

24. Subdivision

Commented [1]: Waka Kotahi NZ Transport Agency
ENV-2020-CHC-56
By consent order dated 6 October 2023

Section 106 of the RMA

Irrespective of the status of the subdivision under the rules of the Marlborough Environment Plan (the Plan), Section 106 of the RMA provides discretion to the Council to refuse subdivision consent, or to grant subdivision consent subject to conditions, where:

- (a) *there is significant risk from natural hazards; or;*
- (b) *[Repealed]*
- (c) *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*

Commented [2]: Clause 16

Commented [3]: Amended to match the wording in the Act.
Clause 16.

24.1. Rules for all subdivisions

Commented [4]: Environmental Defence Society
ENV-2020-CHC-67
By consent order dated 15 February 2023

In addition to specific standards for permitted activity, controlled activity, restricted discretionary activity and discretionary activity subdivisions specified in this chapter, the following rules apply to all subdivisions.

Certification of services

Water, sewerage and stormwater

[D]

24.1.1. The applicant must provide water, sewerage and stormwater infrastructure, and connections to that infrastructure, for all allotments (except any allotment to vest as a road or as a reserve) located in the following zones:

- (a) **Urban Residential 1, 2 and 3, Industrial 1 and Business 2 in accordance with the table below:**

Town	Water	Sewerage	Stormwater
Blenheim (except Urban Residential 3)	Required	Required	Required
Blenheim – Urban Residential 3	Required	Required	Required
Renwick	Required	Required	Required
Picton	Required	Required	Required
Havelock	Required	Required	Required

Town	Water	Sewerage	Stormwater
Rai Valley	Not required	Not required	Required
Wairau Valley Township	Required	Not required	Not required
Grovetown	Not required	Required	Required
Spring Creek	Not required	Required	Required
Marlborough Ridge	Required	Required	Required
Seddon	Required	Required	Required
Ward	Required	Not required	Required

(b) Coastal Living at Rarangi in accordance with the table below:

Town	Water	Sewerage	Stormwater
Rarangi	Required	Not required	Not required

(c) Industrial 2.

(d) Business 1.

[D]

24.1.2. The applicant must provide confirmation, together with the application for subdivision consent, that adequate provision has been made or adequate provision is practicable to be made for the required water, sewerage and stormwater reticulation.

[D]

24.1.3. Acceptable confirmation as to the adequate provision of water, sewerage and stormwater must be a written statement from the Assets and Services Department of the Council or, where applicable, the person or organisation responsible for the reticulated service.

Roading

[D]

24.1.4. Where access is to be provided to a legal road, the applicant must provide roading, and access to that roading, for all allotments. The applicant must upgrade, or contribute to the upgrade of, the road where the upgrade is required as a consequence of the subdivision.

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24.1.5. The applicant must provide confirmation, together with the application for subdivision consent, that adequate provision has been made or adequate provision is practicable to be made for roading.

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24.1.6. Acceptable confirmation as to the adequate provision of roading must be a written statement from the relevant road controlling authority.

Electricity

[D]

24.1.7. The applicant must supply low voltage electricity to all allotments, except for allotments in the Rural Environment, Coastal Environment, Lake Grassmere Salt Works, Coastal Marine, Open Space 1, Open Space 2, Open Space 3, Open Space 4, Marina and Coastal Living zones. For the Coastal Living zone, the exception only applies when all proposed allotments are in excess of 150m from any power pole or underground cable that forms part of the local electricity supply network.

[D]

24.1.8. The applicant must provide confirmation, together with the application for subdivision consent, that adequate provision has been made or adequate provision is practicable for the supply of low voltage electricity reticulation.

[D]

24.1.9. Acceptable confirmation as to the adequate provision of local reticulation must be a written statement from an authorised electricity distributor.

Telecommunications

[D]

24.1.10. The applicant must supply telecommunications to all allotments or must provide a reasonable practicable alternative, except for allotments in the Rural Environment, Coastal Environment, Lake Grassmere Salt Works, Coastal Marine, Open Space 1, Open Space 2, Open Space 3, Open Space 4, Marina and Coastal Living zones. For the Coastal Living zone, the exception only applies when all proposed allotments are in excess of 150m from any power pole or underground cable utilised by the telecommunications network utility operator.

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24.1.11. The applicant must provide confirmation, together with the application for subdivision consent, that adequate provision has been made or adequate provision is practicable for the supply of telecommunications.

[D]

24.1.12. Acceptable confirmation as to the adequate provision of local reticulation must be a written statement from a telecommunications network utility operator or authorised supplier.

Proximity of Services

[D]

24.1.13. All services required as a result of Rules 24.1.1, 24.1.4, 24.1.7 and 24.1.10 must be provided at the boundary of each allotment or, if a rear allotment, to the allotment beyond the end of the right of way.

Water Supply

[D]

24.1.14. In circumstances where a connection to a Council owned reticulated water supply is not possible, the applicant must provide for a minimum of 2m³ of potable water per day for each proposed Record of Title (except for allotments to vest as reserve or road).

Scheme Plan

[D]

24.1.15. Every application for subdivision consent must be accompanied by a Scheme Plan that provides the information specified in Appendix 7.

Esplanade Reserves and Esplanade Strips

Subdivision of Allotments of less than 4 Hectares

[D]

24.1.16. In accordance with Section 230 of the RMA, in respect of any subdivision of land in which any allotment of less than 4 hectares is created, an esplanade reserve or esplanade strip of 20m must be provided, unless the property adjoins the Waikawa Marina or Picton Marina.

[D]

24.1.17. Where a property adjoins the Waikawa Marina, no esplanade reserve or esplanade strip is required to be provided, except that an esplanade reserve or esplanade strip of 3m must be provided for the subdivision of any land identified in Appendix 10.

[D]

24.1.18. Where land zoned Business 1 or Urban Residential 2 adjoins the Picton Marina and is to be subdivided, an esplanade reserve or esplanade strip of 3m must be provided.

Omaka Landing

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24.1.19. Subdivision to create any new allotment on land previously held in Lot 2 DP 350626 and Lot 1 DP 11019 shall include a legal instrument registered on each title which restricts owners and subsequent owners and occupiers from making, lodging, being party to, financing or contributing to the cost of any complaint, submission, application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation or recommencement of the following activities:

- (a) Aviation activities, aviation events and associated ground operations at Omaka aerodrome;
- (b) Activities and events at the Omaka Aviation Heritage Centre.

24.2. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activity shall be permitted without resource consent where it complies with the standard:

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24.2.1. Subdivision of land associated with utilities.

Standard:

24.2.1.1. The network utility operator must provide confirmation that adequate provision has been made or adequate provision is practicable for any services described in Rules 24.1.1, 24.1.4, 24.1.7 and 24.1.10 to the extent that those services are necessary for the provision of the utility.

24.3. Controlled Activities

Application must be made for a Controlled Activity for the following:

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24.3.1. Subdivision of land in the following zones:

- (a) **Urban Residential 1, 2 and 3 (except the Urban Residential 2 Greenfield Zone);**
- (b) **Rural Living;**
- (c) **Rural Environment;**
- (d) **Coastal Environment;**
- (e) **Coastal Living;**
- (f) **Industrial 1 and 2;**
- (g) **Business 1 and 2;**
- (h) **Port;**
- (i) **Marina;**
- (j) **Airport;**
- (k) **Lake Grassmere Salt Works.**

Standards and terms:

24.3.1.1. The subdivision must comply with Rules 24.1.1, 24.1.4, 24.1.7, 24.1.10 and 24.1.14.

24.3.1.2. The subdivision must create allotments that exceed the minimum net allotment area, minimum building shape factor and minimum frontage set out in the table below:

Zone	Allotment Type W = with sewerage reticulation WO = without sewerage reticulation	Minimum Net Allotment Area m ² ¹ see note below	Minimum Building Platform Shape Factor ² see note below	Minimum Frontage	Qualification
Urban Residential 1	Front W	290	14m diameter circle	14m	
	Rear W	290	14m diameter circle	NA	Access requirements apply, refer Standard 24.3.1.3
Urban Residential 2 – Blenheim, A, B	Front W	400	15m diameter circle	15	
	Front WO	1000	15m diameter circle	15	
	Rear W	400	15m diameter circle	NA	Access requirements apply, refer Standard 24.3.1.3
	Rear WO	1000	15m diameter circle	NA	Access requirements apply, refer Standard 24.3.1.3
Urban Residential 2 Renwick, Picton/ Waikawa and Havelock A, B	Front W	450	15m diameter circle	15	
	Front WO	1000	15m diameter circle	15	
	Rear W	450	15m diameter circle	NA	Access requirements apply, refer Standard 24.3.1.3

