13.1 INTRODUCTION [233.59]

Subdivision is a legal process that can create new land parcels, or alter existing boundaries. It is often the first step in the development process and can determine the long term pattern of future land use, therefore careful management is required to make sure long-lasting impacts are positive. The subdivision of land releases further potential for development in accordance with the plan for each lot created. The effects of the potential development may have significant environmental effects.

As well as subdivision that creates new land parcels, the process is also used to adjust boundaries, to create unit titles and to create or extinguish easements such as rights of way, for example.

Land that is subdivided needs to be suitable for the purposes to which it will serve. There are many natural or man-made hazards that may affect the suitability of land. Sustainable development makes efficient use of infrastructure and utility services. Not all land can easily connect to existing infrastructure networks. Subdivision requires management to ensure that land is suitable and can be serviced.

Land to be subdivided should be appropriately located to ensure that activities on the subdivided land do not result in reverse sensitivity effects on the existing lawfully established activities, [78.24; FS582.8]

The structure of this chapter differs from the zone chapters. Sections 13.2, 13.3 and 13.4 deal with the issues, objectives and policies, and environmental outcomes regarding subdivision. However, thereafter the structure of this chapter differs from the zone chapters. Each zone has performance standards that are applicable to it, and these are presented first, starting with the residential zone. Sections 13.5 through to 13.11 set out the subdivision provisions and performance standards for each land use zone. In particular section 13.10 covers the rural zone and includes specific provisions that are aimed at improving water quality by encouraging land use change.

There are also general criteria that apply to subdivision irrespective of zone: These are contained in sections 13.12 to 13.20.

Section 13.12 sets out site suitability standards that apply to all zones. The standards ensure that the effects of natural hazards do not have the potential to adversely affect result in new sites to a degree that they are not being suitable for subdivision.

Section 13.13 sets out site serviceability standards that apply to all zones. These standards ensure that all new sites can be adequately provided with a building platform, safe legal access and utility services.

Section 13.14 sets out general performance standards that apply to all zones. This section includes provisions for creation of reserves and utility services, for boundary adjustments, for cross lease and unit titles for example.

Section 13.15 sets out general requirements for financial contributions that apply to all zones.

Section 13.16 sets out general requirements for esplanade reserves that apply to all zones.

Section 13.17 provides general method for assessment of applications for controlled activities.
Section 13.18 provides a general method for assessment of applications for restricted discretionary activities.

Section 13.19 provides a general method for assessment of applications for discretionary activities.

Section 13.20 describes the method of assessment for non-complying activities.

Applications for subdivision are therefore required to satisfy the performance standards for the relevant land use zone as well as the suitability standards, serviceability standards and general standards. Applications will also be assessed against the criteria listed for the relevant activity status – controlled, restricted or discretionary, the relevant objectives and policies for the zone, and in the other chapters of this Plan.

13.2 KEY ENVIRONMENTAL ISSUES

There are seven key issues influencing the policy framework for subdivision:

13.2.1 The Results of Subdivision can Influence the and Water Quality of Water in Lakes, Streams & Rivers [288.2; 379.2]

Lake water quality is being adversely affected by high nutrient output activities within the lake catchments. There is a number of factors that influence water quality, including natural processes such as run off, sedimentation and volcanic activity, water fowl, industry and urban sewage. Primary agricultural production is a significant source of nutrient discharges that reach streams, rivers and wetlands and ultimately reach the lakes. While controlling discharge to water is primarily a regional council function the district plan controls land use and subdivision. Incentives to encourage land use change from high nutrient output agricultural production activities to much lower nutrient output activities are encouraged by objectives and policies in this Plan, within both the rural chapter and this subdivision chapter. In order to ensure that land use change does not threaten contributes to improved water quality and nutrient discharges are reduced, management of the development potential of subdivided land is required. Additionally, subdivision rights may be given where it can be demonstrated there will be land use change that will result in sustainable positive effects on Significant Natural Areas, the margins of water bodies and lake water quality in certain areas within the Rotorua catchment. Extra subdivision rights for these reasons need to be balanced against maintaining rural character and ensuring land is held in sustainably sized lots to allow flexibility of rural land use into the future. [500.108; FS580.34; FS571.10; FS570.2; FS598.34]

Subdivision design is determined affected by the rules and driven by them. The rules in the plan dictate which include minimum site areas for example. Compliance with the rules can which becomes a become the key consideration for the design rather than consideration of the natural characteristics of the site. Non-Complying Site specific design of [379.244] subdivisions may provide a better solution in some cases and therefore proposals should be assessed giving positive weight to good design solutions.

13.2.2 Natural & Man Made Constraints can Make Land Unsuitable for Subdivision [288.2; 379.2]

The Act provides council with the ability to refuse subdivision consent in circumstances where land is, or is likely to be, subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source. In the Rotorua district geothermal activity can be a factor in erosion, subsidence or inundation. Other significant site suitability issues for Rotorua include:

• Geothermal fluids and gases
• Geothermal affected soils
• Young soils that are highly erodible
• Catchments with short duration, high intensity storm events
• Ephemeral gully systems
• Lake edge inundation
• Surface water inundation
• Fault lines
• Liquefaction
• Historic and present lake and stream margins

Conditions can be imposed on subdivision or land use consents to mitigate the risk of human generated hazards, such as contamination, or natural hazards. Where the effects cannot be mitigated, consent may not be granted. However there are areas where there are strong cultural associations with living in active geothermal areas where hazards are accepted. The villages of Ōhinemutu and Whakarewarewa are geothermal hazard areas that will be subject to special management.

13.2.3 It is not Practicable to Provide Provision of Adequate Services to all Potential Subdivisions [288.2; 379.2]

Subdivision may create demand for infrastructure and services beyond the boundaries of the site. Council must ensure that any subdivision is provided with infrastructure and services which will adequately meet the requirements of the anticipated permitted land use activities. Infrastructure and services, including roads and services [451.72], may already have available capacity or there may be deficiencies that will have to be addressed before the subdivision and consequential future land use can proceed. Any infrastructure upgrading will need to be addressed with the appropriate infrastructure and service providers. A financial contribution for upgrading of infrastructure and other growth impacts may be required at the time of subdivision for a variety of purposes set out in Part 14 Financial Contributions. A development contribution for other identified growth projects necessary to provide for the growth impacts of subdivision may also be required.

An increase in extreme weather events and associated natural hazards is predicted in the foreseeable future. This may include an increase in short duration, intense rainfall or conversely extended periods without rain at all. Subdivision and servicing requirements must take into account the impact of climate change, particularly higher intensity rainfall events, by designing for these more extreme events.

Subdivision may provide require a new framework of roads, public reserve space, infrastructure and utility services. The subdivider must ensure that these are designed and provided in a manner that enables integrated management of public infrastructure and spaces in accordance with council’s and other infrastructure providers’ adopted standards and strategic priorities.

13.2.4 The Design of Subdivided Sites Affects the Scope for Future Sustainable Design and Development of the Land [288.2; 379.2]

Sites need to be designed to allow for sustainable land use. Subdivision can adversely affect amenity values when not designed sympathetically with the surrounding environment. Good design of subdivisions can positively impact on the level of safety and comfort for the people using them and can also improve health, and energy efficiency, and the overall character of an area. The reverse is true of subdivisions that haven’t
considered these aspects adequately in their design. Consideration needs to be given to principles of urban design, because of these significant potential positive effects on the environment.

Setting minimum site sizes and useable open space standards, coupled with the yard, site coverage and height performance standards in each of the zones, enables sites to be created of a size and shape that can accommodate future land uses in a practical way.

Subdivision design should ensure can facilitate sufficient privacy and space around residential buildings. It should also ensure that sites can accommodate are suitable for their intended future use in a way that makes best use of the site characteristics and sustainable to enable development of sustainable buildings.

Connectivity is also a key consideration when designing a subdivision. Compact cities Developing a compact urban area that allows for effective and varied forms of transport and pedestrian connections is important to achieve a sustainable cities city.

In rural areas of the district, privacy and distance to neighbours is less of an issue as sites have larger areas. However, there is a need to ensure the rural qualities and characteristics, such as the relative quiet, sense of open space and predominantly unbuilt landscape are maintained.

Productive rural land (in particular versatile land) is a valuable finite resource on which rural production activities rely. Those activities are in turn significant contributors to the district’s economy. Fragmentation of the rural land resource for purposes unrelated to rural production has the potential to constrain or compromise the ability to use such land for a range of productive purposes. [436.82; FS598.32; FS584.98; FS583.46; 379.245; 343.25]

13.2.5 Infill Residential Subdivision has the Potential to Adversely Affect the Character, Amenity & Environmental Quality of the Surrounding Area [288.2; 379.2]

Infill subdivision refers to further subdivision of already established residential areas. In the urban area there are large lots that are able to be further subdivided, typically one lot divided into two. The aim of the This plan is to provides a balance, ensuring that where infill subdivision of a site occurs this does not impact on the privacy and amenity enjoyed by neighbours of the site adjacent sites, or on the environmental quality and character of the neighbourhood.

There are challenges associated with sites that are marginal for infill subdivision. Some sites may be affected by restricted access, natural hazards, servicing limitations, geotechnical constraints, or may have limited practical outdoor living space. In addition, the location of existing buildings or structures may limit future development. Appropriate access, privacy, orientation for maximum solar access, practical outdoor space and on-site parking and turning must can be considered when determining the potential of a site for infill subdivision. Land use that follows infill subdivision increases the site coverage and hard surface coverage areas of land which in turn reduce areas available for on-site soakage disposal [360.142] of stormwater. Careful consideration must be given to solutions for stormwater collection and disposal in infill situations to avoid negative effects on adjoining properties and existing infrastructure from more intense development. [73.4]

13.2.6 Natural Features and Cultural Historic Heritage [360.4] Values can be Adversely Affected by Subdivision & Require Protection [370.58]

Natural features and cultural and historic heritage [298.72] values may be adversely affected by activities resulting from subdivision. These need to be identified and protected at the time of subdivision.
Sites that have potential for subdivision may have vegetation that contributes to the quality of the environment. This may be an individual tree, or a diverse range of specimens that together create a habitat that supports a particular rare plant, insect or animal species, for example. Works before and after subdivision can lead to biodiversity loss and the depletion of ecological functions, indigenous vegetation and habitat, or have an adverse impact on outstanding natural features and landscapes. The existing natural character and features of a site, indigenous biodiversity and ecosystem functions need to be assessed and considered in the design of a subdivision.

Equally, sites may include built historic heritage, archaeological finds, or a feature with cultural value that may be lost through subdividing a site without giving adequate consideration to a design that respects those features.

A method of protecting the natural values of water bodies and providing public access to waterbodies is to acquire esplanade reserves and esplanade strips. These are instruments that can be vested in council or created at the time of subdivision to assist with improving public access and recreational use and for conservation purposes.

The provisions in relation to esplanade area acquisition are stated in Part 2 national and district matters of strategic Section 6 Matters Importance.

13.2.7 Subdivision of Land can Adversely Affect the Character & Appearance of the Landscape on the Slopes of the Rotorua Caldera [288.2; 379.2]

The upper part of the caldera contributes significantly to the amenity values of the urban area. There is a strong community desire that the open rural character of the caldera be maintained. In order to accommodate potential residential growth whilst maintaining the open rural character that provides a natural setting to the Rotorua urban area, the plan includes objectives, policies and rules to protect the caldera from adverse effects of subdivision on the upper slopes.

13.2.8 Strategic Infrastructure and Existing Lawfully Established Activities [233.79; FSS83.44; 78.25; FSS88.5; FSS84.96; FSS82.39; 447.34; FSS84.97; FSS50.132; FSS94.82; FSS83.45]

The type, design and locations of development can generate adverse reverse sensitivity effects on strategic infrastructure, such as the road, electricity and road networks. Activities located on sites within the national grid subdivision transmission corridors, or those that generate the effects that can affect traffic movements and safety of the road network must be managed so infrastructure can operate efficiently and safely. Subdivision should be appropriately designed to ensure that activities on the subdivided land do not result in reverse sensitivity effects on existing lawfully established activities.
OBJECTIVES & POLICIES

The specific objectives and policies for subdivision are stated below.

The objectives and policies shall be read in conjunction with the provisions for Parts 1-3 and the technical requirements in Parts 14-17.

The objectives and policies related to natural hazards, infrastructure and matters of national importance that cover all the zones in the district plan are mentioned in part 2 national and district matters of strategic importance. The objectives and policies for Iwi matters are mentioned in Part 3.

The Results of Subdivision can Influence the and Water Quality of Water in Lakes, Streams and Rivers

Objective 13.4.1

Subdivision supports land use activities that contribute to a significant reduction in nutrient losses and improve lake water quality in lakes, rivers, streams and wetlands and other water bodies.

NOTE: A decision has not been made on the following policy. The hearing for the process described in 13.10.3 (e) and (f) and this policy has been postponed.

Policy 13.4.1.1

Provide for subdivision as an incentive in the special planning areas SP1 and SP2 to encourage sustainable land use change that will result in a significant nutrient reduction compared with those from existing activities undertaken on the land.

Policy 13.3.1

Subdivision enables activities to achieve significant reductions in nutrient losses compared with existing activities undertaken on the land.

Policy 13.4.1.2

Ensure that subdivision supports land use change that improves lake water quality in streams, rivers, wetlands and lakes does not create adverse effects on indigenous biodiversity, ecosystem functions, productive agricultural soils the character and amenity of the zone.

Policy 13.4.1.3

Require where appropriate the management of retirement areas so vegetation is established and well maintained and pest plants are well managed establishment and maintenance of indigenous vegetation within areas retired from existing rural land use, including the control and eradication of pest plants.

Policy 13.4.1.4

Require the where appropriate indigenous revegetation and maintenance of land and riparian areas that are:
- Susceptible to erosion
- Along lakeshore and other riparian margins
- In areas adjoining already protected features
- In areas where positive benefit can be made in improving biodiversity and ecological corridors.
Policy 13.3.1.5  
Subdivision design that avoids remedies or mitigates the adverse cumulative effects on water quality from storm water and on site waste water treatment systems including through the use of low impact design. [436.94]

Policy 13.3.1.6  
Provide incentives for the long term protection of significant natural areas and the margins of water bodies. [436.99; 49.1]

Natural & Man Made Hazards Constraints can Make Land Unsuitable for Subdivision

Objective 13.4.2 13.3.2  
Subdivision where there is not an unacceptable level of risk from the adverse effects of natural hazards and natural hazard risk does not exceed acceptable levels. [459.15; 500.111]

Policy 13.4.2.1  
Policy 13.3.2.1  
Require that applications for subdivision demonstrate that man-made and natural hazard risk does not exceed acceptable levels. [500.111]

Policy 13.4.2.2  
Policy 13.3.2.2  
Restrict subdivision where land is subject to the adverse effects of natural hazards, including:
- Inundation
- High water tables
- Geothermal activity
- Subsidence
- Slippage
- Falling debris
- Erosion
- Soil instability
- Fault lines
- Liquefaction

Such that the site would be unusable or unsafe or that the natural hazard risk exceeds acceptable levels. [500.111]

It is not Practical to Provide Provision of Adequate Services to all Potential Subdivisions

Objective 13.4.3  
All sites are capable of development to the maximum potential provided for by the plan [451.73; 379.247; 410.6; 463.35]

Policy 13.4.3.1  
Require safe and practical legal and physical access suitable for the maximum potential number of household units allowed for as a permitted or controlled activity on all lots and lease areas created by subdivision, including for areas with potential for increased density
| **Policy 13.4.3.2** | Require adequate capacity at the time of subdivision to serve all lots and lease areas created with potable water supply, sewage disposal, power, telecommunications and stormwater disposal suitable for the maximum potential number of household units allowed for as a permitted or controlled activity. |
| **Policy 13.3.3.3** | Lot shape and size that is capable accommodating permitted activity in the zone, including on-site parking and turning. |

**Objective 13.4.4 13.3.3**
Sites are created that integrate safely and efficiently with the existing transport network.
Sites and associated roads integrate safely and efficiently with the transport network. [379,248; 448,25; 246,17]

| **Policy 13.4.4.1 Policy 13.3.3.1** | Require that sites are provided with safe and effective links for all modes of transport—pedestrians, cyclists and vehicles providing connectivity to the existing transport network and to local services and facilities at the time of subdivision. [379,248] |
| **Policy 13.4.4.2 Policy 13.3.3.2** | Require that sites are connected with the existing transport infrastructure in a manner that does not compromise connection with future subdivision or development of both the proposed and adjoining sites. |

**Objective 13.4.5**
The design of roads and shared access ways is consistent with the roading hierarchy status.[246,18; 246,19; 448,25]

| **Policy 13.3.3.3** | Require safe and practical, legal and physical access suitable for the proposed activities. |
| **Policy 13.3.3.4** | Lot shape and size that is capable of accommodating permitted activity in the zone, including on-site parking and turning. |
| **Policy 13.4.5.1 Policy 13.3.3.5** | Provide for flexibility in flexible road design, that ensures; but ensure that;  
  - Roads can perform their functions within the district’s roading hierarchy  
  - Sufficient provision width is made provided for the laying of services within the road corridor berm  
  - Landscaping does not impact on the provision adversely affect the integrity of services  
  - The context of the site subdivision and requirement for on-site car parking are considered [360,144]  
  - Practical streetscape amenity is adequately provided for [379,249] |
| **Policy 13.4.5.2 Policy 13.3.3.6** | The layout of subdivision and of subsequent development particularly dwellings is designed and maintained to avoid, remedy or mitigate reverse sensitivity from road or rail noise. |
**Policy 13.4.5.3**  
**Policy 13.3.7**  
Avoid, remedy or mitigate the adverse effects of activities on the transport network when they affect the function of the road within the road hierarchy and the safe and effective functioning of the wider transport network by:

- Providing on-site vehicle parking, loading, manoeuvring turning where necessary and site access, as well as pedestrian access

- Considering the impact of increased traffic movement on the transport network, including the wider network intersections

**Objective 13.4.6 13.3.4**

Adequate infrastructure and services are provided to each site to accommodate the maximum potential development.

<table>
<thead>
<tr>
<th>Policy 13.4.6.1</th>
<th>Policy 13.3.4.1</th>
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<tbody>
<tr>
<td>Require that connections to the public reticulated water supply, stormwater and sanitary sewerage systems be made at time of subdivision wherever a reticulated system is available.</td>
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<thead>
<tr>
<th>Policy 13.4.6.2</th>
<th>Policy 13.3.4.2</th>
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<tbody>
<tr>
<td>Ensure applications for subdivisions demonstrate that the water supply capacity, including capacity for firefighting purposes, is sufficient for the maximum potential development allowed for as a permitted or controlled activity.</td>
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<tr>
<th>Policy 13.4.6.3</th>
<th>Policy 13.3.4.3</th>
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<tbody>
<tr>
<td>Provide for potable water supply to a suitable standard to all lots or lease areas at time of subdivision.</td>
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<tr>
<th>Policy 13.4.6.4</th>
<th>Policy 13.3.4.4</th>
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<tbody>
<tr>
<td>Ensure applications for subdivision demonstrate that an appropriate system for the disposal of sewage is sufficient adequate for the maximum potential development allowed for as a permitted or controlled activity.</td>
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<tr>
<th>Policy 13.4.6.5</th>
<th>Policy 13.3.4.5</th>
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<tbody>
<tr>
<td>Provide for a system for the disposal of sewage in a manner that minimises adverse effects on water quality, the environment and public health to all lots or lease areas at time of subdivision.</td>
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<tr>
<th>Policy 13.4.6.6</th>
<th>Policy 13.3.4.6</th>
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<tr>
<td>Require that applications for subdivision demonstrate that the effective system for the collection, treatment and disposal of stormwater suitable for the intended use, existing building, roads, shared access, reserves, or works created by subdivision, is sufficient for the maximum potential development allowed for as a permitted or controlled activity.</td>
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<tr>
<th>Policy 13.4.6.7</th>
<th>Policy 13.3.4.7</th>
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<tbody>
<tr>
<td>Provide for a system for the collection, treatment and disposal of stormwater to all lots or lease areas at time of subdivision.</td>
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<tr>
<th>Policy 13.4.6.8</th>
<th>Policy 13.3.4.8</th>
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<tbody>
<tr>
<td>Ensure adequate provision is made at the time of subdivision for connections to electricity, telecommunications and broadband services for lots or lease areas created by subdivision.</td>
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<tr>
<th>Policy 13.4.6.9</th>
<th>Policy 13.3.4.9</th>
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<tbody>
<tr>
<td>Ensure adequate provision is made at the time of subdivision for connections to the natural gas network for lots or lease areas created by subdivision where existing gas reticulation is available.</td>
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<tr>
<th>Policy 13.4.6.10</th>
<th>Policy 13.3.4.9</th>
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<tbody>
<tr>
<td>Avoid subdivision which results in the uneconomic or inefficient expansion of existing public infrastructure.</td>
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Comment [AB8]: Powerco ENV-2015-000034
**Policy 13.3.4.10**

Require adequate capacity at the time of subdivision to serve all lots and lease areas created with potable water supply, sewage disposal, power, telecommunications and stormwater disposal suitable for the maximum potential number of household units allowed for as a permitted or controlled activity lots created.

**Objective 13.4.7 13.3.5 [370.62]**

New public open spaces designed to be safe for use are provided, or existing spaces are enhanced proportionate to the development capacity of the site.

**Policy 13.4.7.1**

Policy 13.3.5.1

Provide public neighbourhood reserves on suitable land that improve community recreation opportunities.

**Policy 13.4.7.2**

Policy 13.3.5.2

Ensure the principles of Crime Prevention Through Environmental Design (CPTED) are considered when incorporating public open spaces into a subdivision.

**Policy 13.4.7.3**

Policy 13.3.5.3 [370.62]

Provide and enhance public open spaces where:

- There are opportunities to strengthen connections with stream, river or lake margins
- Visual connections with significant landforms, features or waterways can be achieved
- There are opportunities to provide connection to, and to consolidate with, other public spaces
- The reserves can be easily accessed by surrounding residents, are overlooked and can be used safely
- There are appropriate opportunities to protect significant natural and cultural features included in Appendices 1 and 2 [298.73]

**Objective 13.4.8 13.3.6**

Esplanade reserves that provide continuous public access through the margins of waterbodies in the district [379.250]

An esplanade reserve network adjoining the district’s lakes and adjoining the rivers and streams for the purposes of protecting conservation values, enabling public access and improving water quality. [436.88; 379.2; 288.2; FS550.134; FS535.14; 233.61; FS584.100; 516.46; lakeside submitters; 423.97]

**Policy 13.4.8.1**

Policy 13.3.6.1

Require esplanade reserves and esplanade strips where appropriate, on sites that adjoin lakes, rivers and streams of the district including those shown on the urban and rural series planning maps and map 203 to maintain and enhance natural character, water quality, aquatic habitats, public access and ecological connectivity. [162.26; 233.62; 370.64; 379.250; 436.139; FS584.101; Lakeside submitters (77.50 et al); FS554.50; 516.45]
The Sustainable Design of Subdivided Sites Affects the Scope for Future Sustainable and Development of the Land [379.251]

**Objective 13.4.9 13.3.7**

Maintain the existing natural landform and topographic features by minimising modification required as a result of subdivision. Maintain and enhance the district’s productive capacity of rural land, amenity, biodiversity, landscape, [379.251] ecological values [370.65] and character through subdivision and development. [370.66; 370.67; 436.89; 436.90]

<table>
<thead>
<tr>
<th>Policy 13.4.9.1</th>
<th>Facilitate retention of natural landform through site design that enables future development to be carried out without further modification of the existing topographic features of the site.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 13.3.7.1</td>
<td>Subdivision layout and design retains natural landforms and processes on the site and surrounding land and avoids or mitigates alterations to landform, waterways and ecosystems. [436.89]</td>
</tr>
</tbody>
</table>
| Policy 13.4.9.2 | Manage subdivision so that the natural landform and important landscape features such as:  
  - Stream, river, wetland and lake margins  
  - Significant landscapes and landforms  
  - Geothermal surface features  
  - Cultural and heritage features  
  are protected or sensitively incorporated into future subdivision design and future land use activities. [436.89] |
| Policy 13.4.9.3 | Require that subdivision applications maintaining and enhancing the character, landscape and amenity values of each zone in the district. |
| Policy 13.3.7.3 | Avoid subdivision that results in the fragmentation of rural land that results in:  
  - The productive capacity of soil being reduced  
  - Unplanned effects on infrastructure and a demand for public infrastructure  
  - A potential increase in reverse sensitivity effects on adjacent rural activities |
| Policy 13.3.7.4 | Enable subdivision that provides an incentive to the long term protection of a Significant Natural Area, a gully or the margins of a waterbody. [436.99; 49.1] |
| Policy 13.3.7.5 | Subdivision and development minimises adverse effects on existing vegetation that contributes to amenity and enhances the landscape of the surrounding area by:  
  - Retaining existing established trees and vegetation on sites, particularly where the vegetation:  
    i. Is next to a stream, river, wetland or lake margin  
    ii. Adds positively to the environment  
    iii. Is an integral part of the wider landscape  
  - the appropriate revegetation and enhancement with native species. [436.89] |
### Policy 13.3.6

Subdivision and subsequent development minimises adverse effects on vegetation that contribute to amenity and enhance the landscape of the surrounding area by promoting the revegetation of areas with appropriate indigenous vegetation where positive benefits can be achieved for the purpose of:

- Enhancing stormwater control
- Assisting in improving the quality of water by reducing nutrients that eventually enter the streams, rivers, wetlands and lakes
- Retiring areas that are unsuitable for grazing
- Aiding the stabilisation of land at risk of slippage
- Providing links between existing areas of significant indigenous vegetation
- Enhancing landscape and natural character
- Restoration and enhancement of habitat for indigenous fauna [370.104]
- In areas adjoining already protected features
- In areas where positive benefit can be made in improving biodiversity and ecological corridors [370.61]

### Objective 13.4.10

**13.3.8**

A compact urban area that provides for various efficient transport options. [379.252]

#### Policy 13.4.10.1

**Policy 13.3.8.1**

Provide for subdivision that promotes cycling and pedestrian linkages through the urban area.

#### Policy 13.4.10.2

Avoid urban sprawl in the district with the exception of the areas identified as recipient of transferable development rights. [288.2; 379.2]

### Infill Residential Subdivision has the Potential to Adversely Affect the Character, Amenity & Environmental Quality of the Surrounding Area

#### Objective 13.4.11

Subdivision that minimises adverse impact on existing vegetation that contributes to amenity and enhances the landscape of the surrounding area [436.89; 436.90]

#### Policy 13.4.11.1

Require applications for subdivision to include landscaping details that maintain or enhance the amenity and character of an area.

#### Policy 13.4.11.2

Retain existing established trees and vegetation on sites, particularly where the vegetation:
- Is next to a stream, river, wetland or lake margin
- Assists in improving amenity
- Adds positively to the streetscape
- Enhances the landscape
- Is an integral part of the wider landscape
- Is significant indigenous vegetation
| Policy 13.4.11.3 | Promote the revegetation of areas with appropriate indigenous vegetation where positive benefits can be achieved for the purpose of:  
- Enhancing stormwater control  
- Assisting in improving the quality of water of reducing nutrients that eventually enter the streams, rivers, wetlands and lakes  
- Retiring areas that are unsuitable for grazing  
- Aiding the stabilisation of land at risk of slippage  
- Providing links between existing areas of significant vegetation  
- Enhancing landscape and natural character |

| Objective 13.4.12-[379.253] | Sites are created that provide a level of amenity in keeping with the zone, both for the new site and the surrounding area. |

| Policy 13.4.12.1 | Ensure that each site has the potential to provide practicable on-site open space, parking and turning. |

| Policy 13.4.12.2 | Ensure the sites created can be developed in a way that does not adversely affect the character and amenity of the zone. |

| Natural Features & Cultural Historic Heritage Values can be Adversely Affected by Subdivision & Require Protection-[370.68; 436.91] |

| Objective 13.4.13 | Subdivision that protects significant natural features and cultural heritage values-Protect and enhance the district’s natural environment by maintaining its natural character and functioning, cultural and historic heritage, outstanding natural features and landscapes, significant natural areas and indigenous biodiversity. |

| Policy 13.4.9.2 Policy 13.3.9.1 | Manage subdivision so that the natural landscape and important features and values such as: Streams, rivers, wetlands, lakes and their margins  
Significant Outstanding natural features and landscapes and landforms  
Geothermal surface features  
Cultural and historic heritage landscapes, sites and features  
Significant indigenous vegetation and habitat of indigenous fauna  
are protected excluded from subdivision or sensitively incorporated into future subdivision design and protected from future land use activities. |

| Objective 13.3.10 | Identify and protect the district’s cultural landscapes, built features and cultural and archaeological sites. |

| Policy 13.4.13.1 Policy 13.3.10.1 | Ensure that subdivision of a site that includes a significant natural feature or a feature of cultural significance includes measures to protect it from potential adverse effects of the future development of the land. |
**Subdivision of land can adversely affect the character and appearance of the Landscape on the slopes of the Rotorua Caldera**

**Objective 13.4.14 13.3.11**
A Rotorua caldera rim that sustains maintains its rural character and a high level of amenity and is highly valued by the Rotorua community.

| Policy 13.4.14 | Ensure that new subdivision and development within the Rotorua caldera rim is consistent with the design guidelines identified in the Boffa Miskell Ltd report ‘Rotorua Caldera Rim - Managing Built Change in the Rural Landscape: September 2012’, which seeks to avoid, remedy or mitigate the visual impact of new development. |

**Strategic Infrastructure and Existing Lawfully Established Activities [447.36; 451.75]**

| Objective 13.3.12 | Subdivision design that avoids prevents reverse sensitivity effects on existing lawfully established activities. |
| Policy 13.3.12 | Ensure that new subdivision and development will not have reverse sensitivity effects on lawfully established activities. |

Comment [AB14]: Powerco ENV-2015-AKL-000034

Comment [PS15]: Resolved by CO2 – no change

Comment [AB16]: Powerco ENV-2015-AKL-000034

Comment [PS17]: Resolved by CO2 – no change

Comment [PS18]: Amended by CO2 – insert new objective and policy -

**Objective 13.3.13**
Subdivision occurs in a manner that integrates safely and efficiently with existing strategic infrastructure.

| Policy 13.3.13.1 | Avoid subdivision which results in significant adverse effects on established strategic infrastructure. |
| Policy 13.3.13.2 | Facilitate good urban design outcomes taking existing strategic infrastructure into account in subdivision design. |
13.3 13.4 ENVIRONMENTAL OUTCOMES

The efficiency and effectiveness of the policy framework of this part will be the focus of ongoing monitoring and review. Effectiveness or achievement of the objectives will be assessed through performance indicators. The performance indicators will be developed to measure the following outcomes that the policy framework was put in place to achieve:

1. An increase in the availability of sustainable subdivision where new lots:
   a. Are connected to public utility services.
   b. Are connected to the road network.
   c. Have reasonable access to services and facilities.
   d. Have reasonable access to a reserve used for recreation or amenity purposes.
   e. Will not result in reverse sensitivity effects on existing lawfully established activities. [78.26; FS582.40; 447.35; FS583.47; FS594.83; FS558.6]

2. A decrease in the area of vegetation that is removed in association with subdivision.

3. An increase in subdivision that supports the reduction of nutrient leaching from rural land, the improvement of water quality by:\[387.10; 360.151\]
   a. Improving water quality: Decreasing the area of vegetation that is removed in association with subdivision.
   b. Reducing nutrient losses from on rural land.
   c. Increasing the area retired from grazing.
   d. Increasing the area of land that is revegetated.

4. An increase in the use of sustainable modes of transport including cycling and walking.

### 13.5 13.5.1 SUBDIVISION RULES: RESIDENTIAL ZONES

Table 13.5.1 identifies the status of activities which are provided for in this part of the plan.

The following rules classify subdivision in the city centre zones of the district.

The following abbreviations for the zones are used in activity Table 13.5.1:

- **RD1** = Residential 1
- **RD2** = Residential 2
- **RD3** = Residential 3
- **RD4** = Residential 4
- **RD5** = Residential 5

<table>
<thead>
<tr>
<th>ZONE</th>
<th>RULES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential 1 Low Density Living</td>
<td>RD1 = Residential 1</td>
</tr>
<tr>
<td>Medium Density Living</td>
<td>RD2 = Residential 2</td>
</tr>
<tr>
<td>Ōhinemutu, Whakarewarewa, Ngāpuna</td>
<td>RD3 = Residential 3</td>
</tr>
<tr>
<td>Lakeside Settlements</td>
<td>RD4 = Residential 4</td>
</tr>
<tr>
<td>Residential Lifestyle (Wharenui Road Area)</td>
<td>RD5 = Residential 5</td>
</tr>
</tbody>
</table>

The activity class codings in the zone columns refer to:

- **P** = Permitted
- **C** = Controlled
- **RD** = Restricted Discretionary
- **D** = Discretionary
- **NC** = Non-complying
- **Pro** = Prohibited
- **NA** = Non Applicable to zone

The activity types classes in Table 13.5.1 are explained in the User Guide at the front of the district plan.

Meanings for the terms in Table 13.5.1 can be found in Part 17 Definitions.

Permitted and controlled activities shall comply with the relevant performance standards in section 13.5.2.

The activity status may be altered if the site contains or is adjacent to an item identified in Appendix 1 or 2 of the plan.

#### Table 13.5.1 Subdivision in Residential Zones

<table>
<thead>
<tr>
<th>Rules</th>
<th>Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RD 1</td>
</tr>
</tbody>
</table>

**General**

1. Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant site design performance standards stated in 13.5.2

|       | C | C | C | C | C |

2. Unless otherwise stated below the subdivision of sites or buildings that would otherwise be a controlled activity and that do not comply with all but one or more of the relevant performance

<p>|       | D | D | D | D | D |</p>
<table>
<thead>
<tr>
<th>Specific Subdivision Activities</th>
<th>Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. The subdivision of sites or buildings for the purpose of a boundary adjustment complying with Rule 13.14.3</td>
<td>C C C C C</td>
</tr>
<tr>
<td>4. The subdivision of sites or buildings for the purpose of a boundary adjustment not complying with Rule 13.14.3</td>
<td>D D D D D</td>
</tr>
<tr>
<td>5. The subdivision of sites or buildings for the purpose of creating a reserve in accordance with Rule 13.14.1</td>
<td>C C C C C</td>
</tr>
<tr>
<td>6. The subdivision of sites or buildings for the purpose of creating a network utility service site, as defined by part 17, operation and in accordance with Rule 13.14.2</td>
<td>C C C C C</td>
</tr>
<tr>
<td>7. The subdivision of sites or buildings within or dissected by the airport inner noise control area, as shown on the planning maps</td>
<td>D NA NA NA NA</td>
</tr>
<tr>
<td>8. The subdivision of sites or buildings within or dissected by the airport air noise area, as defined in Part 17 and shown on the planning maps</td>
<td>Pro NA NA NA NA</td>
</tr>
<tr>
<td>9. Subdivision activity, including that which would otherwise be controlled activity, where the site includes or adjoins a site of cultural importance</td>
<td>D D D D D</td>
</tr>
<tr>
<td>10. The subdivision of a cross lease title occupied by one or more existing household units to create freehold titles</td>
<td>C C C C C</td>
</tr>
<tr>
<td>11. The subdivision of sites or buildings within a national grid corridor subject to compliance with performance standard 13.12.5.2.9</td>
<td>RD RD RD RD RD</td>
</tr>
<tr>
<td>12. The subdivision of sites or buildings within a national grid corridor that does not comply with performance standard 13.12.5.2.9</td>
<td>NC NC NC NC NC</td>
</tr>
<tr>
<td>Subdivision of Sites and Buildings Susceptible to Natural Hazards</td>
<td>Holland, 1995</td>
</tr>
<tr>
<td>13. The subdivision of sites or buildings on land susceptible to known areas of thermally active</td>
<td>NC NC NC NC NC</td>
</tr>
</tbody>
</table>
### 13.5.1.13.5.2 Site Design Performance Standards: Residential Zones

#### 1. Site Dimension Requirements

The table and performance standards below state the minimum site design requirements for sites within the residential zones as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Site Area</th>
<th>Site Design Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential 1</td>
<td>350m² net site area provided that the average net site area of all new sites shall be at least 450m² [421.2; 463.29; 474.6]</td>
<td>Sites of 450m² net site area and above: The site shall be capable of containing an area of at least 15 metres x 12 metres 180m² [170.12; 331.21] that is suitable for building and does not intrude into the yard buffers. Sites of less than 450m² net site area: The site shall be capable of containing an area of at least 12 metres x 12 metres 150m² that is suitable for building and does not intrude into the yard buffers.</td>
</tr>
</tbody>
</table>

| Residential 1 | For residential housing provided that the average net site area of all new sites shall be 450m² | Sites shall be capable of containing an area of at least 15 metres x 12 metres 180m² that is suitable for building and does not intrude into the yard buffers. |

#### Comment [AB23]:
BOP Regional Council ENV-2015-ANL-000009

---

Rules | Zones
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>RD 1</td>
<td>RD 2</td>
</tr>
<tr>
<td>ground, or geothermal and hydrothermal activity affected by a geothermal feature [360.154]</td>
<td>D</td>
</tr>
</tbody>
</table>
### Zone | Minimum Site Area | Site Design Factor
--- | --- | ---
Residential 2 Medium Density Residential-Living With a comprehensive residential development plan, which will include the complementary land use consent application | 150m² net site area | Sites shall be capable of containing the proposed or existing buildings and activities on site and enough land so that the buildings do not intrude into the yard buffers unless the complementary land use consent approves otherwise approved as part of the comprehensive development plan.
Residential 2 Medium Density Residential-Living Without a comprehensive residential development plan | 350m² net site area | Sites shall be capable of containing the proposed or existing buildings and activities on site and enough land so that the buildings do not intrude into the yard buffers.
Residential 3 Ōhinemutu, Whakarewarewa, and Ngāpuna | 250m² net site area | Sites shall be capable of containing the proposed or existing buildings and activities on site and enough land so that the buildings do not intrude into the yard buffers.
Residential 4 Lakeside Settlements provided that Rule 13.5.2.5 is met. 1,000m² net site area provided that Rule 13.5.2.5 is met. (30.4, 463.30) | 2,000m² net site area Sites shall be capable of containing an area of at least 20 metres x 15 metres 300m² that is suitable for building and does not intrude into the yard buffers.
Residential 5 Residential Lifestyle within the Wharenu Road area | 1,500m² minimum net site area, provided that the average net site area of all new lots shall be 2,000m² | Sites shall be designed so as not to exceed the maximum site coverage required in Rule 4.6 (288.2)

2. **The following performance standards shall be met where relevant**

**Subdivision Performance Standards**

The subdivision shall meet the performance standards in 13.12, 13.13, 13.14, 13.15 and 13.16, the performance standards for the zone where relevant and other relevant provisions in the district plan unless the subdivision is intended to accommodate a land use consent that has been granted for the site.

- **a.** Residential zone, Rules 4.6
- **b.** Site suitability, Rules 13.12
- **c.** Site serviceability, Rules 13.13
- **d.** Subdivision performance standards applicable to all zones, Rules 13.14
3. Site dimensions

Sites created by subdivision, including vacant sites, shall be suitable for purpose, and shall be of sufficient dimensions to provide for either:

a. the performance standards of the zone to be met, or
b. to accommodate a land use consent that has been granted for the site

4. Provision of outdoor space & residential privacy

Sites created for the purposes of residential living shall be designed so as to provide an area of sufficient size to allow enjoyment of outdoor space and privacy for each residential household unit to be constructed on site. The outdoor space shall be no less than 10% of the net site area and shall be separate from any area used for vehicle parking and turning.

5. Provision for Solar Access

Sites created for the purposes of residential living shall be designed and oriented so as to provide sufficient space for the placement of future residential buildings to enable maximum benefit to be derived from solar access.

6. Access, On-Site Parking & Turning Areas

Any vehicle access, on-site parking and turning that is required in accordance with Part 4.6, Rule 13.13.3 13.13.2 [360.146] and Appendix 4 shall be separate to the area provided for outdoor spaces and residential privacy.

7. Subdivision within the Residential 4 Zone

a. The minimum net site area for any new site shall be 2,000m², provided that:

   i. The site shall be of sufficient size in order to meet the regional council requirements for on-site effluent or sewage disposal, including any associated disposal field.

   ii. All necessary relevant performance standards associated with the location of buildings on-site as stated in 4.6 can be met.

   iii. The minimum site dimension requirements of 13.5.1 13.5.2.1 relating to site design factor can be met.

   iv. It can be demonstrated that existing buildings located on sites can comply with the performance standards for the zone as stated in 4.6.

b. Where a site zoned as residential 4 is located within an area where a public sanitary sewer reticulation system is operational the following shall apply:

   i. All necessary performance standards associated with the location of buildings on-site as stated in 4.6 can be met.

   ii. The minimum site dimension requirements of 13.5.1 13.5.2.1 relating to the site design factor can be met.
iii. It can be demonstrated that existing buildings located on-site can comply with the performance standards for the zone as stated in 4.6.

8 6. Ability to acquire Esplanade Reserves

Where acquisition of an esplanade reserve or strip is required by the provisions of the Act or any rule in the plan, the sites created by subdivision shall be of sufficient size after acquisition to comply with the site dimension requirements of 13.5.1 13.5.2.1.

9 7. Subdivision in the Wharenui Road Development Area Residential 1 &and Residential 5 Zones

In addition to the provisions of this part, all subdivision undertaken within the Wharenui Road development area residential 1 or residential 5 zones, as shown on planning maps 330, 339, and 340 shall be undertaken in accordance with Appendix 5 Wharenui Road area development plan. Subdivision applications will be assessed in accordance with the performance standards and assessment criteria relating to staging and minimum yields, development capacity, and Intensity of development for controlled activities, as stated in Appendix 5.

10 8. Subdivision of Sites or Buildings within or dissected by the Airport Inner Control Area

a. Where the subdivision will create a vacant allotment site that will require land use consent for future development by any rule in the plan, the necessary land use consent shall be lodged with the subdivision consent. This is in order to establish that the development of the site is possible without adverse effects from noise.

b. The assessment criteria contained in Appendix 7 shall be taken into account when considering both the subdivision and land use consents concurrently.

9. Subdivision in a National Grid Corridor

A building platform for the principal dwelling or building shall be identified for each allotment to be located outside the national grid yard. [447.84] [Cl.16]
### 13.6.1 SUBDIVISION RULES: CITY CENTRE ZONES

Table 13.6.1 identifies the status of activities which are provided for in this part of the plan. The following rules classify subdivision in the city centre zones of the district. The following abbreviations for the zones are used in activity Table 13.6.1: [360.251]

<table>
<thead>
<tr>
<th>CC1</th>
<th>CC2</th>
<th>CC3</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Centre 1</td>
<td>Mid-City</td>
<td>City Centre 2</td>
</tr>
</tbody>
</table>

The activity class codings in the zone columns refer to:

The following abbreviations are used for classes of activities in activity Table 13.6.1:

- **P** = Permitted
- **C** = Controlled
- **RD** = Restricted Discretionary
- **D** = Discretionary
- **NC** = Non-complying
- **Pro** = Prohibited
- **NA** = Activity not applicable to the zone [416.54]
- **STA** = Stricter status applies [379.2]

The activity types classes in Table 13.6.1 are explained in the User Guide at the front of the district plan Part 2.

Meanings for the terms in Table 13.6.1 can be found in Part 17 Definitions.

Permitted and controlled activities shall comply with the relevant performance standards in section 13.6.2. [288.2; 288.28]

The activity status may be altered if the site contains or is adjacent to an item identified in Appendix 1 or 2 of the plan. [288.2; 288.28]

#### Table 13.6.1 Subdivision in City Centre Zones

<table>
<thead>
<tr>
<th>Rules</th>
<th>Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CC1</td>
</tr>
<tr>
<td><strong>General</strong></td>
<td></td>
</tr>
<tr>
<td>1. Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant site design performance standards stated in 13.6.2 [196.7]</td>
<td>C</td>
</tr>
<tr>
<td>2. Unless otherwise stated below the subdivision of sites or buildings that would otherwise be a controlled activity and that do not comply with all but [clause 16(2)] one or more of any relevant performance standards in 5.6 and 5.7 the relevant site design performance standards stated in 13.6.2</td>
<td>D</td>
</tr>
</tbody>
</table>
Rules

<table>
<thead>
<tr>
<th>Specific Subdivision Activities</th>
<th>Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. The subdivision of sites or buildings for the purpose of a boundary adjustment in accordance</td>
<td></td>
</tr>
<tr>
<td>with Rule 13.14.3</td>
<td>C</td>
</tr>
<tr>
<td>4. The subdivision of sites or buildings for the purpose of a boundary adjustment that cannot</td>
<td>D</td>
</tr>
<tr>
<td>comply with Rule 13.14.3</td>
<td>D</td>
</tr>
<tr>
<td>5. The subdivision of sites or buildings for the purpose of creating a reserve in accordance</td>
<td></td>
</tr>
<tr>
<td>with Rule 13.14.1</td>
<td>C</td>
</tr>
<tr>
<td>6. The subdivision of sites or buildings for the purpose of creating a utility service site,</td>
<td>C</td>
</tr>
<tr>
<td>as defined by Part 17, and in accordance with Rule 13.14.2 [451.109]</td>
<td>C</td>
</tr>
<tr>
<td>7. The subdivision of a cross lease title occupied by one or more existing household units to</td>
<td>C</td>
</tr>
<tr>
<td>create freehold titles.</td>
<td></td>
</tr>
<tr>
<td>8. The subdivision of sites or buildings within a transmission national grid subdivision line</td>
<td></td>
</tr>
<tr>
<td>corridor subject to compliance with performance standard. 13.12.56.2.5</td>
<td>RD</td>
</tr>
<tr>
<td>9. The subdivision of sites or buildings within a national grid corridor that does not comply</td>
<td></td>
</tr>
<tr>
<td>with performance standard 13.12.56.2.5</td>
<td>NC</td>
</tr>
</tbody>
</table>

Zones CC1       CC2       CC3

Subdivision of Sites & Buildings Susceptible to Natural Hazards

13.6.1 13.6.2 Site Design Performance Standards: City Centre Zones

1. Site dimension requirements

The table and performance standards below state the minimum site design requirements for sites within the city centre zones.

Table 13.6.1 13.6.2 City Centre Site Design

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum site area</th>
<th>Site design factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Centre 1</td>
<td>There is no minimum site area for this zone.</td>
<td>Sites shall be capable of containing activities in accordance with 13.6.1.3 13.6.2.2</td>
</tr>
<tr>
<td>Mid-City</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2. The following performance standards shall be met where relevant

### Subdivision Performance Standards

The subdivision shall meet the performance standards in 13.12, 13.13, 13.14, 13.15 and 13.16, the performance standards for the zone where relevant and other relevant provisions in the district plan unless the subdivision is intended to accommodate a land use consent that has been granted for the site.

- a. City centre zone, Rules 5.6 and 5.7
- b. Site suitability, Rules 13.12
- c. Site serviceability, Rules 13.13
- d. Subdivision performance standards applicable to all zones, Rules 13.14
- e. Financial contributions, Rules 13.15
- f. Esplanade reserve requirements, Rules 13.16
- g. Other district plan provisions, Rules 13.21
- h. Historical, cultural, and natural values of sites, part 2 and part 3.

3. Site dimensions

Sites created by subdivision, including vacant sites, shall be suitable for purpose, and shall be of sufficient dimensions to provide for either:

- a. the performance standards of the zone to be met, or
- b. to accommodate a land use consent that has been granted for the site.

4. Access to service lane network for subdivision within the city centre 1 and 2 zones

Where a site to be subdivided adjoins or includes a service lane as shown on planning map 204 – city centre service lanes, which is vested in council or will be vested in council as part of the subdivision, vehicle-vehicular access to the site shall be provided from the service lane network. New lots shall be designed to allow vehicle-vehicular access to the service lane network. Access shall be provided to the service lane network regardless of whether the whole network is vested in council or otherwise.

5. Vesting of Service Lanes

Council will require the vesting of land for service lanes upon subdivision of sites containing land identified as service lanes as shown on planning map 204 - city centre service lanes, in accordance with Part 5. Survey and legal costs associated with the vesting of the service lane shall be met by the council. The costs of forming the service lane shall also be met by council. [360.141]
5. Subdivision in a National Grid Corridor

A building platform for the principal dwelling or building shall be identified for each allotment to be located outside the national grid yard [447.84] (Cl.16)

13.7 SUBDIVISION RULES: COMMERCIAL ZONES

Table 13.7.1 identifies the status of activities which are provided for in this part of the plan.

The following rules classify subdivision in the commercial zones of the district.

The following abbreviations for the zones are used in activity Table 13.7.1: [360,251]

| CM1 | = | Commercial 1 | Ngōngōtahā Centre |
| CM3 | = | Commercial 2 | Suburban Compact Commercial Centres |
| CM3 | = | Commercial 3 | Neighbourhood Centres |
| CM4 | = | Commercial 4 | City Entranceway Accommodation |
| CM5 | = | Commercial 5 | City Entranceway Tourism |
| CM6 | = | Commercial 6 | Southern Edge Commercial Centre |

The activity class codings in the zone columns refer to:

The following abbreviations are used for classes of activities in activity Table 13.7.1:

| P = | Permitted | C = Controlled | RD = Restricted Discretionary |
| D = | Discretionary | NC = Non-complying | Pro = Prohibited |
| NA = Activity not applicable to the zone [416,54] |
| NA = Non Applicable to zone [416,54] |
| STA = Stricter status applies [379,2] |

The activity types classes in Table 13.7.1 are explained in Part 17 the User Guide at the front of the district plan.

Meanings for the terms in Table 13.7.1 can be found in Part 17 Definitions.

Permitted and controlled activities shall comply with the relevant performance standards in section 13.7.2. [288,2; 288,28]

The activity status may be altered if the site contains or is adjacent to an item identified in Appendix 1 or 2 of the plan. [288,2; 288,28]
### Table 13.7.1 Subdivision in Commercial Zones

<table>
<thead>
<tr>
<th>Activities</th>
<th>Commercial Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CM1</td>
</tr>
<tr>
<td>General Rules &amp; Activity Classifications</td>
<td></td>
</tr>
<tr>
<td>1. Unless otherwise stated below the subdivision of sites or buildings</td>
<td>C</td>
</tr>
<tr>
<td>that comply with the relevant site design performance standards stated in</td>
<td></td>
</tr>
<tr>
<td>13.6.1 13.7.2</td>
<td></td>
</tr>
<tr>
<td>2. Unless otherwise stated below the subdivision of sites or buildings</td>
<td>D</td>
</tr>
<tr>
<td>that would otherwise be a controlled activity and that do not comply with</td>
<td></td>
</tr>
<tr>
<td>all but one or more of any relevant performance standards in 6.6,</td>
<td></td>
</tr>
<tr>
<td>the relevant site design performance standards stated in 13.6.1 13.7.2</td>
<td></td>
</tr>
<tr>
<td>Specific Subdivision Activities</td>
<td></td>
</tr>
<tr>
<td>3. Subdivision in accordance with Appendix 5 Whangamoa Trust Otaramarae</td>
<td>NA</td>
</tr>
<tr>
<td>[110.6]</td>
<td></td>
</tr>
<tr>
<td>4. The subdivision of sites or buildings for the purpose of a boundary</td>
<td>C</td>
</tr>
<tr>
<td>adjustment complying with Rule 13.14.3 [360.146]</td>
<td></td>
</tr>
<tr>
<td>5. The subdivision of sites or buildings for the purpose of a boundary</td>
<td>D</td>
</tr>
<tr>
<td>adjustment not complying with Rule 13.14.3</td>
<td></td>
</tr>
<tr>
<td>6. The subdivision of sites or buildings for the purpose of creating a</td>
<td>C</td>
</tr>
<tr>
<td>reserve in accordance with Rule 13.14.1</td>
<td></td>
</tr>
<tr>
<td>7. The subdivision of sites or buildings for the purpose of creating a</td>
<td>C</td>
</tr>
<tr>
<td>utility service site, as defined by Part 17, and in accordance with Rule</td>
<td></td>
</tr>
<tr>
<td>8. The subdivision of sites or buildings within or dissected by the</td>
<td>NA</td>
</tr>
<tr>
<td>airport inner control area, as defined in Part 17 and shown on the</td>
<td></td>
</tr>
<tr>
<td>planning maps</td>
<td></td>
</tr>
<tr>
<td>9. The subdivision of sites or buildings within a transmission line</td>
<td>NA</td>
</tr>
<tr>
<td>national grid corridor subject to compliance with performance standard</td>
<td></td>
</tr>
<tr>
<td>13.12.57.2.2 [447.70; 447.78]</td>
<td></td>
</tr>
<tr>
<td>10. The subdivision of sites or buildings within a national grid corridor</td>
<td>NC</td>
</tr>
<tr>
<td>that does not comply with performance standard</td>
<td></td>
</tr>
<tr>
<td>13.12.57.2.2</td>
<td></td>
</tr>
</tbody>
</table>
### 13.7.1 Subdivision of Sites & Buildings Susceptible to Natural Hazards

<table>
<thead>
<tr>
<th></th>
<th>Activities</th>
<th>Commercial Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.</td>
<td>The subdivision of sites or buildings on land susceptible to inundation, as defined in Part 17</td>
<td>NC NC NC NC NC NC</td>
</tr>
<tr>
<td>11.</td>
<td>The subdivision of sites or buildings on land affected by a geothermal feature. The subdivision sites or buildings on land susceptible to known areas of thermally active ground, or geothermal and hydrothermal activity</td>
<td>NC NC NC NC NC NC</td>
</tr>
<tr>
<td>12.</td>
<td>The subdivision of sites or buildings on land susceptible to the effects of lake level inundation</td>
<td>NC NC NC NC NC NC</td>
</tr>
<tr>
<td>13.</td>
<td>The subdivision of sites or buildings on land that contains a known overland stormwater flow path</td>
<td>NC NC NC NC NC NC</td>
</tr>
</tbody>
</table>

### 13.7.2 Site Design Performance Standards: Commercial Zones

1. **Site dimension requirements**

   The table and performance standards below state the minimum site design requirements for sites within the Commercial Zones.

#### Table 13.7.2 Commercial Site Design

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Site Area</th>
<th>Site Design Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial 1 Ngōngōtahā Centre</td>
<td>There is no minimum site area for this zone.</td>
<td>Sites shall be capable of containing activities in accordance with 13.7.1.3, 13.7.2.2.</td>
</tr>
<tr>
<td>Commercial 2 Westend and Te Ngae Suburban Compact Commercial Centres</td>
<td>There is no minimum site area for this zone.</td>
<td>Sites shall be capable of containing activities in accordance with 13.7.1.3, 13.7.2.2.</td>
</tr>
<tr>
<td>Commercial 3 Neighbourhood shops</td>
<td>There is no minimum site area for this zone.</td>
<td>Sites shall be capable of containing activities in accordance with 13.7.1.3, 13.7.2.2.</td>
</tr>
</tbody>
</table>
### Zone Minimum Site Area Site Design Factor

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Site Area</th>
<th>Site Design Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial 4 City Entranceway Accommodation [288.2; 379.2]</td>
<td>For sites that are for residential purposes: 280m² net site area provided that the average net site area of all new sites shall be at least 450m²</td>
<td>Sites that are for residential purposes shall be capable of containing an area of at least 15 metres x 12 metres that is suitable for building and does not intrude into the yards required by Rule 6.6. Sites that are for other purposes shall be capable of containing activities in accordance with with 13.7.1.3. 13.7.2.2.</td>
</tr>
<tr>
<td>Commercial 5 City Entranceway Tourism</td>
<td>There is no minimum site area for this zone.</td>
<td>Sites shall be capable of containing activities in accordance with 13.7.1.3. 13.7.2.2.</td>
</tr>
<tr>
<td>Commercial 6 Southern Edge Commercial Centre</td>
<td>There is no minimum site area for this zone.</td>
<td>Sites shall contain activities in accordance with 13.7.2.2.</td>
</tr>
</tbody>
</table>

2. **The following performance standards shall be met where relevant**

Subdivision Performance Standards

The subdivision shall meet the performance standards in 13.12, 13.13, 13.14, 13.15 and 13.16, the performance standards for the zone where relevant and other relevant provisions in the district plan unless the subdivision is intended to accommodate a land use consent that has been granted for the site.

- a. Commercial zone, Rules 6.6
- b. Site suitability, Rules 13.12
- c. Site serviceability, Rules 13.13
- d. Subdivision performance standards applicable to all zones, Rules 13.14
- e. Financial contributions, Rules 13.15
- f. Esplanade reserve requirements, Rules 13.16
- g. Other district plan provisions, Rules 13.21
- h. Historical, cultural, and natural values of sites, part 2 and part 3.

3. **Site dimensions**

Sites created by subdivision, including vacant sites, shall be suitable for purpose, and shall be of sufficient dimensions to provide for either:

- a. the performance standards of the zone to be met, or
- b. to accommodate a land use consent that has been granted for the site.
4.3 Access, On-Site Parking and Turning Areas

Any vehicle access, on-site parking and turning that is required in accordance with Rule 6.6, Rule 13.13.3, 13.13.2 [360.146] and Appendix 4 shall be provided separate to the area provided for outdoor spaces and privacy [379.258].

5.4 Ability to Acquire Esplanade Reserves

Where acquisition of an esplanade reserve or strip is required by the provisions of the Act or any rule in the plan, the sites created by subdivision shall be of sufficient size after acquisition to comply with the site dimension requirements of 13.7.1.

6.5 Subdivision in the Commercial 3 Zone within the Wharenui Road Area

In addition to the provisions of this part, all subdivision undertaken within the commercial 3 zone of the Wharenui Road area, as shown on planning maps 330, 339 and 340 shall be undertaken in accordance with Appendix 5 - Wharenui Road area development plan. Subdivision applications will be assessed in accordance with the performance standards and assessment criteria relating to staging and minimum yields, development capacity, and Intensity of development for controlled activities, as stated in Appendix 5.

7.6 Subdivision of Sites or Buildings within or dissected by the Airport Inner Control Area

a. Where the subdivision will create a vacant allotment that will require land use consent for future development by any rule in the plan, the necessary land use consent shall be lodged concurrently with the subdivision consent. This is in order to establish that the development of the site is possible without adverse effects from noise.

b. The assessment criteria contained in Appendix 7 shall be taken into account when considering both the subdivision and land use consents concurrently.

8.7 Subdivision in a National Grid Corridor

A building platform for the principal dwelling or building shall be identified for each allotment to be located outside the national grid yard [447.84] [Cl.16]
Table 13.8.1 identifies the status of activities which are provided for in this part of the plan.

The following rules classify subdivision in the industrial zones of the district.

The activity class codings in the zone columns refer to:

The following abbreviations for the zones are used in activity Table 13.8.1: [360,251]

<table>
<thead>
<tr>
<th>ID1</th>
<th>ID2</th>
<th>ID1E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial 1</td>
<td>Industrial 2</td>
<td>Industrial 1E</td>
</tr>
<tr>
<td>General industry</td>
<td>Heavy industry</td>
<td>City Entranceway Mixed-Use</td>
</tr>
</tbody>
</table>

The following abbreviations are used for classes of activities in activity Table 13.8.1:

<table>
<thead>
<tr>
<th>P</th>
<th>C</th>
<th>RD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted</td>
<td>Controlled</td>
<td>Restricted Discretionary</td>
</tr>
<tr>
<td>D</td>
<td>NC</td>
<td>Pro</td>
</tr>
<tr>
<td>Discretionary</td>
<td>Non-complying</td>
<td>Prohibited</td>
</tr>
</tbody>
</table>

The activity types classes in Table 13.8.1 are explained in part 2 of the User Guide at the front of the plan.

Meanings for the terms in Table 13.8.1 can be found in Part 17 Definitions.

Permitted and controlled activities shall comply with the relevant performance standards in section 13.8.2 [288.2; 288.28]

The activity status may be altered if the site contains or is adjacent to an item identified in Appendix 1 or 2 of the plan: [288.2; 288.28]

Table 13.8.1: Subdivision in Industrial Zones

<table>
<thead>
<tr>
<th>Rules</th>
<th>Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ID1</td>
</tr>
<tr>
<td>General</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant zone performance standards stated in 13.8.1 13.8.2</td>
</tr>
<tr>
<td>2.</td>
<td>Unless otherwise stated below the subdivision of sites or buildings that would otherwise be a controlled activity and that do not comply with all but one or more of the relevant performance standards stated in 7.6, the relevant site design performance standards stated in 13.8.1 13.8.2</td>
</tr>
</tbody>
</table>
Rules | Zones
---|---
### Specific Subdivision Activities
3. The subdivision of sites or buildings for the purpose of a boundary adjustment complying with Rule 13.4.3 | C | C | C
4. The subdivision of sites or buildings for the purpose of a boundary adjustment not complying with Rule 13.14.3 | D | D | D
5. The subdivision of sites or buildings for the purpose of creating a reserve in accordance with Rule 13.14.1 | C | C | C
6. The subdivision of sites or buildings for the purpose of creating a utility service site, as defined by Part 17, and in accordance with Rule 13.14.2 [451.107] | C | C | C
7. The subdivision of sites or buildings within or dissected by the airport inner control area, as defined in Part 17 and shown on the planning maps | D | NA | D
8. The subdivision of sites or buildings within or dissected by the airport air noise area, as defined in Part 17 and shown on planning map 208 | D | NA | D
9. The subdivision of sites or buildings within a national grid corridor subject to compliance with performance standard 13.12.58.2.4 [447.81] | RD | RD | RD
10. The subdivision of sites or buildings within a national grid corridor that does not comply with performance standard 13.12.58.2.4 | NC | NC | NC

### Subdivision of Sites & Buildings Susceptible to Natural Hazards
911. The subdivision of sites or buildings on land susceptible to inundation, as defined in Part 17 | NC | NC | NC
912. The subdivision of sites or buildings on land affected by a geothermal feature. The subdivision of sites or buildings on land susceptible to known areas of thermally active ground, or geothermal and hydrothermal activity. | NC | NC | NC

### 13.8.2 Site Design Performance Standards: Industrial Zones

I. **Site Dimension Requirements**

The table and performance standards below state the minimum site design requirements for sites within the industrial zones.
Table 13.8.1 13.8.2: Industrial Site Design

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Site Area</th>
<th>Site Design Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial 1</td>
<td></td>
<td>Sites shall be capable of containing activities in accordance with 13.8.1.3</td>
</tr>
<tr>
<td>General Industry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial 2</td>
<td></td>
<td>Sites shall be capable of containing activities in accordance with 13.8.1.3</td>
</tr>
<tr>
<td>Heavy Industry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial 1E</td>
<td></td>
<td>Sites shall be capable of containing activities in accordance with 13.8.1.3</td>
</tr>
<tr>
<td>City Entranceway</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mixed-Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>There is no minimum site area for this zone.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sites shall be capable of containing activities in accordance with 13.8.2.2.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sites shall be capable of containing activities in accordance with 13.8.2.2.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>There is no minimum site area for this zone.</td>
<td></td>
</tr>
</tbody>
</table>

2. The following performance standards shall be met where relevant:

Subdivision Performance Standards

The subdivision shall meet the performance standards in 13.12, 13.13, 13.14, 13.15 and 13.16, the performance standards for the zone where relevant and other relevant provisions in the district plan unless the subdivision is intended to accommodate a land use consent that has been granted for the site.

a. Industrial zone, Rules 7.6
b. Site suitability, Rules 13.12
c. Site serviceability, Rules 13.13
d. Subdivision performance standards applicable to all zones, Rules 13.14
e. Financial contributions, Rules 13.15
f. Esplanade reserve requirements, Rules 13.16
g. Other district plan provisions, Rules, Rules 13.24
h. Historical, cultural, and natural values of sites, part 2 and part 3

3. Site dimensions

Sites created by subdivision, including vacant sites, shall be suitable for purpose, and shall be of sufficient dimensions to provide for either:

a. the performance standards of the zone to be met, or
b. to accommodate a land use consent that has been granted for the site.

4. Ability to acquire esplanade reserves

Where acquisition of an esplanade reserve or strip is required by the provisions of the Act or any rule in the plan, the sites created by subdivision shall be of sufficient size after acquisition to comply with the site dimension requirements of 13.8.1.

5. Subdivision of Sites or Buildings within or dissected by the Airport Inner Control Area

a. Where the subdivision will create a vacant allotment that will require land use consent for future development by any rule in the plan, the necessary land use consent shall be lodged concurrently with the subdivision consent. This is in order to establish that the development of the site is possible without adverse effects from noise.

b. The assessment criteria contained within Appendix 7 shall be taken into account when considering both the subdivision and land use consents concurrently.
4. Subdivision in a National Grid Corridor

A building platform for the principal dwelling or building shall be identified for each allotment to be located outside the national grid yard. [447.84] [Cl.16]

13.9  13.9.1 SUBDIVISION RULES: BUSINESS & AND
INNOVATION ZONES

Table 13.9.1 identifies the status of activities which are provided for in this part of the plan.

The following rules classify subdivision in the Innovation and enterprise zones of the district.

The following abbreviations for the zones are used in activity Table 13.9.1: [360,251]

| BI1  =  | Business and Innovation Park 1 | Scion Innovation Park Campus |
| BI2  =  | Business and Innovation Park 2 | Waipa Business Park |
| BI3  =  | Business and Innovation Park 3 | Eastgate Business Park |

The activity class coding in the reserve zone columns refer to:

The following abbreviations are used for classes of activities in activity Table 13.9.1:

| P  =  | Permitted | C  =  | Controlled | RD  =  | Restricted Discretionary |
| D  =  | Discretionary | NC  =  | Non-complying | Pro  =  | Prohibited |
| NA  =  | Activity not applicable to the zone [416.54] |
| NA  =  | Non Applicable to zone [416.54] |

The activity types classes in Table 13.9.1 are explained in part 17 of the User Guide at the front of the district plan.

Meanings for the terms in Table 13.9.1 can be found in Part 17 definitions.

Permitted and controlled activities shall comply with the relevant performance standards in section 13.9.2. [288.2; 288.28]

The activity status may be altered if the site contains or is adjacent to an item identified in Appendix 1 or 2 of the Plan. [288.2; 288.28]
### Table 13.9.1 Subdivision in Business & Innovation Zones

<table>
<thead>
<tr>
<th>Rules</th>
<th>Innovation Park Zones</th>
<th>Business Park Waipa Zones</th>
<th>Eastgate Business Park Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>BI1</td>
<td>BI2</td>
<td>BI3</td>
</tr>
</tbody>
</table>

#### General Rules & Activity Classifications

1. Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant site design performance standards stated in 13.9.1 13.9.2

<table>
<thead>
<tr>
<th>Rules</th>
<th>Innovation Park Zones</th>
<th>Business Park Waipa Zones</th>
<th>Eastgate Business Park Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

2. Unless otherwise stated below the subdivision of sites or buildings where performance standards 8.6 cannot be met.

<table>
<thead>
<tr>
<th>Rules</th>
<th>Innovation Park Zones</th>
<th>Business Park Waipa Zones</th>
<th>Eastgate Business Park Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
</tbody>
</table>

2. Unless otherwise stated below the subdivision of sites or buildings that would otherwise be a controlled activity and that do not comply with one or more of the relevant performance standards stated in 9.6, the relevant site design performance standards stated in 13.9.2

<table>
<thead>
<tr>
<th>Rules</th>
<th>Innovation Park Zones</th>
<th>Business Park Waipa Zones</th>
<th>Eastgate Business Park Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
</tbody>
</table>

#### Specific Subdivision Activities

3. The subdivision of sites or buildings for the purpose of a boundary adjustment complying with Rule 13.14.3

<table>
<thead>
<tr>
<th>Rules</th>
<th>Innovation Park Zones</th>
<th>Business Park Waipa Zones</th>
<th>Eastgate Business Park Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

4. The subdivision of sites or buildings for the purpose of a boundary adjustment not complying with Rule 13.14.3

<table>
<thead>
<tr>
<th>Rules</th>
<th>Innovation Park Zones</th>
<th>Business Park Waipa Zones</th>
<th>Eastgate Business Park Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
</tbody>
</table>

5. The subdivision of sites or buildings for the purpose of creating a reserve in accordance with Rule 13.14.1

<table>
<thead>
<tr>
<th>Rules</th>
<th>Innovation Park Zones</th>
<th>Business Park Waipa Zones</th>
<th>Eastgate Business Park Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

6. The subdivision of sites or buildings for the purpose of creating a utility service site, as defined by Part 17, and in accordance with Rule 13.14.2 [451.106]

<table>
<thead>
<tr>
<th>Rules</th>
<th>Innovation Park Zones</th>
<th>Business Park Waipa Zones</th>
<th>Eastgate Business Park Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

7. The subdivision of sites or buildings within national grid corridor subject to compliance with performance standard 13.12.59.2.5 [447.82]

<table>
<thead>
<tr>
<th>Rules</th>
<th>Innovation Park Zones</th>
<th>Business Park Waipa Zones</th>
<th>Eastgate Business Park Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RD</td>
<td>RD</td>
<td>RD</td>
</tr>
</tbody>
</table>

8. The subdivision of sites or buildings within a national grid corridor that does not comply with performance standard 13.12.59.2.5

<table>
<thead>
<tr>
<th>Rules</th>
<th>Innovation Park Zones</th>
<th>Business Park Waipa Zones</th>
<th>Eastgate Business Park Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
</tr>
</tbody>
</table>
§10. The subdivision shall meet the performance standards in 13.12, 13.13, 13.14, 13.15 and 13.16, the performance standards for the zone where relevant and

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Site Area</th>
<th>Site Design Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scion Innovation Park 1</td>
<td>There is no minimum site area for this zone.</td>
<td>Sites shall be capable of containing activities in accordance with 13.9.3 13.9.2.2 and shall be in accordance with the approved development plan for the site in Appendix 5.</td>
</tr>
<tr>
<td>Scion Campus</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waipa Business Park 2</td>
<td>There is no minimum site area for this zone. (There may be for subzones.)</td>
<td>Sites shall be capable of containing activities in accordance with 13.9.3 13.9.2.2 and shall be in accordance with the approved development plan for the site in Appendix 5.</td>
</tr>
<tr>
<td>Eastgate Business Park 3</td>
<td>There is no minimum site area for this zone.</td>
<td>Sites shall be capable of containing activities in accordance with 13.9.3 13.9.2.2.</td>
</tr>
</tbody>
</table>

2. The following performance standards shall be met where relevant

Subdivision Performance Standards

The subdivision shall meet the performance standards in 13.12, 13.13, 13.14, 13.15 and 13.16, the performance standards for the zone where relevant and

<table>
<thead>
<tr>
<th>Rules</th>
<th>Innovations Park Scion</th>
<th>Business Park Waipa</th>
<th>Eastgate Business Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision of Sites &amp; Buildings Susceptible to Natural Hazards</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
</tr>
<tr>
<td>§2. The subdivision of sites or buildings on land susceptible to inundation, as defined in Part 17</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
</tr>
<tr>
<td>§10. The subdivision of sites or buildings on land affected by a geothermal feature. The subdivision of sites or buildings on land susceptible to known areas of thermally active ground, or geothermal and hydrothermal activity.</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
</tr>
</tbody>
</table>
other relevant provisions in the district plan unless the subdivision is intended to accommodate a land use consent that has been granted for the site.

The following performance standards shall also be met:

a. Innovation zone, Rules 8.6
b. Site suitability, Rules 13.12
c. Site serviceability, Rules 13.13
d. Subdivision performance standards applicable to all zones, Rules 13.14
e. Financial contributions, Rules 13.15
f. Esplanade reserve requirements, Rules 13.16
g. Other district plan provisions, Rules 13.21
h. Historical, cultural, and natural values of sites, part 2 and part 3

3. Site Dimensions

Sites created by subdivision, including vacant sites, shall be suitable for purpose, and shall be of sufficient dimensions to provide for:

a. the performance standards of the zone to be met, or
b. to accommodate a land use consent that has been granted for the site; and
c. shall be in accordance with the development plan for the zone in Appendix 5.

4. Access, On-Site Parking & Turning Areas

Any vehicle access, on-site parking and turning shall be in accordance with Rules 11.6 and 13.3.3 and Appendix 4 shall be provided.

5. Ability to acquire esplanade reserves

Where acquisition of an esplanade reserve or strip is required by the provisions of the Act or any rule in the plan, the sites created by subdivision shall be of sufficient size after acquisition to comply with the site dimension requirements of 13.9.1.

6. Subdivision of Sites or Buildings within or dissected by the Airport Inner Control Area or within or dissecting the Air Noise Area

a. Where the subdivision will create a vacant allotment that will require land use consent for the future development by any rule in the plan, the necessary land use consent shall be lodged concurrently with the subdivision consent. This is in order to establish that the development of the site is possible without adverse effects from noise.

b. The assessment criteria contained within Appendix 7 shall be taken into account when considering both the subdivision and land use consents concurrently.

5. Subdivision in a National Grid Corridor

A building platform for the principal dwelling or building shall be identified for each allotment to be located outside the national grid yard. [447.84] [C.16]
**13.10 13.10.1 SUBDIVISION RULES: Rural Zones**

Table 13.10.1 identifies the status of activities which are provided for in this part of the plan.

The following rules classify subdivision in the residential zones of the district.

The following abbreviations for the zones are used in activity Table 13.10.1:

<table>
<thead>
<tr>
<th>RR1</th>
<th>RR2</th>
<th>RR3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural 1</td>
<td>Rural 2</td>
<td>Rural 3</td>
</tr>
</tbody>
</table>

Rural Zones

The activity class coding in the reserve zone columns refer to:

The following abbreviations are used for classes of activities in activity Table 13.10:

- **P** = Permitted
- **C** = Controlled
- **RD** = Restricted Discretionary
- **D** = Discretionary
- **NC** = Non-complying
- **Pro** = Prohibited
- **NA** = Activity not applicable to the zone
- **STA** = Stricter status applies

The activity types classes in Table 13.10.1 are explained in Part 2, User Guide at the front of the plan.

Meanings for the terms in Table 13.10.1 can be found in Part 17 Definitions.

Permitted and controlled activities shall comply with the relevant performance standards in section 13.10.2.

The activity status may be altered if the site contains or is adjacent to an item identified in Appendix 1 or 2 of the plan.

In conjunction with the activity classes stated below the relevant zone chapter of the plan should also be referenced.

**Table 13.10 13.10.1 Subdivision in Rural Zones**

<table>
<thead>
<tr>
<th>Rules</th>
<th>Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RR1</td>
</tr>
</tbody>
</table>

**General**

1. Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant site design performance standards stated in 13.10.1 13.10.2

| D | D | D |

2. Unless otherwise stated below the subdivision of sites or buildings that do not comply or the proposal is not to comply with one or more of:

   b. Any relevant site design performance standards stated in 13.10.1 13.10.2

| NC | NC | NC |
### Rules

<table>
<thead>
<tr>
<th>Specific Subdivision Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. The subdivision of land for the purposes of creating a lifestyle lot, in accordance with Rule 13.10.1.1 13.10.3</td>
</tr>
<tr>
<td>4. Subdivision in accordance with Appendix A5.6 – Whangamoa Trust Ōtaramarae [110.7]</td>
</tr>
<tr>
<td>5. The subdivision of sites that may be severed by a natural feature or road as stated in Rule 13.10.2.2 13.10.6.2 and 13.10.2.3 13.10.6.3</td>
</tr>
<tr>
<td>6. The subdivision of sites or buildings for the purpose of a boundary adjustment complying with Rule 13.14.3</td>
</tr>
<tr>
<td>7. The subdivision of sites or buildings for the purpose of a boundary adjustment not complying with Rule 13.14.3</td>
</tr>
<tr>
<td>8. The subdivision of sites or buildings for the purpose of creating a reserve in accordance with Rule 13.14.1</td>
</tr>
<tr>
<td>9. The subdivision of sites or buildings for the purpose of creating a utility service site, as defined by Part 17, or a site for electricity generation and transmission activities, in accordance with Rule 13.14.2 [78.31; 451.105]</td>
</tr>
<tr>
<td>10. The subdivision of sites or buildings within or dissected by the airport inner control area, as defined in Part 17 and shown on the planning maps</td>
</tr>
<tr>
<td>11. The subdivision of sites or buildings within or dissected by the airport air noise area, as defined in Part 17 and shown on the planning maps</td>
</tr>
<tr>
<td>12. The subdivision of a cross lease title occupied by one or more existing household units to create freehold titles</td>
</tr>
<tr>
<td>13. The subdivision of sites or buildings within a national grid corridor subject to compliance with performance standard [447.79; 447.80]</td>
</tr>
<tr>
<td>14. The subdivision of sites or buildings within a national grid corridor that does not comply with performance standard [13.12.510.65]</td>
</tr>
</tbody>
</table>

### Subdivision of Sites & Buildings Susceptible to Natural Hazards

| 13.15 The subdivision of sites or buildings on land susceptible to inundation, including within the Waikato River catchment, land affected by the high risk flood zone as defined in Part 17 [427.95] | D D D |
Rules | Zones
---|---
| | RR1 | RR2 | RR3 |
14.16. The subdivision of sites or buildings on land affected by a geothermal feature. The subdivision of sites or buildings on land susceptible to known areas of thermally active ground, geothermal and hydrothermal activity [463.31; 427.96] | D | D | D |

**Additional Subdivision Entitlement for Protection of Significant Natural Areas & Reducing Nutrients From Land use Activities**

15.17. Subdivision of an additional lifestyle lot entitlement where a significant natural area identified in Appendix 2 is proposed to be legally protected [436.99]

18. Subdivision of an additional lifestyle lot entitlement where it is proposed to provide permanent legal protection to a gully or margin of a water body that has been retired from agriculture and where a planting and maintenance scheme has been implemented [436.99]

16. Subdivision of land to create additional lifestyle lots within the special planning area SP1 in excess of the number of lots that can be created under rules 13.10.1.1 (c) and 13.10.1.1 (d) and that results in a reduction of nutrient losses [343.24]

### 13.10.2 Site Design Performance Standards: Rural Zones

1. **Site Dimension Requirements**

The table and performance standards below state the minimum site design requirements for sites with the rural zones.

**Table 13.10.2: Rural Site Design [343.25; 208.2; 262.2]**

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Site Area</th>
<th>Site Design Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural 1 Working rural</td>
<td>Unless otherwise stated the minimum net site area is 15–40 hectares of useable land, except for lifestyle lots in accordance with 13.10.1.1 13.10.3 where the a minimum net site area of shall be 2,500m² to a maximum net site area of 4 hectares. [343.25; 247.4; 249.3]</td>
<td>Sites shall be capable of accommodating activities that can comply with Rule 13.10.1.1 13.10.3.</td>
</tr>
<tr>
<td>Rural 2 Rural lifestyle</td>
<td>The minimum net site area is 8,000 m² provided that where Rule 13.10.1.2 13.10.4 applies the site area of all new lots shall be at least 4,000m². [30.5]</td>
<td>Sites shall be capable of accommodating activities that can comply with Rule 13.10.1.2 13.10.4.</td>
</tr>
</tbody>
</table>
2. **Subdivision Performance Standards**

The subdivision shall meet the performance standards in 13.12, 13.13, 13.14, 13.15 and 13.16, the performance standards for the zone where relevant and other relevant provisions in the district plan unless the subdivision is intended to accommodate a land use consent that has been granted for the site.

a. In addition to the site dimension requirements in the table above the following performance standards shall also be met where relevant:

   i. Rural zone, Rules 8.6
   ii. Site suitability, Rules 13.12
   iii. Site serviceability, Rules 13.13
   iv. Subdivision performance standards applicable to all zones, Rules 13.14
   v. Financial contributions, Rules 13.15
   vi. Esplanade reserve requirements, Rules 13.16
   vii. Other district plan provisions, Rules 13.21
   viii. Historical, cultural, and natural values of sites, part 2 and part 3

---

### 13.10.3 Rural 1 - Working Rural Zone

#### a. Site design useable dimensions

Useable Site Area

Unless otherwise stated a site, or an amalgamation of sites to be held in a separate certificate of title Computer Register (Certificate of Title) [379.243], shall have a minimum of 15.4 hectares of usable land. as defined by Part 17.

#### b. Design requirements

**Allowance for lifestyle lots in the Rural 1 zone.**

The subdivision of a site to create a lifestyle lot shall be subject to the following conditions:

i. A lifestyle lot to be held in a separate certificate of title Computer Register (Certificate of Title) may be created provided that the net site area of the lot is between 2,500m² and 4 hectares.

ii. The lifestyle lot shall be of sufficient size in order to meet the regional council requirements for the treatment and management of sanitary sewerage and associated disposal field within the boundary of the site to be created.

iii. The balance of the site from which the lifestyle lot is to be subdivided has shall have a minimum net site area of 15.4 hectares of usable land; and

iv. The number of lifestyle lots to be excised from the existing lot does shall not exceed the number specified in the following table:

<table>
<thead>
<tr>
<th>Number of Lifestyle Lots Allowed</th>
<th>Area of Existing Lot (Hectares)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>15.25 - 40.25</td>
</tr>
<tr>
<td>2</td>
<td>51 - 100</td>
</tr>
<tr>
<td>3</td>
<td>101 - 200</td>
</tr>
<tr>
<td>4</td>
<td>201 - 400</td>
</tr>
</tbody>
</table>
v. Any allowance for lifestyle lot subdivision for lots held in separate Certificates of Title created after 10 June 1994 shall not exceed the number of lifestyle lots allowed for in the parent title, as it existed at 10 June 1994 or as consented to by council.

vi. For Certificates of Title created after 10 June 1994, the subdivider may nominate an appropriate allocation of outstanding lifestyle lots per newly created lot. This nomination will be registered on the Computer Register (Certificate of Title) [379.243] and form part of the subdivision consent as is appropriate.

c. Additional lifestyle lots may be created where a significant natural area (SNA) listed in Appendix 2 is to be legally protected and its ongoing management provided for [162.28], or where a gully or stream margin has been legally protected and a planting scheme has been carried out.

i. Where a significant natural area identified in Appendix 2 is proposed to will be legally protected and provision is made for its future management as part of the subdivision application, an additional lifestyle lot over and above that for each lifestyle lot allocation allowed by the identified in Table 13.10.1(b)(iv) may be created. The additional lot shall comply with all other requirements of 13.10.1.1 13.10.2.

ii. The area of SNA to be protected must ensure the integrity and long term management of the SNA as a whole and shall be supported by the opinion of a suitably qualified ecologist to the integrity and long term management of the SNA.

iii. Where more than one additional lot is being applied for under rule 13.10.1.17, the total area of SNA to be protected must be equivalent to ten times the total area of the proposed lifestyle lots or ten hectares, whichever is the greater.

iv. Where an application for an additional lot is applied for under Rule 13.10.1.18, the total area of the land to be protected must be equivalent to ten times the total area of the proposed lifestyle lot or ten hectares, whichever is the greater.

v. The planting scheme on the land to be considered under Rule 13.10.1.18 shall be beneficial to indigenous biodiversity and the improvement of water quality and shall be supported by the opinion of a suitably qualified ecologist.

d. i. The matters over which council may impose conditions will reserve its control are:

i. Legal mechanisms that provide for the on-going protection and management of the SNA or retired area.

ii. Restrictions on the type of activities that are likely may occur on the site.

iii. The location of the additional lifestyle lot entitlement taking into account the following:

- Mitigation measures to ensure positive effects on the qualities and characteristics of the landscape and natural character of lakes, rivers, streams, and wetlands

- Measures employed to ensure mitigation of adverse effects on impacts on rural character, including the effects of the intensification of lifestyle lots and separation distances of between residential dwellings

- Measures employed to reduce the cumulative effect of the additional lifestyle lot entitlement
NOTE: A decision has not been made on the following provisions, e and f. The hearing for the process described below and the policy associated with objective 13.3.1 on page 6 has been postponed.

d. Subdivision of land to create additional lifestyle lots within area SP 1 (planning map 215)

In cases where, as a result of subdivision, the change to the use of land will result in a reduction of nutrient losses, an application that creates more lifestyle lots than otherwise provided for in the plan can be considered as an exception as a restricted discretionary activity. Where the proposed number of lots exceeds that which can be created under rule 13.10.1.1(b)(iv), the extra lots must be purchased as “Transferrable Development Rights” (TDR).

The Council resolves, in terms of section 86B(1)(c) of the Resource Management Act 1991 that rule 13.10.1.1(e) will have legal effect only once the Proposed District Plan becomes operative in accordance with clause 20 of Schedule 1 of the Act.

e. Subdivision of land in conjunction with land use change

i. Within special planning area SP1 (planning map 215), subdivision under this rule is a restricted discretionary activity subject to:

- the subdivision being undertaken in conjunction with a change in the use of land within either of special planning areas SP1 and SP2, and
- compliance with all other clauses of this rule set out below.

ii. The property within which the land use change is proposed to occur shall be deemed “the donor holding” and the property proposed to be subdivided within area SP1 shall be deemed “the recipient holding”.

[Note: A property which lies within area SP1 may be proposed as both the “donor” and the “recipient” holding i.e. such property may be subject to both the land use change and the subdivision.]

iii. All qualifying additional lots arising from a land use change shall be created through a single application for subdivision consent which shall be lodged jointly by the owners of both the donor holding and the recipient holding(s).

iv. Subject to compliance with the requirements set out in sub-clause (e) below, a land use change within a donor holding may qualify for the creation of more than one additional lot from one or more recipient holdings.

Table 13.10.1.1: Land Use Change Requirements

<table>
<thead>
<tr>
<th>Donor Holding</th>
<th>Recipient Holding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Location to be within area SP1</td>
</tr>
<tr>
<td>To be within either area SP1 or SP2</td>
<td></td>
</tr>
<tr>
<td>2. Minimum nutrient loss reduction</td>
<td>2. Minimum subdivision lot size 2,500m²</td>
</tr>
<tr>
<td>The land use change shall achieve a nutrient loss reduction of at least 500kg below the donor property’s current “nutrient...</td>
<td></td>
</tr>
<tr>
<td>Donor Holding</td>
<td>Recipient Holding</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>benchmark” or “discharge allowance” as determined by a suitably qualified and</td>
<td></td>
</tr>
<tr>
<td>experienced independent person in consultation with relevant BOPRC staff or</td>
<td></td>
</tr>
<tr>
<td>consultants.</td>
<td></td>
</tr>
</tbody>
</table>

3. Land use change

The proposal shall be the subject of an implementation and on-going management plan prepared by a suitably qualified and experienced independent person and submitted with the application for subdivision consent. Such plan shall detail how the proposed nutrient loss reduction is to be achieved and shall be subject to independent expert audit commissioned by the district council, such audit to confirm the plan’s achievability.

4. Implementation

Prior to the issue of a section 224 certificate for the subdivision, successful implementation of the plan approved under (3) land use change above shall be certified by a suitably qualified and experienced independent person and shall be subject to independent expert audit commissioned by the district council. Such audit shall confirm the plan’s successful implementation.

4. Nutrient losses

In conjunction with the application for subdivision, a nutrient loss assessment report relating to the recipient holding prepared by a suitably qualified and experienced independent person shall be submitted to council for approval. The report shall demonstrate that the use and development of all proposed lots within the subdivision will not result in an increase in current nutrient losses created by existing land uses. Council shall commission an independent expert audit of the report, such audit to confirm the report’s findings. Where applicable, any recommendations contained in the approved report may be the subject of consent conditions, including those required to be complied with on a continuing basis.

5. On-going management

A binding legal instrument shall be registered against the title of the donor holding requiring the new land use to be maintained on an on-going basis, with reports confirming

5. Information requirements

In order to demonstrate that the application for subdivision can be carried out without adverse effects, the following level of information prepared by suitably qualified and experienced
## 13. Subdivision Consent Conditions

Prior to issue of the RMA section 224 certificate for the subdivision, the successful implementation of all recommended measures contained in the report referred to in (3) land use change above the shall be confirmed and certified by suitably qualified and experienced independent resource management professionals, provided that in the case of any measures deemed impracticable or inappropriate for immediate implementation, a consent notice condition shall be imposed and registered on the title(s) of the relevant lot(s).

All relevant general subdivision rules applying to subdivision in the rural zone, including those relating to development suitability and the like, shall be complied with and where appropriate made the subject of consent conditions.

<table>
<thead>
<tr>
<th>Donor Holding</th>
<th>Recipient Holding</th>
</tr>
</thead>
<tbody>
<tr>
<td>the continued successful operation of the land use submitted annually to council for the first 5 years and every 5 years thereafter. The legal instrument shall be registered on title of the donor holding prior to issue of the section 224 certificate for the subdivision of the recipient holding.</td>
<td>professionals is likely to be required:</td>
</tr>
<tr>
<td>b. Identification of the retirement and enhancement of riparian areas.</td>
<td>b. Identification of the retirement and enhancement of riparian areas.</td>
</tr>
<tr>
<td>c. Demonstration that the proposal will comply with the relevant site suitability, site serviceability, and financial contributions performance standards stated in 13.12 to 13.16.</td>
<td>c. Demonstration that the proposal will comply with the relevant site suitability, site serviceability, and financial contributions performance standards stated in 13.12 to 13.16.</td>
</tr>
<tr>
<td>d. Information regarding the estimated reduction of nutrient losses as a result of the subdivision.</td>
<td>d. Information regarding the estimated reduction of nutrient losses as a result of the subdivision.</td>
</tr>
<tr>
<td>e. Building design and site layout matters stated in 9.6 with particular emphasis on the maintenance of rural character.</td>
<td>e. Building design and site layout matters stated in 9.6 with particular emphasis on the maintenance of rural character.</td>
</tr>
<tr>
<td>f. Details of the protection of matters of national importance such as outstanding natural features and landscapes, wetlands, or sites of historical or cultural importance.</td>
<td>f. Details of the protection of matters of national importance such as outstanding natural features and landscapes, wetlands, or sites of historical or cultural importance.</td>
</tr>
<tr>
<td>g. Restrictions on the type of activities that can occur on the site in future.</td>
<td>g. Restrictions on the type of activities that can occur on the site in future.</td>
</tr>
<tr>
<td>h. Measures to avoid, remedy or mitigate the effects on infrastructure, including the transport network.</td>
<td>h. Measures to avoid, remedy or mitigate the effects on infrastructure, including the transport network.</td>
</tr>
</tbody>
</table>
g. Ability to acquire esplanade reserves

Where acquisition of an esplanade reserve or strip is required by the provisions of the Act or any rule in the plan, the sites created by subdivision shall be of sufficient size after acquisition to comply with the site dimension requirements of Appendix 7.

h. Subdivision of sites or buildings within or dissected by the airport inner noise control area

i. Where the subdivision will create a vacant allotment that will require land use consent for future development by any rule in the plan, the necessary land use consent shall be lodged concurrently with the subdivision consent. This is in order to establish that the development of the site is possible without adverse effects from noise.

ii. The assessment criteria contained in Appendix 7 shall be taken into account when considering both the subdivision and land use consents concurrently.

### 13.10.2 13.10.4 Rural 2 - Rural Lifestyle Zone

a. Minimum lot design requirements

Lots within the Rural 2 zone may be created as a discretionary activity subject to the following conditions:

i. The minimum site area for any new lot for which a separate Computer Register (Certificate of Title) is intended to be issued shall be 8,000m², provided that:
   - The lot shall be of sufficient size in order to meet the necessary Regional Council requirements for the treatment and management of sanitary sewer, including any associated disposal field; and
   - All relevant performance standards associated with the location of buildings on site as stated in 9.6 can be met; and
   - Where sites contain existing buildings, it can be demonstrated that 9.6 is met.

b. Except for Rural 2 zoned land that comprises Brunswick Park, where a lot zoned as Rural 2 is within a service area programmed to be publicly reticulated for sanitary sewer and the reticulation system is operational the following shall apply:

   i. The minimum net site area for any new lot shall be 4,000m²; and
   ii. All relevant performance standards associated with the location of buildings on a site, as stated in 9.6, can be met; and
   iii. Where sites contain existing buildings, it can be demonstrated that 9.6 is met.

c. Additional lifestyle lots may be created where a significant natural area (SNA) listed in Appendix 2 is to be legally protected and its on-going management provided for, or where a gully or stream margin has been legally protected and a planting scheme has been carried out.

   i. Where a significant natural area identified in Appendix 2 is proposed to be legally protected and provision is made for its future management as part of the subdivision application one additional lifestyle lot may be created as a controlled activity. The additional lot shall comply with all other requirements of 13.10.2.

   ii. The area of SNA to be protected must be of value to the integrity and long term management of the SNA as a whole and supported by the opinion of a suitably qualified ecologist.
iii. Where more than one additional lot is being applied for under this rule the total area of SNA to be protected must be equivalent to ten times the total area of the proposed lifestyle lots or ten hectares whichever is the greater.

iv. Where an application for an additional lot is being applied for under Rule 13.10.1.18, the total area of the land to be protected must be equivalent to ten times the total area of the proposed lifestyle lot or ten hectares, whichever is the greater.

v. The planting scheme on the land to be considered under Rule 13.10.1.18 shall be beneficial to indigenous biodiversity and the improvement of water quality and be supported by the opinion of a suitably qualified ecologist.

vi. The matters over which council will reserve its control are:

- Legal mechanisms that provide for the on-going protection and management of the SNA or retired area
- Restrictions on the types of activities that are likely to occur on the site
- The location of the additional lifestyle lot entitlement taking into account the mitigation measures to ensure positive effects on the qualities and characteristics of the landscape and natural character of lakes, rivers, streams and wetlands

13.10.3 13.10.5 Rural 3 - Rural Village Zone

a. Minimum lot design requirements

Lots within the Rural 3 zone may be created as a discretionary activity subject to the following conditions:

i. The minimum site area for any new lot for which a separate Computer Register (Certificate of Title) [379 #243] is intended to be issued shall be 1,500 m² within the Bay of Plenty Region and 2,500 m² within Waikato Region, provided that:

   - The lot shall be of sufficient size in order to meet the necessary Regional Council requirements for the treatment and management of sanitary sewer, including any associated disposal field
   - All relevant performance standards associated with the location of buildings on site as stated in 9.6 can shall be met; and
   - Where sites contain existing buildings, it can shall be demonstrated that 9.6 is met

b. Where a lot zoned as Rural 3 is within a service area programmed to be publicly reticulated for sanitary sewer, the reticulation system is operational the following shall apply:

   i. The minimum site area for any new lot shall be 1000m²; and
   
   ii. All relevant performance standards associated with the location of buildings on site as stated in 9.6 can shall be met; and
   
   iii. Where sites contain existing buildings, it can shall be demonstrated that 9.6 is met

13.10.2 13.10.6 Subdivision Provisions Applicable to all Rural Zones

I. Subdivision of Rural Sites with Existing Buildings

a. Where any proposed site to be subdivided has existing buildings on the site, new sites to be created by subdivision shall not result in the activity on site failing to comply with the performance standards for yards for the zone as stated in 9.6.
b. A proposed site with an existing building and accessory septic tank shall contain the tank and any associated drainage field within the site and without intruding within the site yards.

c. Where any proposed site that is to be subdivided has existing buildings on the site, and where a land use consent has been granted for the existing buildings on site to intrude into the site yards, the degree of non-compliance with the performance standards stated in 9.6 shall not be increased by the subdivision.

2. Severed Lots
a. There shall be no minimum site area where a subdivision creates new rural lots that are separated fully from the balance site by:
   i. a formed public road;
   ii. An unrestricted Māori roadway;
   iii. A railway reserve;
   iv. Topographical severance.

b. Subdivision undertaken in accordance with the provisions of this rule shall be a discretionary activity. This Rule will not apply in addition to any lifestyle lot allocation under 13.10.1.1(b)(iv), 13.10.3(b)(iv), 4\(5\).259; 410.9; 410.11.

3. Proposed Lots are shall not to create new Severed Areas
Subdivision of land shall not create a lot that has the potential to use the severed lot provision to claim a future severed lot. The features listed in Rule 13.10.6.2 shall be used as primary determinants for the boundaries of any new lots created. Any new lot or lease area shall not be proposed across a road or roadway. New boundaries should follow topographical features such as the bed of a river rather than create the need to cross rivers—such features unnecessarily.

Where a proposed lot is not proposed to be connected to a reticulated sanitation sewer network it shall be demonstrated that each site is capable of supporting an on-site effluent disposal system that meets the sewage disposal permitted activity conditions. Alternatively it shall be connected to an operational private community sewage disposal system or a resource consent has been obtained from the relevant Regional Council for a suitable system. 4\(10\).12.

4. Vegetation, Re-vegetation and Retirement
Applications for subdivision within the rural zones will be expected to demonstrate that consideration has been given to existing vegetation, retirement of land adjoining water courses from grazing and appropriate new planting of indigenous species to mitigate the effects of potential development including for the purposes of water quality improvement, stormwater control, land stabilisation, screening and habitat protection or enhancement.

Any An application for subdivision consent for of land adjoining a lake, stream or wetland must include measures to retain, enhance and manage the landscaping of that land, such as:

a. Include A site plan that shall identify lot boundaries, contours, landscape types, special ecological features, proposed access, location of future buildings, fence lines, and the finished landform resulting from the subdivision.

b. Recommended conditions necessary to mitigate adverse effects or provide positive effects on the landscape including:
l. Controls on the siting, bulk, location and design of buildings, earthworks and vegetation removal;

ii. Location and design of roading and supporting infrastructure;

iii. Planting of landscape on public and private lands;

iv. Protection of natural features of value;

v. Location and design of fencing.

c. The extent of any landscape assessment shall be sufficiently comprehensive to address the scale of the development and nature of potential landscape and visual effects.

5. Subdivision in a National Grid Corridor

A building platform for the principal dwelling or building shall be identified for each allotment to be located outside the national grid yard. [447.84; 447.88] [Cl.16]
13.11.1 SUBDIVISION RULES: Reserves, Community Assets and Water Zones

Table 13.11.1 identifies the status of activities which are provided for in this part of the plan.

The following rules classify subdivision in the reserve and recreation zones of the district.

The following abbreviations for the zones are used in activity Table 13.11.1: [360,251]

<table>
<thead>
<tr>
<th>RV1</th>
<th>RV2</th>
<th>RV3</th>
<th>W1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reserve 1</td>
<td>Reserve 2</td>
<td>Reserve 3</td>
<td>Water 1</td>
</tr>
<tr>
<td>Conservation Reserve</td>
<td>Destination Reserve</td>
<td>Community Asset Reserve</td>
<td>Water Zone</td>
</tr>
</tbody>
</table>

The activity class coding in the reserve zone columns refer to:

The following abbreviations are used for classes of activities in activity Table 13.11.1:

- **P** = Permitted
- **C** = Controlled
- **RD** = Restricted Discretionary
- **D** = Discretionary
- **NC** = Non-complying
- **Pro** = Prohibited
- **NA** = Activity not applicable to the zone [416,54]
- **NA** = Non Applicable to zone [416,54]
- **STA** = Stricter status applies [379,2]

The activity types in Table 13.11.1 are explained in part 2 the User Guide at the front of the plan. Meanings for the terms in Table 13.11.1 can be found in Part 17 Definitions.

Permitted and controlled activities shall comply with the relevant performance standards in section 13.11.2 [288,2; 288,28]

The activity status may be altered if the site contains or is adjacent to an item identified in Appendix 1 or 2 of the plan. [288,2; 288,28]

In conjunction with the activity classes stated below the relevant zone chapter of the plan should also be referenced.

### Table 13.11.1 Subdivision in Reserves, Community Assets and Water Zones

<table>
<thead>
<tr>
<th>Rules</th>
<th>Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RV1</td>
</tr>
<tr>
<td><strong>General Rules and Activity Classifications</strong></td>
<td></td>
</tr>
<tr>
<td>1. Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant site design performance standards stated in 13.11.1, 13.11.2</td>
<td>C</td>
</tr>
<tr>
<td>2. Unless otherwise stated below the subdivision of sites or buildings that would otherwise be a controlled activity and that do not comply with all but one or more of any relevant performance standards</td>
<td>D</td>
</tr>
</tbody>
</table>
### Rules

| Standards in 10.6, any relevant site design performance standards stated in 13.11.2 | Zones |
|---|---|---|---|---|
| | RV1 | RV2 | RV3 | W1 |

### Specific Subdivision Activities

<table>
<thead>
<tr>
<th>Activity</th>
<th>Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. The subdivision of sites or buildings for the purpose of a boundary adjustment complying with Rule 13.14.3</td>
<td>C C C W1</td>
</tr>
<tr>
<td>4. The subdivision of sites or buildings for the purpose of a boundary adjustment not complying with Rule 13.14.3</td>
<td>D D D NC</td>
</tr>
<tr>
<td>5. The subdivision of sites or buildings for the purpose of creating a reserve in accordance with Rule 13.14.1</td>
<td>C C C NC</td>
</tr>
<tr>
<td>6. The subdivision of sites or buildings where sites are not being created for reasons other than for the purpose of creating a reserve</td>
<td>D D D NC</td>
</tr>
<tr>
<td>7. The subdivision of sites or buildings for the purpose of creating a utility service site, as defined by Part 17, and in accordance with Rule 13.14.2 [451.104]</td>
<td>C C C NC</td>
</tr>
<tr>
<td>8. The subdivision of sites or buildings within or dissected by the airport Inner control area or with or dissected by the airport air noise area, as defined in Part 17 and shown on the planning maps where all sites are for activities other than activities sensitive to aircraft noise</td>
<td>D NA D NA</td>
</tr>
<tr>
<td>9. The subdivision of sites or buildings within or dissected by the inner control area or within or dissected by the air noise area unless stated above</td>
<td>Pro NA Pro NA</td>
</tr>
<tr>
<td>10. Any subdivision within a transmission national grid subdivision line corridor subject to compliance with performance standard 13.12.511.2.4</td>
<td>RD RD RD NA</td>
</tr>
<tr>
<td>11. The subdivision of sites or buildings within a national grid corridor that does not comply with performance standard 13.12.511.2.4</td>
<td>NC NC NC NC</td>
</tr>
<tr>
<td>12. Reduction or waiver of the 20 metres width for esplanade reserves or esplanade strips [436.101]</td>
<td>D D D NC</td>
</tr>
<tr>
<td>13. The subdivision of sites or buildings on land that has been identified as being either potentially contaminated, or is an identified contaminated</td>
<td>D D D NA</td>
</tr>
</tbody>
</table>
### Subdivision of Sites & Buildings Susceptible to Natural Hazards

13.14. The subdivision of sites or buildings on land susceptible to inundation

<table>
<thead>
<tr>
<th>Zones</th>
<th>RV1</th>
<th>RV2</th>
<th>RV3</th>
<th>W1</th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>D</td>
<td>D</td>
<td>NA</td>
<td></td>
</tr>
</tbody>
</table>

14.15. The subdivision of sites or buildings on land affected by a geothermal feature susceptible to known areas of thermally active ground, or geothermal and hydrothermal activity.

<table>
<thead>
<tr>
<th>Zones</th>
<th>RV1</th>
<th>RV2</th>
<th>RV3</th>
<th>W1</th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>D</td>
<td>D</td>
<td>NA</td>
<td></td>
</tr>
</tbody>
</table>

### Reserve, Destination, Community Asset Zones Site Design Performance Standards

#### Reserve, Destination, Community Asset Zones Site Dimension Requirements

The table and performance standards below state the minimum site design requirements.

**Table 13.11.1: Reserve, Community Assets and Water Site Design**

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum site area</th>
<th>Site Design Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reserve 1 Conservation Reserve</td>
<td>There is no minimum net site area for this zone</td>
<td>Sites shall be capable of accommodating activities in accordance with 13.11.1(c)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>13.11.2.2</td>
</tr>
<tr>
<td>Reserve 2 Destination Reserve</td>
<td>There is no minimum net site area for this zone</td>
<td>Sites shall be capable of accommodating activities in accordance with 13.11.1(c)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>13.11.2.2 except where sites are intended for a commercial or residential nature are proposed</td>
</tr>
<tr>
<td>Reserve 3 Community Asset Reserve</td>
<td>There is no minimum net site area for this zone</td>
<td>Sites shall be capable of accommodating activities in accordance with 13.11.2.2</td>
</tr>
</tbody>
</table>

### Subdivision Performance Standards

The subdivision shall meet the performance standards in 13.12, 13.13, 13.14, 13.15 and 13.16, the performance standards for the zone where relevant and other relevant provisions in the district plan unless the subdivision is intended to accommodate a land use consent that has been granted for the site.
b. In addition to the site dimension requirements in the table above, the following performance standards shall also be met where relevant:
   i. Reserve and recreation zone, Rules 10.6
   ii. Site suitability, Rules 13.12
   iii. Site serviceability, Rules 13.13
   iv. Subdivision performance standards applicable to all zones, Rules 13.14
   v. Financial contributions, Rules 13.15
   vi. Esplanade reserve requirements, Rules 13.16
   vii. Other district plan provisions, Rules 13.21
   viii. Historical, cultural, and natural values of sites, part 2 and part 3

c. Site dimensions

Sites created by subdivision, including vacant sites, shall be suitable for purpose, and shall be of sufficient dimensions to provide for either:

   i. the performance standards of the zone to be met, or
   ii. the site is able to accommodate a land use consistent with the designation of the reserve or any land use consent that has been granted for the site.

\[43. \]

Subdivision of Sites or Buildings within or dissected by the Airport Inner Control Area

i. Where the subdivision will create a vacant allotment site that will require land use consent for future development by any rule in the plan, the necessary land use consent shall be lodged concurrently with the subdivision consent. This is in order to establish that the development of the site is possible without adverse effects from noise.

ii. The assessment criteria contained in Appendix 7 shall be taken into account when considering both the subdivision and land use consents concurrently.

4. Subdivision in National Grid Corridor

A building platform for the principal dwelling or building shall be identified for each allotment to be located outside the national grid yard. \[447.84; 447.89\] \([\text{Cl.16}]\)
13.12 SITE SUITABILITY PERFORMANCE STANDARDS APPLICABLE TO ALL ZONES

13.12.1 Subdivision of Land or Buildings Susceptible to Inundation From Surface Water

For the purpose of this rule inundation is defined as being surface ponding flooding affected by high risk flood hazard zones within the Waikato River Catchment, as defined in Part 17, or caused by a 2% Annual Exceedance Probability (AEP) storm event (1 in 50 year return period flood event) in all other areas. For the subdivision of any land or buildings susceptible to inundation from surface water the following shall apply:

a. No vacant lots shall be created on land susceptible to inundation as defined above where building platforms would need to be filled above the 2% AEP flood level if it cannot be filled above the 2% inundation flood level.

b. Subdivision of lots containing existing lawfully authorised buildings located on land susceptible to inundation may be undertaken:
   - on the understanding that any future replacement or habitable additions to the buildings in the future will require building platforms to be filled to above the 2% AEP inundation flood level; and
   - Where the replacement building is located entirely within the existing building footprint, and the site coverage requirements stated in the applicable zone chapter are complied with.

c. Compliance with the site coverage performance standard for the zone will not be required where:
   - i. The existing building has been lawfully established with a footprint exceeding the site coverage performance standard; or
   - ii. A resource consent has been granted to exceed the percentage of site coverage stated in the performance standard.

13.12.2 Subdivision of Land or Buildings Susceptible to High Ground Water

For the subdivision of any land or buildings on land susceptible to high water tables the ground water table shall be established in the following manner and the following shall apply:

a. In the case of sites or buildings adjacent or in close proximity to rivers and streams, the ground water table must be established with reference to the average water level of the river or stream at maximum lake level as determined by the relevant regional authority; or

b. In the case of sites or buildings in close proximity to lakes, the ground water table must be established with reference to the maximum desirable lake levels as set by the relevant regional authority; and

c. Filling to not less than 1.0 metre above mean water table level as established above and also above the 2% AEP flood level is shall be required in order to provide a dry building platform in order to comply with relevant statutory requirements for the construction of buildings; and

d. Filling to achieve 13.12.2.(c) above shall not result in displacement of surface ponding off the site onto other properties.

e. In reserve areas, or other areas excluded from the placement of buildings or services, lower standards that those required above may be accepted by council. The areas that will be covered by these provisions are to shall be shown on applications for the subdivision of any sites or buildings.
f. Consideration shall also be given to the amenity effects on adjoining properties, such that the height of building floor levels above natural ground level may impact on the visual privacy of adjoining properties and residences.

g. Areas unsuitable for building or areas indicated as being below the levels required shall be identified and conditions may require the registration of a consent notice on the certificate of title Computer Register (Certificate of Title) [379.43] for the site.

For the subdivision the following shall apply to the design of stormwater treatment and management for sites:

i. Secondary flow (normally surface flow) paths shall be designed and constructed to ensure that surface water shall not enter buildings; and

ii. All required surface flow paths shall be on public land vested in council, except where secondary flow paths are designed and constructed over shared vehicle access ways or rights of way.

iii. Roads maybe used to provide stormwater ponding and overland flow paths when the primary system is overloaded.

13.12.3 Subdivision of Land or Buildings in Areas of Thermally Active Ground, Geothermal & Hydrothermal Activity

For the subdivision of any land or buildings on known thermally active ground, or land known to be susceptible to geothermal or hydrothermal activity, the following shall apply:

a. Those areas of the site that have thermally active ground, have visible surface geothermal features, or have existing or disused geothermal bores, shall be identified as part of the subdivision application. And shall be shown as being excluded from the location of buildings and structures.

b. The assessment of effects on the environment (AEE) submitted with any subdivision application shall cover the effects of the geothermal hazard on the subdivision and any subsequent use of the land or buildings. It shall also assess any effects the subdivision may have on the geothermal hazard. The assessment shall include an assessment of risk, cover relevant matters contained in section 106 RMA and recommend how the issue can be avoided, remedied or mitigated.

c. Proposed mitigation measures shall be documented to ensure suitability of the land for subdivision and intended future use. This shall include the consideration of subsequent location and use of either habitable or non-habitable buildings on the site.

13.12.4 Subdivision of Land or Buildings on Ground Subject to Slippage and Subsidence

As part of any subdivision consent application information will be required to establish whether the site is or is likely to be subject to damage through slippage or subsidence. It shall be demonstrated that the site is suitable for subdivision and for the intended future use, and that it will not worsen the effects of any potential slippage or subsidence on the site.

13.12.5 Provision of Legal and Physical Access to all Sites Created

As part of any subdivision consent application it shall be demonstrated that all sites created by the subdivision have legal and physical access to a public road.
13.12.6 Building Platforms within National Grid Transmission Yards

A building platform for the principal dwelling or building shall be identified for each allotment, and shall be located wholly outside of the national grid yard line corridor.

13.13 SITE SERVICEABILITY PERFORMANCE STANDARDS APPLICABLE TO ALL ZONES

13.13.1 Site Development & Earthworks

For the subdivision of any land or buildings the following shall apply in relation to earthworks, foundations, and land stability:

a. All sites within the subdivision shall have an area with a foundation suitable for the intended future use, which will be free from inundation, erosion, subsidence and slippage.

b. All earthworks shall be carried out in a manner that does not cause damage to the environment, disturb riparian margins, adversely affect significant natural areas, indigenous vegetation or significant habitats. Where the site is within a feature identified in Appendix 1 or Appendix 2, then the provisions of Appendix 9 and part 2-Parts 1, 2 and 3 of the plan shall apply.

c. