

SUBDIVISION – MEDIUM DENSITY RESIDENTIAL ZONE

The purpose of this chapter is to assist the *Council** to carry out its functions under the Act relating to the control of *subdivision* in the Medium Density Residential Zone.

The control of *subdivision* of *land* is one of the functions of the *Council** under Section 31 of the Resource Management Act 1991. *Subdivision* is the process of dividing *land* or a *building* into further titles, or changing the location of an existing boundary. *Subdivision* includes all forms of division of an *allotment*, including cross lease, unit title and company lease and it enables the separate ownership of *land* and the registration of interests in *land*.

Subdivision to create separate titles will generally require *physical development** work, including the clearance of vegetation, the carrying out of *earthworks*, the construction of *roads* and *vehicle accesses** and the installation of utility services.

Whilst *subdivision* controls in the Medium Density Residential Zone are aimed at increasing housing supply and choice, they are also focused on ensuring *adverse effects* on people, communities and the wider *environment* can be appropriately managed. Well designed and connected *subdivision* can support a more resilient urban form for Palmerston North city, including by increasing neighbourhood connectivity, supporting mode shift, increasing climate change resilience, reducing greenhouse gas emissions and making homes and neighbourhoods more energy efficient.

The *Council** expects combined *subdivision* and *land* use resource consent applications, to enable a comprehensive understanding of the pattern, scale and density of *development** in the zone. Where *subdivision* occurs before *land development**, it is important that each *allotment* is capable of containing a *residential unit* which complies with the permitted activity standards for the zone. Each *allotment* must also be serviced by *essential services** such as water, *telecommunications** and electricity, and be connected to the *Council*'s* *wastewater* and *stormwater* networks.

Objectives

SUB-MRZ-O1

Subdivision in the Medium Density Residential Zone creates *allotments* and efficient patterns of *land development** that:

1. Enable medium density residential *development** which is compatible with the purpose and planned form for the zone;
2. Maintain the safe and efficient functioning of the transport network;
3. Are serviced by water, *wastewater* and *stormwater* infrastructure that has sufficient capacity to accommodate the proposed *development**; and
4. Avoid the *subdivision* of *land* where there is significant risk from *natural hazards*.

Policies

SUB-MRZ-P1

Provide for *subdivision* designs and layouts that make efficient use of renewable energy and other *natural and physical resources*, and deliver well-connected, resilient communities, including *development** patterns that:

1. Optimise solar gain;
2. Incorporate *water sensitive design**;
3. Manage *stormwater* effectively and efficiently;
4. Support walking, cycling and public transport opportunities and enhance neighbourhood and network connectivity and safety
5. Result in safe and adequate access* from the transport network to each *allotment*;
6. Are adaptable to the *effects* of climate change;
7. Are designed using crime prevention through environmental design principles;
8. Achieve high quality landscape outcomes, including encouraging the retention and integration of mature trees and native vegetation that contribute positively to an area's visual amenity; and
9. Orient lot frontages towards streets and other *public spaces** to create quality streetscapes and where possible combine accessways to rear lots.

SUB-MRZ-P2 Integration and layout of *subdivision* and *development**

Provide for the efficient integration and layout of *subdivision* and associated *development** by:

1. Encouraging joint applications for *subdivision* and *land use*;
2. Enabling *subdivision* around *development** that has already been lawfully established; and
3. Ensuring standalone *subdivision* proposals provide *allotments* where it can be demonstrated that a *residential unit* can be contained within the *allotment* which complies with the relevant permitted activity standards.

SUB-MRZ-P3 *Subdivision of land affected by natural hazards*

Take a risk-based approach to the *subdivision of land* affected by *natural hazards* so that new or exacerbation of existing *natural hazards* is avoided and appropriate mitigation measures are in place prior to *development**.

SUB-MRZ-P4 – *Subdivision in the Stormwater Overlay*

Avoid *subdivision* in the Stormwater Overlay unless the Council* is satisfied that a *site-specific stormwater* management plan prepared by a suitably qualified *stormwater* design consultant (preferably with experience in *water sensitive design** concepts and elements) identifies:

1. the location, scale and nature of the *development** proposed for the *site*;
2. the extent of flood and/or overland *stormwater* flow hazards;
3. the on-site and off-site *effects* of the proposed *subdivision* on people, property and the *environment*;

4. recommended mitigation measures to remedy or mitigate the on- and off-site effects of the subdivision; and
5. demonstrates that the on- and off-site adverse effects associated with subdivision will appropriately be mitigated.