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Zone	Allotment Type W = with sewerage reticulation WO = without sewerage reticulation	Minimum Net Allotment Area m ² ¹ see note below	Minimum Building Platform Shape Factor ² see note below	Minimum Frontage	Qualification
	Rear WO	1000	15m diameter circle	NA	Access requirements apply, refer Standard 24.3.1.3
Urban Residential 2 – All other urban environments	Front W	600	15m diameter circle	15	
	Front WO	1000	15m diameter circle	15	
	Rear W	700	15m diameter circle	NA	Access requirements apply, refer Standard 24.3.1.3
	Rear WO	1000	15m diameter circle	NA	Access requirements apply, refer Standard 24.3.1.3
Urban Residential 3	Front W	2000	20m diameter circle	20	All allotments to accommodate a minimum 30m diameter circle.
	Front WO	4000	20m diameter circle	20	All allotments to accommodate a minimum 30m diameter circle.
	Rear W	2000	20m diameter circle	NA	All allotments to accommodate a minimum 30m diameter circle. Access requirements apply, refer Standard 24.3.1.3

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Zone	Allotment Type W = with sewerage reticulation WO = without sewerage reticulation	Minimum Net Allotment Area m ² ¹ see note below	Minimum Building Platform Shape Factor ² see note below	Minimum Frontage	Qualification
	Rear WO	4000	20m diameter circle	NA	All allotments to accommodate a minimum 30m diameter circle. Access requirements apply, refer Standard 24.3.1.3
Rural Living (except where any domestic water supply is to be sourced from the Brancott or Benmorven Freshwater Management Unit)	Front WO	7500	20m diameter circle	40	All allotments to accommodate a minimum 40m diameter circle.
	Rear WO	7500	20m diameter circle	NA	All allotments to accommodate a minimum 40m diameter circle. Access requirements apply, refer Standard 24.3.1.3
Rural Environment (except for land in the Wairau Plain Area or in the Omaka Valley Area)	Front WO	20 ha	NA	60	
	Rear WO	20 ha	NA	NA	Access requirements apply, refer Standard 24.3.1.3
Rural Environment - land in the Wairau Plain Area or in the Omaka Valley Area	Front WO	8 ha	NA	60	
	Rear WO	8 ha	NA	NA	Access requirements apply, refer Standard 24.3.1.3

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Zone	Allotment Type W = with sewerage reticulation WO = without sewerage reticulation	Minimum Net Allotment Area m ² ¹ see note below	Minimum Building Platform Shape Factor ² see note below	Minimum Frontage	Qualification
Coastal Environment	WO	30 ha	NA	NA	All allotments to accommodate a minimum 40m diameter circle.
Coastal Living (except for land at Rarangi)	Front W	2000	20m diameter circle	40	All allotments to accommodate a minimum 30m diameter circle.
	Front WO	4000	20m diameter circle	60	All allotments to accommodate a minimum 30m diameter circle.
	Rear W	2500	20m diameter circle	NA	All allotments to accommodate a minimum 30m diameter circle. Access requirements apply, refer Standard 24.3.1.3
	Rear WO	4000	20m diameter circle	NA	All allotments to accommodate a minimum 30m diameter circle. Access requirements apply, refer Standard 24.3.1.3
Coastal Living at Rarangi	Front WO	7500	20m diameter circle	40	All allotments to accommodate a minimum 40m diameter circle.

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Zone	Allotment Type W = with sewerage reticulation WO = without sewerage reticulation	Minimum Net Allotment Area m ² ¹ see note below	Minimum Building Platform Shape Factor ² see note below	Minimum Frontage	Qualification
	Rear WO	7500	20m diameter circle	NA	All allotments to accommodate a minimum 40m diameter circle. Access requirements apply, refer Standard 24.3.1.3
Industrial 1	Front W	250	10m diameter circle	NA	
	Rear W	500	15m diameter circle	NA	Access requirements apply, refer Standard 24.3.1.3
Industrial 2	Front W	1,000	15m diameter circle	NA	
	Rear W	1,000	15m diameter circle	NA	Access requirements apply, refer Standard 24.3.1.3
Business 1	Front W	250	NA	NA	
	Rear W	500	NA	NA	Access requirements apply, refer Standard 24.3.1.3
Business 2	Front W	250	10m diameter circle	15	
	Front WO	1,000	15m diameter circle	15	

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Zone	Allotment Type W = with sewerage reticulation WO = without sewerage reticulation	Minimum Net Allotment Area m ² ¹ see note below	Minimum Building Platform Shape Factor ² see note below	Minimum Frontage	Qualification
	Rear W	500	15m diameter circle	NA	Access requirements apply, refer Standard 24.3.1.3
	Rear WO	1,000	15m diameter circle	NA	Access requirements apply, refer Standard 24.3.1.3
Port Zone	Front W	200	N/A	N/A	
	Rear W	500	N/A	N/A	Access requirements apply, refer Standard 24.3.1.3
Marina Zone	Front W	200	N/A	N/A	
	Rear W	500	N/A	N/A	Access requirements apply, refer Standard 24.3.1.3
Airport Zone	Front W or WO	8 ha	NA	60	
	Rear W or WO	8 ha	NA	NA	Access requirements apply, refer Standard 24.3.1.3
Lake Grassmere Salt Works Zone	Front WO	20 ha	NA	60	
	Rear WO	20 ha	NA	NA	Access requirements apply, refer Standard 24.3.1.3

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Correction to cross-reference

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Zone	Allotment Type W = with sewerage reticulation WO = without sewerage reticulation	Minimum Net Allotment Area m ² ¹ see note below	Minimum Building Platform Shape Factor ² see note below	Minimum Frontage	Qualification
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- ¹ The allotment areas prescribed are net areas, exclusive of areas intended to provide access to the allotment.
- ² The minimum building platform shape factor may be applied anywhere within the proposed allotment, but must be clear of all permitted activity setback standards from boundaries (except standards specifying a recession plane angle), rights of way, water bodies and stop banks for the relevant zone and must comply with the requirements of any easements.
- ^A Provided that this shall not apply to those properties listed in Appendix 16, Schedule 4, Table 1. For these properties the minimum net allotment area shall be 3,000 m².
- ^B Provided that this shall not apply to those properties listed in Appendix 16, Schedule 4, Table 2. For those properties the minimum net allotment area shall be 1,200 m².

24.3.1.3. The subdivision must comply with the standards for accessways set out in the table below:

Zone	Firefighting water supply ⁴ see note below	No. Allotments Served ¹ see note below	Minimum Width (m) ² see note below	Minimum Drivable Width (m)	Qualification ^{3 & 5} see notes below
Urban Residential 1, 2 and 3 Blenheim only	Building area is 75 metres or less from a reticulated water supply	1	3	NA	
		2 - 4	3	2.5	Sealed
		5 - 6	6	5	Sealed. Width to allow passing
	Building area is greater than 75 metres from a reticulated water supply	1	4	NA	Unsealed
		2 - 4	4	3.5	Sealed
		5 - 6	6	5	Sealed. Width to allow passing
Urban Residential 2 and 3 (other than Blenheim)	Building area is 75 metres or less from a	1	3.5	NA	
		2 - 4	3.5	3	Sealed

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Zone	Firefighting water supply ⁴ see note below	No. Allotments Served ¹ see note below	Minimum Width (m) ² see note below	Minimum Drivable Width (m)	Qualification ^{3 & 5} see notes below
	reticulated water supply	5 - 6	6	5	Sealed. Width to allow passing
	Building area is greater than 75 metres of a reticulated water supply.	1	4	NA	
		2 - 4	4	3.5	Sealed
		5 - 6	6	5	Sealed. Width to allow passing
Rural Living		1 - 2	5	3.5	Unsealed
		3 - 6	6	4	Sealed. Width to allow passing
Rural Environment - (except for land in the Wairau Plain Area or in the Omaka Valley Area) and Lake Grassmere Salt Works		1	6	N/A	Unsealed
		2 - 4	6	4	Unsealed. Width to allow passing
		5 - 12	8	4	Unsealed. Width to allow passing
		12+	12	5.5	*
Rural Environment - land in the Wairau Plain Area or in the Omaka Valley Area		1	6	N/A	Unsealed
		2 - 4	6	4	Unsealed. Width to allow passing
		5 - 8	6	5	Sealed
		9+	12	5.5	To vest as road

Zone	Firefighting water supply ⁴ see note below	No. Allotments Served ¹ see note below	Minimum Width (m) ² see note below	Minimum Drivable Width (m)	Qualification ^{3 & 5} see notes below
Coastal Environment		1	6	N/A	Unsealed
		2 - 4	6	4	Unsealed. Width to allow passing
		5 -12	8	4	Unsealed. Width to allow passing
		12+	12	5.5	*
Coastal Living		1 - 2	5	3.5	Unsealed
		3 - 6	6	4	Sealed. Width to allow passing
Industrial 1 and 2		1 - 4	6	6	Sealed.
Business 1 and 2		1 - 4	6	6	Sealed
Port		1 - 4	6	6	Sealed.
Marina		1 - 4	6	6	Sealed.

* Formation standard and legal status to be determined at time of resource consent.

Either a 'right of way' over other land or an 'access leg' within an allotment may be used to provide access to an allotment.

Sealed access must be two coat sealed (or other surface approved by the Council).

Unsealed access must be an all-weather hard surface.

- ¹ Where front allotments are provided with legal rights over access legs or rights of way that serve rear allotments, then those front allotments shall count as rear allotments for the purpose of calculating the number of allotments served.
- ² The legal width of access shall include any cut or embankment which is part of the physical formation.
- ³ Passing bays may be required where the length, gradients or width of access leg adversely affects the safety of users.
- ⁴ A Firefighting Water Supply is a Council reticulated water supply with fire fighting capability, including hydrants that is able to be directly accessed from the proposed allotment. The building area is defined as the Minimum Building Platform Shape Factor required by Rule 24.3.1.2 if the lot is vacant, or the existing building if the lot is not vacant.
- ⁵ The access must allow for a minimum height clearance of 4 metres, and be free of obstacles that could hinder access for firefighting and emergency service vehicles.

- 24.3.1.4. The land being subdivided must not have direct access to or from a State Highway, or have direct access to or from a level railway crossing.

Commented [9]: Waka Kotahi NZ Transport Agency
ENV-2020-CHC-56
By consent order dated 6 October 2022

Note:

Any direct access to the State Highway corridor will require permissions from Waka Kotahi NZ Transport Agency under the Government Roding Powers Act and Section 176 of the RMA.

Commented [10]: Waka Kotahi NZ Transport Agency
ENV-2020-CHC-56
By consent order dated 6 October 2022

- 24.3.1.5. The land being subdivided must not be within the National Grid Corridor.
- 24.3.1.6. The land being subdivided must not be within any Noise Control Boundary.
- 24.3.1.7. The land being subdivided must not involve land in Springlands identified in Appendix 23.
- 24.3.1.7A. The subdivision must not involve land that has a Heritage Resource site identified in Appendix 13.
- 24.3.1.7B. The boundary of any new allotment created must not bisect a site (as defined in Appendix 3) with significant indigenous biodiversity as identified by Appendix 3.
- 24.3.1.7C. Subdivision of any land shall not result in the creation of any additional allotments(s) where any part of a new boundary is within or adjoining a lake or the bank of a river, identified as a Riparian Natural Character Management Area.

Commented [11]: Heritage New Zealand Pouhere Taonga
ENV-2020-CHC-36
By consent order dated 25 July 2022

Commented [12]: By consent order dated 15 February 2022

Commented [13]: By consent order dated 24 May 2023

Matters over which the Council has reserved control:

- 24.3.1.8. The use of the site.
- 24.3.1.9. The shape and position of any allotment.
- 24.3.1.10. The provision of drinkable water supply, water storage and water treatment.
- 24.3.1.11. Effluent management.
- 24.3.1.12. Stormwater control and treatment.
- 24.3.1.13. Service easements.
- 24.3.1.14. Roding, access, parking and manoeuvring, including any necessary easements.
- 24.3.1.15. The provision of reserves for open space and recreation.
- 24.3.1.16. The provision of esplanade reserves and esplanade strips including enhancement of indigenous species.
- 24.3.1.17. The protection of existing vegetation and revegetation.
- 24.3.1.18. The securing of any necessary covenants or other instruments to protect any significant environmental features or other special feature(s) on any lot.
- 24.3.1.19. Fencing responsibilities.
- 24.3.1.20. Staging of developments or the timing of any works.
- 24.3.1.21. Controls to mitigate the adverse effects of subdivision construction including effects on water quality from sediment discharges.
- 24.3.1.22. Hazard avoidance, remediation or mitigation.
- 24.3.1.23. Council access to rivers and drainage channels.
- 24.3.1.24. Geotechnical matters.

- 24.3.1.25. Provision of water for fire fighting.
- 24.3.1.26. Landscape works proposed on road reserves, other land to vest as reserve, and esplanade strips.
- 24.3.1.27. Controls to mitigate the adverse effects on the cultural values of Marlborough's tangata whenua iwi.
- 24.3.1.28. Controls to protect sites (as defined in Appendix 3) of significant indigenous vegetation or significant habitat of indigenous fauna.

Commented [14]: By consent order dated 15 February 2023

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24.3.2. Cross lease and unit plan subdivisions, as set out below:

- (a) existing cross-lease or unit title developments, where staged development has been previously approved under previous plans or legislation but the development is uncompleted;
- (b) variations or amendments to cross-lease or unit title plans;
- (c) legal separation of existing lawfully established dwellings on the same property, subject to compliance with Section 224(f) of the RMA.

Matters over which the Council has reserved control:

- 24.3.2.1. The matters set out in 24.3.1.8 to 24.3.1.27.

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[D]

24.3.3. Except as provided for by Rule 24.2.1 and Rule 24.4.1, subdivision of land within 90m of the designation boundary of the National Grid Blenheim substation.

Standards and terms:

- 24.3.3.1. All allotments shall identify a building platform for a principal building or any dwelling that is located greater than 15 metres from the designation boundary of the National Grid Blenheim substation.

Matters over which the Council has reserved control:

- 24.3.3.2. The extent to which the proposed development design and layout on the proposed allotments enables appropriate separation distances between activities sensitive to National Grid lines and the substation.
- 24.3.3.3. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- 24.3.3.4. Measures proposed to avoid potential adverse effects, including reverse sensitivity effects, on the operation, maintenance, upgrading and development of the substation.
- 24.3.3.5. The matters set out in 24.3.1.8 to 24.3.1.27.

[D]

24.3.4. Specifically identified subdivision listed as controlled on sites contained in Schedule 5 in Appendix 16.

24.4. Restricted Discretionary Activities

Application must be made for a Restricted Discretionary Activity for the following:

[D]

24.4.1. Subdivision of land in the Urban Residential 2 - Greenfields Zone

Standards and terms

24.4.1.1. The subdivision must create allotments that exceed the minimum net lot area, minimum building shape factor and minimum frontage set out in the table below:

Zone	Allotment Type W = with sewerage reticulation WO = without sewerage reticulation	Minimum Net Allotment Area m ² ¹ see note below	Minimum Building Platform Shape Factor ² see note below	Minimum Frontage	Qualification
Urban Residential 2 Greenfield Zone	Front W	(i) Minimum 400m ² (ii) Maximum 4,000m ²	15m diameter circle	15	
	Rear W	(i) Minimum 400m ² (ii) Maximum 4,000m ²	15m diameter circle	NA	Access requirements apply, refer Standard 24.3.1.3

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¹ The allotment areas prescribed are net areas, exclusive of areas intended to provide access to the allotment.

² The minimum building platform shape factor may be applied anywhere within the proposed allotment, but must be clear of all permitted activity setback standards from boundaries (except standards specifying a recession plane angle), water bodies and stop banks for the relevant zone and must comply with the requirements of any easements.

24.4.1.2. An application for a consent to subdivide land must be accompanied by a report from an expert acceptable to Council, detailing the investigations and showing that the standards set out in 24.4.1.3 to 24.4.1.9 have been met.

24.4.1.3. For allotments within 200m of a river, drainage channel or the Drainage Channel Network, measured from the top of the closest bank, a cone penetrometer test (CPT) must be undertaken for the purpose of evaluating the potential for lateral spread.

The testing frequency will be in accordance with the table below:

Allotments equal to or greater than 1 hectare	Allotments equal to or greater than 0.25 hectare and less than 1 hectare	Allotments less than 0.25 hectare
0.25 per allotment (minimum of 5)	5	1 per allotment

- 24.4.1.4. At each CPT location record must be made of:
- a continuous profile of the subsoil to firm basement;
 - the depth to the water table; and
 - in-situ testing of all susceptible strata.
- 24.4.1.5. All susceptible strata must be sampled and the construction of grading curves and atterberg limit tests determined.
- 24.4.1.6. For allotments located more than 200m from a river, drainage channel or the Drainage Channel Network, measured from the top of the closest bank, vertical loading must be ascertained in the manner set out in (a) to (d) below:
- At least four scala penetrometer tests must be undertaken for each allotment.
 - Each sample point must have a field value recorded, obtained in accordance with NZS 4402.6.5.3:1988, and is to be geo-referenced to survey marks.
 - The field values of the penetrometer test must be interpreted in terms of kilo Pascals (kPa) and the basis for such interpretation defined.
 - At least one inspection pit must be constructed for every 3 allotments to confirm subsoil properties. The inspection pit must be geo-referenced and must include the logged soil profile.
- 24.4.1.7. Unless the recorded field soil strength from the scala penetrometer tests referred to in Standard 24.4.1.6 is at least 300 kPa at a depth of at least 0.3m below the soffit of the proposed foundations, the construction of a dwelling or other habitable building on the allotment will be required to have specific foundation design. A consent notice will be imposed on the allotment recording this requirement.
- 24.4.1.8. Where the field results are less than 300 kPa and scala penetrometer driving refusal occurs at 2m or more in depth, then the performance requirements shall be:
- An Ultimate Limit State Settlement to be not greater than 100mm; and
 - A Service Limit State settlement not greater than 50mm.
- 24.4.1.9. Where a Standard Penetrometer Test (SPT) count result is less than 12 (corrected in accordance with best practice), and depth to sediments achieving an SPT > 12 is greater than 2m, then the performance requirements are:
- An Ultimate Limit State Settlement to be not greater than 100mm; and
 - A Service Limit State settlement to be not greater than 50mm.
- 24.4.1.10. For allotments within 90m of the designation boundary of the National Grid Blenheim substation, all allotments shall identify a building platform for a

principal building or any dwelling that is located greater than 15 metres from that designation boundary.

Matters over which the Council has restricted its discretion:

- 24.4.1.11. The matters set out in 24.3.1.8 to 24.3.1.27.
- 24.4.1.12. Contamination mitigation and remediation.
- 24.4.1.13. The location of dwellings on a site.
- 24.4.1.14. The proximity of existing lawfully established rural and non-residential activities, including the State Highway network, and appropriate measures to avoid, remedy or mitigate reverse sensitivity effects on these activities including consideration of the following measures:
 - (a) soundproof treatment of habitable buildings from noise sources;
 - (b) setbacks of dwellings from boundaries including Zone boundaries;
 - (c) imposition of consent notices in respect of the above matters; and
 - (d) location of allotments between 1,000m² and 4,000m² adjoining land on which non-residential activities occur to provide a buffer.
- 24.4.1.15. Foundation design.
- 24.4.1.16. Landscape works proposed on road reserves, other land to vest as reserve, and esplanade strips.

[D]

24.4.2. Subdivision of land which has direct access to a State Highway that otherwise meets all the standards and terms under Rule 24.3.1.

Matters over which the Council has restricted its discretion:

- 24.4.2.1. The matters set out in 24.3.1.8 to 24.3.1.27.
- 24.4.2.2. Any adverse effects on the State Highway, traffic movement or traffic safety.

[D]

24.4.3. Subdivision of land located within 90m of the designation boundary of the National Grid Blenheim Substation that does not comply with Rules 24.3.3 or 24.4.1.10.

Matters over which the Council has restricted its discretion:

- 24.4.3.1. The matters set out in 24.3.1.8 to 24.3.1.27.
- 24.4.3.2. The extent to which the subdivision may adversely affect the efficient operation, maintenance, upgrading and development of the substation.
- 24.4.3.3. The extent to which the proposed subdivision design and layout enables appropriate separation distances between future sensitive activities and the substation.
- 24.4.3.4. Any other measures proposed to avoid potential adverse effects, including reverse sensitivity effects, on the substation.
- 24.4.3.5. Technical details of the characteristics and risks on and from the National Grid Blenheim Substation.

Commented [18]: Waka Kotahi NZ Transport Agency
ENV-2020-CHC-56
By consent order dated 6 October 2022

Commented [19]: Clause 16

[D]

24.4.4. Except as provided for by Rule 24.2.1, subdivision of land within the National Grid Corridor.*Standards and terms*

- 24.4.4.1 All allotments shall contain an identified building platform for the principal building and any dwelling/sensitive activity to be located outside the National Grid Yard.
- 24.4.4.2 Access to National Grid assets shall be maintained.
- 24.4.4.2A Subdivision of any land shall not result in the creation of any allotment(s) where any part of the new boundary is within or adjoining a lake or the bank of a river, identified as a Riparian Natural Character Management Area.

Commented [20]: By consent order dated 24 May 2023

Matters over which the Council has restricted its discretion:

- 24.4.4.3. The matters set out in 24.3.1.8 to 24.3.1.27.
- 24.4.4.4. The extent to which the subdivision may adversely affect the efficient operation, maintenance, upgrade and development of the National Grid.
- 24.4.4.5. Technical details of the characteristics and risks on and from the National Grid.
- 24.4.4.6. The location, design and use of the proposed building platform or structure as it relates to the National Grid transmission line.
- 24.4.4.7. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- 24.4.4.8. The nature and location of any vegetation to be planted in the vicinity of the National Grid transmission line.

Commented [21]: Clause 16

[D]

24.4.5. Boundary Adjustments

- 24.4.5.1 Available only in the Rural Environment Zone, excluding the Wairau Plain and Omaka Valley overlay areas.

The Council may consent to the re-arrangement of boundaries between adjacent existing Records of Title where one or more proposed allotments do not comply with the minimum area requirements as set out in Rule 24.3.1.2, provided that the following standards are met:

Standards and terms:

- 24.4.5.2 The proposed boundary adjustment shall not create any additional Records of Title (excluding any reserves), or any additional permitted right to erect a dwelling.
- 24.4.5.3. All allotments must demonstrate adequate access and servicing is available as required by Rules 24.1.4, 24.1.14, 24.1.15 and Standard 24.3.1.3, and each lot provides sufficient area for a dwelling meeting the standards for permitted activities in relation to building setback and/or recession plane controls.
- 24.4.5.4. Allotments comprised in the application may be separated by a road, railway, drain, water race, river or stream.

Matters over which the Council has restricted its discretion:

- 24.4.5.5. The extent that the boundary adjustment will result in adverse effects on productive land.

- 24.4.5.6. The extent that the boundary adjustment is likely to result in reverse sensitivity conflicts arising.
- 24.4.5.7. The matters set out in 24.3.1.8 to 24.3.1.27.
- 24.4.5.8. Amalgamation conditions.

24.5. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[D]

24.5.1. Any subdivision of land that does not comply with Rules 24.1.1 to 24.1.19.

Commented [22]: Clause 16

[D]

24.5.2 Any waiver or reduction of the esplanade reserve or esplanade strip requirements of Rules 24.1.16, 24.1.17 or 24.1.18 in accordance with Section 230(3) of the RMA.

[D]

24.5.3. Any permitted activity, controlled activity or restricted discretionary activity subdivision of land that does not meet the applicable standards.

[D]

24.5.4. Any subdivision of land not provided for as a permitted, controlled or restricted discretionary activity.

Commented [23]: Transpower New Zealand Limited ENV-2020-CHC-68

New non-complying rule: Any activity that does not meet Standards and Terms in 24.4.4.

Appeals Version