easements for any purpose.

### **Building Location**

- The location of buildings and floor height.
- 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.

### **Soil Contamination**

- Whether the site contains any known contaminants.
- The nature and extent of any soil contamination and risk to human health.
- Any mitigation or de-contamination measures.
- Whether a site has the potential to be contaminated from past or existing activities.

## **13.11.2 Discretionary Subdivision Activities**

1. Any subdivision which does not comply with any one or more performance standards in rule 13.12.1 to 9 shall be a Restricted Discretionary Subdivision Activity, with the exercise of the Council's discretion being restricted to the matter(s) of non-compliance, in addition to any matters over which control has been reserved under 13.11.1.
2. Subdivision of the Lifestyle Living Area shown on the Outline Development Plan for the Kaikoura Peninsula Tourism Zone in Appendix O, shall be a Discretionary Subdivision Activity, provided that in conjunction with the application, an Overall Structure Plan and all land use consents required in respect to Kaikoura District Council matters are lodged.

In respect to this rule, Council must have regard, but is not limited, to:

- a. Matters outlined in Performance Standards 13.12.11 when assessing the subdivision for approval.
  - b. In relation to subdivision matters Performance Standards 13.12.1 – 13.12.10, and matters over which control has been reserved under 13.11.1.
3. Any of the following subdivisions, shall be an Unrestricted Discretionary Subdivision Activity:
    - a. Any subdivision which occurs within the Marine Facilities Zone;
    - b. Any subdivision within the Residential Zone which fronts onto The Esplanade between Torquay Street and Wakatu Quay;
    - c. Any subdivision, which occurs within Flood Hazard Areas 1, 1a, 2, 2a or P as defined on the Planning Maps, except that this rule does not apply to the Ocean Ridge Comprehensive Living Zone;
    - d. Notwithstanding b. above, any subdivision in the Residential or Settlement Zones which is within 50 linear metres of the Coastal Marine Area;
    - e. Any subdivision in the Rural Zones which is within 100 linear metres of the Coastal Marine Area.
    - f. Any subdivision in the Ocean Ridge Comprehensive Living Zone which results in additional discharge of stormwater to the Lyell Creek catchment.

### 13.11.3 Non-complying Subdivision Activities

1. Any of the following subdivisions, in the Kaikoura Peninsula Tourism Zone shall be a non-complying Subdivision Activity
  - a. Any Subdivision outside the Building Platform Areas or the Lifestyle Living Area shown on the Outline Development Plan for the Kaikoura Peninsula Tourism Zone in Appendix O, unless provided for in Rule 13.11.2.
2. Any Subdivision within the Lifestyle Living Area shown on the Outline Development Plan for the Kaikoura Peninsula Tourism Zone in Appendix O which cannot comply with any of the following:
  - a. The subdivision consent shall be lodged in conjunction with an Overall Structure Plan for subdivision and all required land use consent activities in accordance with Rule 13.11.2.2.
  - b. Any subdivision shall be in accordance with the Overall Structure Plan approved at the time of the subdivision and landuse consent.
  - c. Any subdivision shall be in accordance with all of the Performance Standards outlined in 13.12.1–13.12.11.
  - d. Any subdivision shall be in accordance with Performance Standard 13.12.1.2 (Water Supply).
3. Any subdivision in the Ocean Ridge Comprehensive Living Zone which does not comply with any one or more performance standards in rule 13.12.10, other than performance standards 13.12.10.1.a, shall be a non-complying subdivision activity.

### 13.11.4 Prohibited Subdivision Activities

Any subdivision in the Ocean Ridge Comprehensive Living Zone which results in more than 336 residential allotments or does not comply with performance standard 13.12.1.a shall be a Prohibited Subdivision Activity.

## 13.12 Performance Standards

### 13.12.1 Allotment Size

- a. Allotments created by subdivision, including balance titles, shall not have a net area less than the net area specified for each zone in table 13.12.1.a below, except as provided for in 13.12.1.b and c below.