SUB-MRZ-P5 Servicing

Require all allotments created by a subdivision to be adequately serviced by essential services*.

RULES

Note: There may be a number of provisions that apply to an activity, building, structure or site. Resource consent may therefore be required under rules in this section as well as other sections of the District Plan. For example, rules relating to:

- Signs, noise, earthworks - Section 6: General Rules
- Land use – Section 10A: Medium Density Residential Zone
- Scheduled trees* and heritage buildings – Section 17: Cultural and natural heritage
- Access* and parking – Section 20: Land Transport; and
- Natural hazards – Section 22: Natural hazards.

Definitions: unless an italicised term is denoted with an * (representing a definition in Section 4 of the District Plan), definitions for this section can be found in Section 4A of the District Plan.

The information requirements for a subdivision consent can be found in Chapter 5 of the District Plan.

SUB-MRZ-R1 Subdivision in the Medium Density Residential Zone

1. Activity status: **Controlled**

Where:

- a. Where the site is not located within the Stormwater Overlay; and
- b. Compliance with the following standards is achieved:
 - i. Standards MRZ-S1 – MRZ-S20, for lots created with an existing dwelling*;
 - ii. SUB-MRZ-S1 – Access*;
 - iii. SUB-MRZ-S2 – Vehicle crossings;
 - iv. SUB-MRZ-S3 – Essential services*;
 - v. SUB-MRZ-S4 – Street trees;
- c. Accesses* comply with R20.4.2
 - i. 20.4.2(a)(i)-(v);
 - ii. 20.4.2(a)(vi)(b-j);
 - iii. 20.4.2(a)(vii)-(viii); and
- d. Earthworks comply with R6.3.6.1(b).

Council's* control is restricted to:

1. The matter(s) of control for any infringed standard in SUB-MRZ-R1.1(b)-(e);
2. The provision of practical, physical and legal access* from each *allotment* directly to a formed legal road or by a registered right of way;
3. *Subdivision* design and layout and the size, shape and arrangement of proposed *allotments*;
4. The *effect* of *earthworks* on on-site and off-site flooding and overland flow paths, hazard risk and erosion and sedimentation; and
5. Whether the *subdivision* design and layout meets the requirements of the Council's* Engineering Standards for Land Development.

Advice Note:

Service connections to the public *stormwater* network must comply with the Palmerston North Stormwater Bylaw 2022, service connections to the public *wastewater* network must comply with the Palmerston North Wastewater Bylaw 2019 and service connections to the public water supply network must comply with the Palmerston North Water Supply Bylaw 2024.

Notification:

An application under this rule is precluded from being publicly notified or limited notified in accordance with section 95A or section 95B of the Resource Management Act 1991 where the *subdivision* is associated with *residential units* or *papakāinga** that are permitted under MRZ-R7.

An application under this rule is precluded from being publicly notified in accordance with section 95A of the Resource Management Act 1991 if the *subdivision* is associated with an application for the construction of 1-3 *residential units* or *papakāinga** that do not comply with MRZ-R7.

2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with SUB-MRZ-R1.1(a) is not achieved.

Council's* discretion is restricted to:

1. The *effect* of *earthworks* on on-site and off-site flooding and overland flow paths, hazard risk and erosion and sedimentation;
2. Setting of minimum floor levels;
3. Setting of maximum impervious surface area;
4. *Subdivision* design and layout and the size, shape and arrangement of proposed *allotments*;
5. The extent to which on-site mitigation measures will support and align with any catchment or sub-catchment plan to implement the city-wide Stormwater Strategy

6. Whether the *subdivision* design and layout meets the requirements of the Council's* Engineering Standards for Land Development; and
7. The relevant matters in SUB-MRZ-P3 and SUB-MRZ-P4.

Advice Note:

Service connections to the public *stormwater* network must comply with the Palmerston North Stormwater Bylaw 2022, service connections to the public *wastewater* network must comply with the Palmerston North Wastewater Bylaw 2019 and service connections to the public water supply network must comply with the Palmerston North Water Supply Bylaw 2024.

Notification:

An application under this rule is precluded from being publicly notified in accordance with section 95A of the Resource Management Act 1991.

3. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with one or more of the standards in SUB-MRZ-R1.1(b)-(d) is not achieved.

Council's* discretion is restricted to:

1. The matter(s) of discretion for any infringed standard in MRZ-S1-MRZ-S20;
2. The matter(s) control for any infringed standard in SUB-MRZ-R1.1(b)(iii)-(v) and (b)-(d);
3. *Subdivision* design and layout and the size, shape and arrangement of proposed *allotments*;
4. The safe and efficient operation of the roading network;
5. The *effect* of *earthworks* on on-site and off-site flooding and overland flow paths, hazard risk and erosion and sedimentation; and
6. The relevant matters in SUB-MRZ-P1, SUB-MRZ-P2, SUB-MRZ-P3, SUB-MRZ-P4 and SUB-MRZ-P5.

Notification:

An application under this rule is precluded from being publicly notified in accordance with section 95A of the Resource Management Act 1991.

An application under this rule is precluded from being limited notified in accordance with section 95B of the Resource Management Act 1991 except in relation to the width of a *site access** and *earthworks*.

SUB-MRZ-R2 Subdivision that creates any vacant allotment

1. Activity status: **Controlled**

Where:

- b. Compliance with the following standards is achieved:
 - i. Standard MRZ-S11;
 - ii. SUB-MRZ-S1 – Access*;
 - iii. SUB-MRZ-S2 – Vehicle crossings;
 - iv. SUB-MRZ-S3 – *Essential services**;
 - v. SUB-MRZ-S4 – Street trees;
- c. Accesses* comply with R20.4.2
 - i. 20.4.2(a)(i)-(v);
 - ii. 20.4.2(a)(vi)(b-j);
 - iii. 20.4.2(a)(vii)-(viii); and
- d. *Earthworks* comply with R6.3.6.1(b).

Council's* control is restricted to:

- 1. The provision of practical, physical and legal access* from each *allotment* directly to a formed legal road or by a registered right of way;
- 2. *Subdivision* design and layout and the size, shape and arrangement of proposed *allotments*;
- 3. The effect of *earthworks* on flooding and overland flow paths, hazard risk and erosion and sedimentation;
- 4. Whether the *subdivision* design and layout meets the requirements of the Council's* Engineering Standards for Land Development; and
- 5. The relevant matters in SUB-MRZ-P2.

Advice Note:

Service connections to the public *stormwater* network must comply with the Palmerston North Stormwater Bylaw 2022, service connections to the public *wastewater* network must comply with the Palmerston North Wastewater Bylaw 2019 and service connections to the public water supply network must comply with the Palmerston North Water Supply Bylaw 2024.

Notification:

An application under this rule is precluded from being publicly notified in accordance with section 95A of the Resource Management Act.

SUB-MRZ-R3 Cross lease, company lease, boundary adjustment or unit title subdivision around existing buildings or buildings under construction

- 1. Activity status: **Controlled**

Where:

- a. There are no new undeveloped separately disposable lot, cross lease, company area or any unit created; and
- b. Compliance with the following standards is achieved:

- i. SUB-MRZ-S1 – Access*;
- ii. SUB-MRZ-S2 – Vehicle crossings;
- iii. SUB-MRZ-S3 – *Essential services**; and
- iv. SUB-MRZ-S4 – Street trees.

Council's* control is restricted to:

- 1. The matter(s) of control for any infringed standard in SUB-MRZ-R1.1 (b);
- 2. *Subdivision* design and layout and the size, shape and arrangement of proposed *allotments*; and
- 3. The design and location of any *site access**.

Notification:

An application under this rule is precluded from being publicly notified in accordance with section 95A or limited notified in accordance with section 95B of the Resource Management Act 1991.

SUB-MRZ-R4 Subdivision involving construction of a road

- 1. Activity status: **Restricted Discretionary**

Council's* discretion is restricted to:

- 1. Connectivity with the surrounding road network;
- 2. Safe and efficient operation of the roading network;
- 3. Location and design of any *site access**;
- 4. Integration with *essential services**; and
- 5. *Natural hazards*.

