

## **Appendix 15 Subdivision information and process**

### **15.1. Introduction**

This appendix includes additional information for subdivision resource consent applications. Refer to the Council's website for further information on how to apply for subdivision resource consent.

### **15.2. Vesting of Assets**

- (1) Where vesting of any new asset is proposed as part of a subdivision, applicants are strongly encouraged to undertake a pre-application meeting with Council early in the design stages to agree parameters. The pre-application meeting will involve specialists from the relevant council controlled organisations with interests in any proposed future asset.
- (2) In respect of new road assets, the 'concept design' (i.e. width and general layout) of any road intended to be vested in the Council will be assessed against the relevant provisions of E38 Subdivision - Urban and E39 Subdivision - Rural and any relevant codes of practice or engineering standards applicable at the time of the subdivision consent application. If a road is approved as part of a subdivision consent, the concept design (i.e. width and general layout) is deemed appropriate for vesting. The 'detailed design and asset specifications' (i.e. pavement thickness etc.) of the road will be considered during the subsequent engineering approvals process.

### **15.3. Transferable rural site subdivision**

#### **15.3.1. Process**

- (1) A Transferable Rural Site Subdivision (TRSS) is the transfer of the rural - residential development potential of rural sites from one location to another through a subdivision process. This process may be carried out in the following ways:
  - (a) through the protection of indigenous vegetation or wetland either identified the D9 Significant Ecological Areas Overlay or meeting Significant Ecological Areas factors as set out in the regional policy statement, and established re-vegetated planting meeting relevant criteria; or
  - (b) through the amalgamation of donor sites: amalgamating two existing and abutting rural zoned sites (excluding a Rural - Countryside Living Zone site), and transferring the development potential of the 'amalgamated' site to land in another location.
- (2) The new or additional site is located in Rural - Countryside Living zoned sites identified on the planning maps by the Subdivision Variation Control.
- (3) The process is the same if more than two donor sites are amalgamated, or if more than one block of qualifying indigenous vegetation or wetland is protected.

**Table 15.3.1.1 Transferable rural site subdivision process**

<b>Step</b>	<b>Transferable rural site subdivision process through the amalgamation of donor sites</b>	<b>Transferable rural site subdivision process through the protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or meeting the Significant Ecological Areas factors or established re-vegetated planting meeting relevant criteria</b>
1	<p>Identify the following:</p> <p>a. two donor sites abutting each other, one of which is vacant;</p> <p>b. a site zoned Rural - Countryside Living Zone identified as suitable as a receiver site for TRSS – see Table E39.6.5.2.1 Minimum and minimum average net site areas in E39 Subdivision - Rural</p>	<p>Identify the following:</p> <p>a. an area of indigenous vegetation or wetland (on the donor site) that:</p> <ul style="list-style-type: none"> <li>- is identified in the Significant Ecological Areas overlay;</li> <li>- meets the Significant Ecological Areas factors as set out in Policy B7.2.2(1); or</li> <li>- is established with re-vegetated planting meeting relevant criteria.</li> </ul> <p>b. a site zoned Rural - Countryside Living Zone identified as suitable as a receiver site for TRSS – see Table E39.6.5.2.1 Minimum and minimum average net site areas in E39 Subdivision - Rural.</p>
2	<p>Application made to Council:</p> <p>a. to amalgamate two donor sites into one new site; and</p> <p>b. to subdivide the receiver site.</p>	<p>Application made to Council:</p> <p>a. subdivide the property containing indigenous vegetation to create the residential development opportunity; and</p> <p>b. transfer the residential development opportunity to the receiver site.</p>
3	Gain subdivision consent approval	Gain subdivision consent approval
4	Comply with consent conditions	Comply with consent conditions

Step	Transferable rural site subdivision process through the amalgamation of donor sites	Transferable rural site subdivision process through the protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or meeting the Significant Ecological Areas factors or established re-vegetated planting meeting relevant criteria
5	<p>Apply to Land Information New Zealand to:</p> <p>a. issue one new certificate of title in place of the original donor sites; and</p> <p>b. issue two new certificates of title for the new sites created from the receiver site after the title for the donor sites has been issued.</p>	<p>Apply to Land Information New Zealand to:</p> <p>a. attach an appropriate legal protection mechanism to the donor site for the protection of the indigenous vegetation, wetland or re-vegetated planting; and</p> <p>b. issue two new certificates of title for the new sites created from the receiver site.</p>

### 15.3.2. Explanation of terms

(1) A donor site may be one of the following:

- (a) two abutting rural sites being amalgamated;
- (b) a rural site containing rural-residential development potential created from one of the following situations:
  - (i) a site containing indigenous vegetation or wetland identified in the D9 Significant Ecological Areas Overlay;
  - (ii) a site containing an indigenous vegetation area or wetland meeting the Significant Ecological Areas factors as identified in Policy B7.2.2(1); or
  - (iii) a site establishing re-vegetated planting.

(2) A receiver site is a Rural - Countryside Living zoned site identified on the planning maps by the Subdivision Variation Control.

### 15.4. Protection of existing indigenous vegetation

(1) All subdivision plans, excluding subdivision plans for boundary adjustments, must show any of the following features that exist on, or on the boundary of, the land being subdivided:

- (a) any areas identified as Significant Ecological Area in the D9 Significant Ecological Areas Overlay; or
- (b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.

- (2) Three yearly monitoring of the critical determinants for the health of any Significant Ecological Area by an independently approved person which may include, but not be limited to, all of the following:
  - (a) effectiveness of fencing;
  - (b) presence of animal and plant pests;
  - (c) health of the Significant Ecological Area;
  - (d) presence of pollutants;
  - (e) vegetation clearance;
  - (f) effectively managing animal and plant pests; and
  - (g) providing appropriate access to any sites and places of significance to Mana Whenua
- (3) Require monitoring results to be forwarded to Council for audit.

**15.5. Legal protection mechanism to protect indigenous vegetation, wetland or revegetated planting:**

- (1) The legal protection mechanism must include all of the following:
  - (a) permanent protection of the vegetation or wetland on the site;
  - (b) implementation of a management plan;
  - (c) permanent exclusion of all livestock from the protected area; and
  - (d) the protected area to be maintained in perpetuity, including carrying out pest control measures.
- (2) Where the Plan refers to indigenous vegetation or wetland to be subject to a legal protection mechanism, that mechanism must include the following:
  - (a) legal protection of the indigenous vegetation or wetland and any area of required restoration plantings in perpetuity. An agreement to the satisfaction of the council regarding an encumbrance, bond, consent notice, covenant or vesting as reserve must be entered into before the issue of the section 224(c) certificate under the Resource Management Act 1991;
  - (b) where applicable the legal protection mechanism must be in accordance with the relevant terms of the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977. The legal instrument must provide protection in perpetuity, and must include enforcement and penalty provisions;
  - (c) where re-vegetated planting is required as a condition of the subdivision consent, the section 224(c) certificate will be issued only after the required works have been undertaken and the planting has satisfied the required

consent conditions. This includes implementation of an animal and plant pest management plan. 'Animal pests' are those animal species listed as 'total control pests', 'containment pests', or 'surveillance pests' in the Auckland Council's current Regional Pest Management Strategy;

- (d) all certification required must be carried out by a suitably qualified and experienced person and at the applicant's expense, and a report must be provided to Council. In this context, a person will not be considered to be suitably qualified and experienced unless they are a qualified ecologist with appropriate experience in this type of work.
- (3) The indigenous vegetation or wetland and any area of required re-vegetated plantings to be protected must be maintained free of livestock through appropriate stock proof fencing, or if livestock access to the vegetation is prevented by topographical or natural features then stock proof fencing may not be required.

#### **15.6. Restorative planting**

- (1) A planting plan for any restorative planting is required prior to a section 224(c) certificate being issued and must identify the following:
  - (a) the ecological district of the site;
  - (b) the characteristics of the soil (i.e. clay, silt, loam etc.);
  - (c) soil drainage;
  - (d) topography of the area to be planted;
  - (e) location and extent of the area to be planted;
  - (f) exposure of the site to wind, frost, sunlight and salt spray;
  - (g) presence of plant and animal pests;
  - (h) presence of any threatened species and if necessary the process for the translocation of threatened species,
  - (i) stock-proof fencing that should be at least a full seven wire, post and batten fence, planting areas, weed and animal pest control;
  - (j) extent of the existing Significant Ecological Areas (indigenous vegetation) and an outline of the biodiversity of the Significant Ecological Areas (indigenous vegetation) and the land in the subdivision;
  - (k) any restrictions on planting, such as existing infrastructure, safety or existing access issues;

- (l) how restoration planting will be ecologically linked to an area of contiguous Significant Ecological Areas (indigenous vegetation) and if possible any other additional existing ecological corridors or connections;
  - (m) how restoration planting will provide robust and high value ecological connections without gaps to the Significant Ecological Areas;
  - (n) how restoration planting will buffer the Significant Ecological Areas and ensure long term viability and resilience of the Significant Ecological Areas;
  - (o) site planting, including species to be planted, size and spacing of plants and where they are to be planted, requirements for replacement of pest plants with appropriate native species and measures to minimise reinvasion of pest plants;
  - (p) measures for the maintenance of planting, including releasing plants, fertiliser, plant and animal pest control and mulching and replacement of plants which do not survive, and measures for animal and plant pest control;
  - (q) protective measures proposed to ensure the Significant Ecological Areas (indigenous vegetation) and any proposed restoration planting remain protected in perpetuity;
  - (r) details confirming that restoration planting is only to be carried out contiguous to the Significant Ecological Areas (consisting of indigenous vegetation)
  - (s) confirmation that the assessment of whether the maintenance of plantings has been achieved shall be undertaken by a suitably qualified independent ecologist according to a quantitative monitoring programme
- (2) The location and species composition of the restoration planting is to achieve the following:
- (a) provide necessary protection and restoration of the Significant Ecological Areas to ensure its long term viability, health, and significance;
  - (b) facilitate the use of natural regeneration processes to ensure that in the long term these natural regeneration processes take over;
  - (c) provide for the protection and restoration of the Significant Ecological Areas and provide robust linkages between ecological features;
  - (d) provide a sustainable, potentially significant forest, wetland or shrubland.
- (3) The following matters must be implemented prior to a section 224(c) certificate is issued and confirmation is provided:
- (a) the establishment of secure stock exclusion that is at least a full seven wire, post and batten fence;

- (b) the planting of native vegetation at a density detailed below or at some other density considered more appropriate for the site circumstances by Council:
    - (i) an average density of 1.4 metre centres (5,100 stems per hectare) reducing to 1 metre centres (10,000 stems per hectare) in kikuyu and wetland and riparian margins;
    - (ii) sourced from the ecological district and to be appropriate for the soil, aspect, exposure and topography; and
    - (iii) reflect the composition of former natural vegetation likely to have occupied the site and include appropriate native species that will enable natural processes of succession;
  - (c) the maintenance of any plantings must occur until the plantings have reached a sufficient maturity to be self-sustaining, and have reached 80 per cent canopy closure. The survival rate must ensure a minimum 90 per cent of the original density and species;
  - (d) the maintenance of any plantings must include the ongoing replacement of plants that do not survive;
  - (e) the maintenance of any plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on-going basis and plants released from kikuyu as necessary to ensure adequate growth; and
  - (f) the maintenance of any plantings must ensure animal and plant pest control occurs.
- (4) The planting plan must be prepared and confirmed by a suitably qualified and experienced person.