**Table 13.12.1.a.**

Zone	Minimum Net Allotment Area	
Rural Zone	On any site outside the areas of Significant or Outstanding Landscape as identified on the Planning Maps, except in the Kaikoura Peninsula Tourism Zone 2 Hectares	
Rural Zone	On any site within the areas of Significant or Outstanding Landscape as identified on the Planning Maps, except in the Kaikoura Peninsula Tourism Zone 4 hectares	
Residential and Settlement Zones	Residential A	500m <sup>2</sup>
	Residential B	1000m <sup>2</sup>
	Settlement Zone	500m <sup>2</sup>

Zone	Minimum Net Allotment Area	
	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 <sup>2</sup> in area in the Residential A Zone, and 750m <sup>2</sup> in area in the Residential B Zone.	
Business Zones	Business A and Business B	60m <sup>2</sup>
Kaikoura Peninsula Tourism Zone	Land within the Building Platform Location Areas shown on the Outline Development Plan (Appendix O).	No minimum specified
	Land within the Lifestyle Living Area shown on the Outline Development Plan (Appendix O)	No minimum specified (see performance standard 13.12.11)
	Land outside the Building Platform Location Areas and outside the Lifestyle Living Area shown on the Outline Development Plan (Appendix O)	No lot size appropriate refer rule 13.11.3
Ocean Ridge Comprehensive Living Zone	Residential Areas A, B, C, E, F, and G shown on the Outline Development Plan (Appendix P)	500m <sup>2</sup> Except that 20 residential allotments in Residential Area B may have a minimum area of 300m <sup>2</sup>
	Low Density Residential Areas (D) District Plan shown on the Outline Development Plan (Appendix P)	1500m <sup>2</sup>
	Low Density Residential Area D(i) shown on the Outline Development Plan (Appendix P)	Refer to allotment shape shown in Appendix P (rule 13.12.10.3.a.)
	Mixed Use Area shown on the Outline Development Plan (Appendix P)	300m <sup>2</sup>
	Open Space/Grazing Area shown on the Outline Development Plan (Appendix P)	Any area required to achieve rule 13.12.10.1.e

Zone	Minimum Net Allotment Area	
	Native Planting Restoration Areas (dryland only) shown on the Outline Development Plan (Appendix P)	Refer to rule 13.12.10.2.a

**b. 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:

- i. 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
- ii. Sewage disposal is not required and;
- iii. Any balance area of land, which does not conform with the requirements of Rule 13.12.1.1.a above, shall be amalgamated with land in an adjoining Certificate of Title.

**c. 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 Appendix C and Archaeological Sites and Areas listed in Appendix E provided that:

- i. In the case of archaeological sites and Areas, subdivision is for the express purpose of protecting an archaeological site; and
- ii. 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
- iii. Sewage disposal is not required on the allotment containing the historic building and;
- iv. Any balance area of land, which does not conform with the requirements of Rule 13.12.1.a above, shall be amalgamated with land in an adjoining Certificate of Title.

### 13.12.2 Water Supply

- a. In Rural Zones (where new allotments for one or more visitor accommodation or residential unit are anticipated) and Residential, Ocean Ridge Comprehensive Living, Settlement, Tourism and Business zones where a Council or community reticulated water supply exists and has sufficient capacity, all new allotments (other than allotments for access, roads, utilities and reserves) shall be provided with a connection to the reticulated system, laid to the boundary of the allotment.
- b. In any zone (except the Lifestyle Living Area shown on the Outline Development Plan for the Kaikoura Peninsula Tourism zone in Appendix O where a Council or Community reticulated water supply has insufficient capacity to service the new lots:
  - i. All new allotments serving 25 or fewer people for less than 60 days per year shall be provided with a potable water supply, and
  - ii. all new allotments 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 allotments for access, roads, utilities and reserves.

### 13.12.3 Sewage Disposal



- a. In Residential, Ocean Ridge Comprehensive Living, Kaikoura Peninsula Tourism and Business Zones, each new allotment shall be provided with a sewerage connection to the boundary of the allotment, except where allotments are for access; roads; and utilities and reserves not requiring sewage disposal.
- b. In any zone other than Residential, Ocean Ridge Comprehensive Living, Kaikoura Peninsula Tourism or Business Zone, where subdivision is for 10 or more allotments, 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 allotments are for access; roads; and utilities and reserves not requiring sewage disposal.

#### 13.12.4 Energy Supply, Telephone Systems and High Voltage Electricity Transmission Lines

- a. All new allotments in the Residential, Ocean Ridge Comprehensive Living, Settlement, Tourism and Business Zones shall be provided with connections to electric supply and telecommunications systems to the boundary of the allotment except where allotments are for access, roads, utilities, or reserves. Refer to Section 10, Utilities Rules, for standards relating to lines.
- b. High Voltage Electricity Transmission Lines – No new allotments 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 rules shall not apply to the Ocean Ridge Comprehensive Living Zone where performance standard 24.6.20 applies.

#### 13.12.5 Preservation of Vegetation

Any protected tree, or group of trees, listed in Appendix D, shall be preserved and a Consent Notice shall be registered requiring continual preservation as an ongoing condition for approval to the allotment containing such trees.

#### 13.12.6 Property Access - General

- a. Every allotment shall have a frontage or legal access to an existing road or to a new road. Vehicle crossings shall be provided in terms of the vehicle crossing provisions of the Transportation Rules.
- b. Where the existing frontage road is subject to a road widening designation, provision shall be made to enable the Council to acquire such land when required, by separately defining the parcels of land.

#### 13.12.7 Property Access - Roads (also refer to Section 12, Transport)

- a. All new roads shall be laid out and vested in the Council, in accordance with the standards set out in the table 13.12.7.a below:
- b. The carriageway of all new roads laid out and vested in accordance with a above shall be formed and sealed.
- c. 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.
- d. In Residential, Ocean Ridge Comprehensive Living, Settlement, and Rural Zones, cul-de-sac shall be constructed with turning heads of 9 metres radius, measured kerb face to kerb face.

- e. All new roads vested upon subdivision 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.
- f. No new road 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 Comprehensive Living Zone 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.

**Table 13.12.7.a - 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
Res, Set, Bus ORCL <sup>note</sup>	<20 ru	40	12	1x2m	1x3.5m	5.5	100 SBAP 60	100 GAP 40
	>20ru		14	1x2m	1x4m	6.0		
	<100ru		15	2x2m	1x3.5m	7.5		
Rural	<200vpd	100		-		3.5	Use SHPDRM design method	
Res Set Bus ORCL <sup>note</sup>	400-100vpd	50		2x2.25m		8.0	200 SBAP 60	100 GAP 40
Rural	200-1000vpd	100		-	2x3m	6.0		
Res Set Bus ORCL <sup>note</sup>	800-3000vpd	100		2x2m	2x3.5m	11.0	200 GAP 40 150 TNZ AP40	
Rural		50		-		7.0		
Rural	1000-4000vpd	100		-		7.0	Use SHPDRM design method	
Res Set Bus ORCL <sup>note</sup>	>3000vpd	50		Specific Design				

Note: ORCL means Ocean Ridge Comprehensive Living Zone

### 13.12.8 Property Access (refer also to Section 12, Transport)

#### a. Vehicle Access

- i. All vehicle access to fee simple title allotments, cross leases, unit titles or leased premises shall be in accordance with the standards set out in table 13.12.8.a.i below, except that this rule shall not apply to:
  - Vehicle crossings directly onto individual sites, which do not involve an access (refer to the definition of “access”), and
  - The Kaikoura Peninsula Tourism Zone.
- ii. In the Kaikoura Peninsula Tourism Zone, all vehicle access to and within fee simple title allotments, cross leases, unit titles or leased premises shall be in accordance with the standards set out in table 13.12.8.a.ii below.

- b. Minimum height clearance for vehicle access shall be 4.5m.
- c. All vehicle access onto sealed roads or service lanes shall be in accordance with the vehicle crossing provision of the Transportation Rules (Rule 12.8.2).
- d. Within a Residential, Ocean Ridge Comprehensive Living, Settlement or Business Zone, where a vehicle access serves more than one allotment, it shall be formed and sealed.
- e. Where a vehicle access serves more than 6 allotments in a Residential, Settlement or Business Zone or more than 10 allotments in any other zone, access shall be provided by way of a road, except that this rule does not apply to the Kaikoura Peninsula Tourism Zone.
- f. 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.
- g. 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 Comprehensive Living Zone the gradient on any part of its length shall not be steeper than 1 in 6.
- h. Within the Kaikoura Peninsula Tourism Zone crossfalls on the carriageway shoulders and swale drains shall not exceed 3:1 (H:V) between the outer edge of each traffic lane and the centerline of the swales.

**Table 13.12.8.a.i - Vehicle Access, excluding Kaikoura Peninsula Tourism Zone**

Design Criteria			Required Standards				
Zone	Potential No of Lots	Length (m)	Legal Width (m)	Carriageway width (m)	Turning Area	Passing Bay	Footpaths
Residential ORCL <sup>note</sup> Settlement	1-2	Any Length	3.5	3.0	Optional	Optional	Optional
Residential ORCL <sup>note</sup> Settlement	3-6	0-50	4	3.5	Required	Optional	Optional
Residential ORCL <sup>note</sup> Settlement	3-6	Over 50	4.5	4.0	Required	Required	Optional
Rural	1-5	Any Length	6	4.0	Optional	Required	Optional
	6-10	Any Length	10	4.0	Optional	Required	Optional
All Other Zones	1-10	Any Length	6.0	4.0	Required	Required	Optional

**Note:** ORCL means Ocean Ridge Comprehensive Living Zone

**Table 13.12.8.a.ii – Kaikoura Peninsula Tourism Zone - Vehicle Access**

Activity	Minimum Carriageway Width (m)	Parking	Turning Area	Surface Options	Drainage	Pavement Structure	Footpaths
Primary Vehicle Access	8.0	No	Yes	All weather surface	Yes	Specific Design	Yes
Secondary Vehicle Access	5.0	No	Yes	All weather surface	Yes	Specific Design	Yes

Activity	Minimum Carriageway Width (m)	Parking	Turning Area	Surface Options	Drainage	Pavement Structure	Footpaths
Service Lane	4.0	No	Yes, if there is a blind end	All weather surface	Yes	Specific Design	Optional

### 13.12.9 Esplanade Provision

- a. In all zones, whenever any subdivision occurs adjacent to any river or lake or the mark of Mean High Water Springs, an esplanade reserve or esplanade strip may be required at the discretion of the Council, where the following conditions are met:
  - 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 allotment, and;
  - Where in the case of a lake, the bed has an area of 8ha or more, and;
  - Where the river, lake or Coastal Marine Area contains values which give rise to any one or more of the purposes in Schedule 1 of this part of the Plan.
- b. Any esplanade reserve or esplanade strip required under 9.a 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.
- c. Where Section 236 (Land previously set aside or reserved) of the Act applies to land comprised in the subdivision, and an esplanade reserve is required in accordance with Standard 9(a) above, and the width that was previously set aside is less than 20 metres, or the width has been diminished by erosion or avulsion, then additional land shall be vested making the esplanade reserve 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 reserve, as set out in Schedule 1 to this part of the Plan..
- d. Exemption
 

Rule 9(a) above shall not apply where a subdivision is for any of the following purposes:

  - i. Minor adjustment to an existing cross-lease or unit title due to the increase in the size of the allotment by alterations to the building outline or the addition of accessory buildings;
  - ii. Minor boundary adjustment to an allotment involving an alteration of no more than 10% of the allotment area; or
  - iii. Solely due to land being acquired or created for a road designation, public utility or reserve.

**Note:** Esplanade Reserves or Strips

- a. Section 235 of the Resource Management Act allows the creation of an esplanade strip at any time, for any purpose specified in Schedule 1 below, by agreement between the Council and the landowner. Section 237B of the Resource Management Act allows the creation of an access strip (easement over the land) at any time to provide access to an esplanade reserve or esplanade strip.
- b. 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.

- c. Where an esplanade reserve is to vest, the adjoining bed of rivers shall vest in the Council.
- d. Where an esplanade strip is to be created, the adjoining bed of the river shall not be vested in the Council.

**Schedule 1: Purposes for Esplanade Reserves and Esplanade Strips**

Council shall have regard to the following purposes in determining whether an esplanade reserve or an esplanade strip is required under rule 9.a, and in determining whether a lesser width of the reserve or strip is appropriate if the width required under rule 9.b is not provided (also refer to Section 25, Assessment Matters):

**i. Conservation Values**

To contribute to the protection of conservation values by:

- Maintaining or enhancing the natural functioning of the adjacent sea, river or lake;
- Maintaining or enhancing water quality;
- Maintaining or enhancing aquatic habitats;
- Protecting the natural values associated with the esplanade reserve;
- Mitigating natural hazards

**ii. Public Access**

To enable public access to or along the coast and any river or lake;

**iii. Recreational Values**

To enable public recreational use of the esplanade reserve or strip and adjacent sea, river or lake, where the use is compatible with conservation values.

**13.12.10 Ocean Ridge Comprehensive Living Zone**

In addition to performance standards in rule 13.12.1 to 13.12.9 above, the following performance standards shall also apply to the Ocean Ridge Comprehensive Living Zone:

**10.1 General Matters**

a. The total number of residential allotments within the Ocean Ridge Comprehensive Living Zone shall not exceed 336. The maximum number of residential allotments within each of the Residential, Low Density Residential and Mixed Use Areas shown on the Outline Development Plans in Appendix P shall not exceed the following:

- i. Residential Area A = 74
- ii. Residential Area B = 56
- iii. Residential Area C = 35
- iv. Low Density Residential Area D = 14
- v. Low Density Residential Area D (i) = 40
- vi. Residential Area E = 47
- vii. Residential Area F = 37
- viii. Residential Area G = 13

