

Plan Change 26 - Residential Zone Intensification

Implementation Practice Note – Subdivision in the Medium Density Residential Zone

September 2024

This practice note sets out the subdivision opportunities into the Medium Density Residential Zone (MDRZ) through Plan Change 26 (PC26) to the Waipā District Plan. This plan change became operative on 30 August 2024.

Subdivision

Subdivision opportunities are provided in the MDRZ for controlled and restricted discretionary activities.

Note: all existing rules in Parts E & F of the District Plan continue to apply.

If you are looking to subdivide, we recommend you talk with a surveyor.

1. New Controlled Activities (Rule 15.4.1.1(l))

This only applies to subdivisions that are proposing to create new lots that contain either:

- Existing dwellings; or
- Proposed dwellings where a concurrent land use consent application is lodged.

To stay a controlled activity the performance standards outlined below must be met and no vacant lots can be created.

Performance Standards (Rule 15.4.2)

There are no minimum lot sizes, frontage, or shape factor requirements that apply to these types of subdivisions, where:

- It is demonstrated that all existing and/or proposed dwellings are located on their proposed lots in compliance with the performance standards in Section 2A.4.2.

To avoid doubt, any subdivision which:

- Proposes a vacant lot is not covered by this rule (refer to 3 below)
- Does not comply with the performance standards in Section 2A.4.2 is not a controlled activity.

Matters of Control (Rule 15.4.1.1.l)

Resource consent for controlled activities must be granted by the council. In making its decision, the council can impose conditions but only in relation to matters it has reserved control over. The matters of control for subdivision in the MDRZ are:

- The subdivision contains an existing dwelling or land use consent has been applied for or approved for a dwelling on the proposed site;
- No vacant sites are proposed to be created;

- The extent to which the proposal will result in new or increased infringements to the applicable Medium Density Residential Zone rules and performance standards;
- Suitability of access and servicing of the proposed sites; and
- The risk of natural hazards on the site and whether this can be avoided or mitigated.

2. Existing Restricted Discretionary Activity (Rule 15.4.1.1)

Any subdivision in the MDRZ which proposes to create vacant lots can do so using the existing subdivision rules in Section 15.4.2.

Performance Standards (Rule 15.4.2)

These types of subdivisions are subject to lot size, frontage and shape factor performance standards, these include:

Performance Standard		Control
Rule 15.4.2.1(a)	Minimum net lot area	500m ²
	Maximum net lot area	1000m ²
Rule 15.4.2.3	Minimum lot frontage	10m
	Shape Factor	13m diameter circle or 8m x 15m rectangle
	Shape Factor (Front lots on entrance corridors)	16m diameter circle or 8m x 15m rectangle
	Vehicle crossing	3m-5.5m wide

Failure to meet the lot design standards is a **non-complying activity**.

Restriction of Discretion

In making its decision on the resource consent for restricted discretionary activity, the council can grant or decline consent and may impose conditions. Consent may only be declined or conditions imposed in relation to matters over which it has restricted its discretion. For subdivision in the MDRZ, the council has restricted its discretion to:

- Infrastructure servicing;
- Site suitability including the risk of natural hazards on the site and whether this can be avoided or mitigated;
- Access and manoeuvring;
- The potential for reverse sensitivity effects;

- Low impact design;
- Archaeology;
- Connectivity;
- Effects on the National Grid electricity transmission network;
- In the Character Cluster Areas and Character Precinct Areas, the extent to which the Design Guidelines (Appendices DG1, DG2, DG3, DG4, DG5 & DG6) have been applied;
- In areas subject to an approved structure plan or development plan, development in general accordance with that structure plan or development plan; and
- For Comprehensive Residential Subdivision within the C1 and C2/C3 Structure Plan areas, assessment of the overall concept plan for staged subdivision layout, including distribution of residential densities;
- Alignment with any relevant Urban Design Guidelines approved by the council and included in the District Plan;
- Significant indigenous vegetation and significant habitats of indigenous fauna; and
- Public access to, use and enjoyment of the public open space network and amenity values and functions of adjoining public open space network.

3. Notification Preclusion (Rule 15.4.1.1(I))

Controlled activity subdivision under rule 15.4.1.1(l) will not be subject to Public or Limited Notification in the following circumstances:

- Subdivision associated with the construction and use of up to three units that fails to comply with one or more standards relating to:
 - (a) Height
 - (b) Height in relation to boundary
 - (c) Setbacks
 - (d) Site coverage
 - (e) Outdoor living space
 - (f) Outlook space
 - (g) Windows to street
 - (h) Landscaped area
- Subdivision is associated with the construction or use of four or more units that comply with all relevant subdivision performance standards (including (a) – (h) above) in the District Plan.

Public and Limited Notification

Public or Limited notification of all other subdivision will be assessed on a case-by-case basis in accordance with Section 95A and 95B of the Resource Management Act 1991(RMA).