Notification:

An application under this rule is precluded from being publicly notified in accordance with section 95A or limited notified in accordance with section 95B of the Resource Management Act 1991.

SUB-MRZ-R5 All other subdivision

- 1. Activity status: **Discretionary**

Where:

- 1. The *subdivision* is not listed as a Controlled Activity or a Restricted Discretionary Activity in Section 7B of the District Plan; and
- 2. *Subdivision* occurs outside the Air Noise Contour identified on Map 10.6.6.1; or

3. *Subdivision* within the Air Noise Contour identified on Map 10.6.6.1 is for the purpose of accommodating any *network utility** or for a *boundary adjustment*.

Notification:

An application under this rule is precluded from being publicly notified in accordance with section 95A of the Resource Management Act 1991.

2. Activity status: **Non-complying**

Where:

- a. The *subdivision* occurs inside the Air Noise Contour identified on Map 10.6.6.1.

Notification:

An application under this rule is precluded from being publicly notified in accordance with section 95A of the Resource Management Act 1991.

SUBDIVISION IN THE MEDIUM RESIDENTIAL ZONE - STANDARDS

SUB-MRZ-S1 – Access*

1. Each *allotment* must have practical, physical and legal *access** to a public road by way of either:
 - a. an *access leg** at least 3 metres wide forming part of the lot; or
 - b. a shared *access** consisting of up to six *access strips** lying adjacent to one another and giving *access** to no more than five other lots, and in respect of which reciprocal rights-of-way are granted or reserved; or
 - c. an *access strip** held in common ownership with the *allotment* and up to five other *allotments*; or
 - d. any right-of-way running with and appurtenant to the *land* in which the *allotment* is comprised.
2. No two or more *access strips** to *allotments* may lie adjacent to one another unless easements are granted over each *access strip** in a manner which enables joint use of a single driveway, and a single point of *access** to a public road.

Matters of control where the standard is infringed:

1. Connectivity with the surrounding road network;
2. Whether any alternative *access** arrangement is located, formed and constructed in a manner that is suited to the *development** or activity it serves;
3. Safe and efficient operation of the roading network; and
4. Location and design of any *site access**.

Except that SUB-MRZ-S1 does not apply to

<p><i>allotments</i> for:</p> <ul style="list-style-type: none"> • Infrastructure to vest in Palmerston North City Council; • <i>Network utilities*</i>; or • <i>Access strips*</i> serving other <i>allotments</i>. 	
SUB-MRZ-S2 Vehicle Crossings	
<p>1. The maximum number of vehicle crossings per <i>site</i> is 1 per 8m of total frontage, with no more than two <i>accesses*</i> per <i>site</i>.</p>	<p>Matters of discretion where the standard is infringed:</p> <p>1. <i>Safety effects</i> on the <i>land</i> transport network and pedestrians.</p>
SUB-MRZ-S3 Essential Services*	
<p>1. All <i>essential services*</i> must be available for connection within 30 metres of the nearest point of the <i>land</i> being <i>subdivided</i>.</p> <p>2. All new <i>allotments</i> must have <i>wastewater, stormwater</i> and water supply services that are connected to <i>essential services*</i>.</p> <p>3. All new <i>essential services*</i> proposed in a <i>subdivision</i> must be located in <i>public service corridors*</i> either where they are to vest in <i>Council*</i> or service in excess of six <i>allotments</i>.</p>	<p>Matters of control where the standard is infringed:</p> <p>1. The layout and design of services and service connections to <i>essential services*</i>.</p>
SUB-MRZ-S4 Street Trees	
<p>1. The layout of the <i>subdivision</i> and the location of any associated new or altered vehicle crossing does not require:</p> <ul style="list-style-type: none"> i. the removal of any tree planted on any <i>public road</i>, or ii. modification, excavation or construction within the area directly beneath the <i>dripline*</i> of the tree. 	<p>Matters of control where the standard is infringed:</p> <ul style="list-style-type: none"> 1. Health and maturity of the tree; 2. Provision of a replacement tree; and 3. Feasibility of alternative <i>access*</i> arrangements.