- ix. Mixed Use Area = 20
- b.
    - i. Prior to the signing of a certificate by the Council, under section 224 of the Resource Management Act 1991, for the 35th residential allotment in the Residential Area D (i), a 1.5m wide right of way in favour of the Kaikoura District Council, shall be created and be located in accordance with the walking tracks shown on the Outline Development Plan 1 in Appendix P.
    - ii. The walking tracks required in rule 13.12.10.1.b.i above shall be established in accordance with the Native Planting Restoration Management Plan (Refer to Rule 13.12.10.2.b).
  - c. The Park Reserve Areas shown on the Outline Development Plan 1 in Appendix P are, on subdivision, to be vested with the Council as Recreation Reserve.
  - d.
    - i. Access roads and the Future Road Link shall be located in accordance with those locations shown on Outline Development Plan 1 in Appendix P.
    - ii. Prior to the signing of a certificate by the Council, under section 224 of the Resource Management Act 1991, for any subdivision creating the overall 168th residential allotment or alternatively the 40th allotment in the Residential Area B whichever occurs first as shown on the Outline Development Plan in Appendix P, the following shall be completed: Ocean Ridge to Green Lane, shown on Outline Development Plan 1 Plan in Appendix P, shall have been fully constructed for public vehicular use, and is available for that use.
    - b. The railway crossing is constructed to Tranzrail Ltd (or any successor) specifications and is available for public vehicular use.
  - e. Each contiguous land area within the Open Space/Grazing Area shown on the Outline Development Plan 1 Appendix P shall be held in one fee simple certificate of title or alternatively be amalgamated with one or more adjoining titles.
  - f. Prior to the signing of a certificate by the Council, under section 224 of the Resource Management Act 1991, for residential allotments LDR 18 to 45 in the Low Density Residential Plantings Area D(i) shown in the Outline Development Plan 3 in Appendix P, the following shall be completed:
    - i. A Floating Building Height Contour Diagram for each allotment shall be produced.
    - ii. The Floating Building Height Contour Diagram, when prepared, shall enable a plane to be determined from a series of contours.
    - iii. 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).
  - g. A geotechnical report specific to the area being subdivide shall be produced. The geotechnical report shall determine the suitability of each allotment 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 Comprehensive Living Zone.

**10.2 Standards Applying to Native Planting Restoration Areas, Low Density Residential Native Planting Areas, Mixed Native Visual Integration Planting and Clustered Street Tree Plantings.**

- a. The Native Planting Restoration Area (dryland only) shown on the Outline Development Plan 1 in Appendix P shall be held in one fee simple certificate of title.
- b. A Native Planting Restoration Management Plan shall be submitted to the Council for approval as part of any subdivision application. It shall provide for:
  - The retention of existing indigenous vegetation
  - Native species to be planted and planting location (in accordance with Appendix P: Outline Development Plan 1), density, and staging
  - Preparation of ground for planting
  - Maintenance requirements, including weed and pest removal, monitoring and replacement of plants
  - Construction of walking tracks
  - Fencing
  - 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.
- c. Prior to the signing of a certificate by the Council, under section 224 of the Resource Management Act 1991, for any residential allotment in the Ocean Ridge Comprehensive Living Zone, which adjoins Native Planting Restoration Areas or Mixed Native Visual Integration Planting the following shall be completed:
  - i. Native restoration plantings shown in the Native Planting Restoration Areas (wetland/riparian and dryland) in Outline Development Plan 1 in Appendix P shall be established at a rate of one hectare per seven and a half residential lots being created.
  - ii. The Native Planting Restoration Area (wetland/riparian and dryland), or parts thereof, as shown in the Outline Development Plan 1 in Appendix P shall be fenced to permanently exclude stock prior to the establishment of any native restoration plantings in any particular area. (Refer to Rule 13.12.10.2.b).
  - iii. The native restoration plantings shall be established in accordance with the Native Planting Restoration Management Plan (Refer to Rule 13.12.10.2.b).
  - iv. The native restoration plantings, including any existing indigenous vegetation, in the Native Restoration Plantings Area shall be protected and maintained on an on-going basis, in accordance with the Native Planting Restoration Management Plan (Refer to Rule 13.12.10.2.b) and this condition is to be secured by way of a Consent Notice on any titles containing a Native Planting Restoration Area.
- d. Prior to the signing of a certificate by the Council, under section 224 of the Resource Management Act 1991, for any residential allotment in the Low Density Residential Plantings Area D(i) shown in the Outline Development Plan 3 in Appendix P, the following shall be completed:

- i. The establishment of the plantings in the Residential Native Planting Areas within Low Density Residential Area D(i), shown in the Outline Development Plan 2.
  - ii. The establishment of the plantings within the Residential Native Planting Areas shall be in accordance with the Native Planting Restoration Management Plan (Refer to Rule 13.12.10.2.b).
  - iii. Fencing to permanently exclude stock from the Residential Native Planting Areas shall be constructed prior to the establishment of the plantings in these areas.
  - iv. 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 Rule 13.12.10.2.b).
  - v. Condition 13.12.10.2.d.iv is to be secured by way of a Consent Notice on the title for each residential allotment in the Low Density Residential Areas D(i).
- e. Prior to the signing of a certificate by the Council, under section 224 of the Resource Management Act 1991, for any residential allotment within Low Density Residential Area D (i), and adjacent to the Road Side Native Planting Areas shown in the Outline Development Plan 2 in Appendix P, the following shall be completed:
- i. The establishment of the native plantings adjacent to the relevant residential allotments shall have been established in the Road Side Native Planting Areas shown in the Outline Development Plan 2.
  - ii. 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 Rule 13.12.10.2.b).
  - iii. Fencing to exclude stock from the native plantings in the Road Side Native Planting Areas shall be constructed prior to the establishment of the plantings in these areas.
- f. Prior to the signing of a certificate by the Council, under section 224 of the Resource Management Act 1991, for any residential allotment in Area E shown in the Outline Development Plan 1 in Appendix P, the following shall be completed:
- i. 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 shall be established and maintained on an on-going basis, in accordance with the Native Planting Restoration Management Plan (Refer to Rule 13.12.10.2.b)
  - ii. North of the access road to Green Lane between the common boundary of areas E and F and the Main North railway corridor a 1.5m high fence shall be constructed.
- g. 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 P, the following shall be completed:
- i. The establishment of the Mixed Native Visual Integration Planting (MNVIP) shown within Area F of Outline Development Plan 1 shall be established and maintained on an on-going basis, in accordance with the Native Planting Restoration Management Plan (Refer to Rule 13.12.10.2.b).
  - ii. The future road link shall be vested in the Kaikoura District Council.



- h. 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 Plan 1 in Appendix P, the following shall be completed:
  - a. 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 Rule 13.12.10.2.b)
- i. Condition 13.12.10.2.f.i and 13.12.10.2.g.i is to be secured by way of a Consent Notice on the title for each allotment which contains MNVIP.

**10.3 Additional Standard Applying to the Low Density Residential Areas D (i) within the Ocean Ridge Zone**

- a. The size and shape of the low density residential allotments in D(i) and their respective curtilage and building areas shall be in accordance with those boundaries shown on the Outline Development Plan 2 in Appendix P.

### 13.12.11 Kaikoura Peninsula Tourism Zone

**11.1 In addition to performance standards in rule 13.12.1 to 9 above, the following performance standards shall also apply to the Lifestyle Living Area shown in Appendix O, in the Kaikoura Peninsula Tourism Zone, provided that:**

- a. The subdivision and land use consent are applied for concurrently and no subdivision may be approved without all required Land Use consents.
- b. An Overall Structure Plan for the whole Lifestyle Living Area must be prepared and lodged with the subdivision consent application.

**11.2 General Matters**

- a. The maximum number of residential allotments within the Lifestyle Living Area shall be 30.
- b. Subdivision design including location of services and access and roading layout for the Lifestyle Living Area shown on the Outline Development Plan in Appendix O 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.

**11.3 Overall Structure Plan**

In regard to subdivision matters, when assessing the Overall Structure Plan for the whole Lifestyle Living Area, the Council shall have particular regard, but not be limited, to the following matters:

- a. Allotment layout and design.
- b. Suitable Building Platform for each lot.
- c. The bulk, height, location, foundations, or height of floor levels of any structure or building on the allotments.
- d. 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 subdivision, subsidence, slippage, erosion or inundation arising or likely to arise as a result of the works in the Lifestyle Living Area).
- e. Any filling and compaction of the land and earthworks to be carried out.

#### **11.4 Access**

The vehicle access to the Lifestyle Living Area shown on the Outline Development Plan in Appendix O, shall be fully constructed including cycle and pedestrian access to the standard outlined in Table 12.8.3 and Performance Standard 13.12.8.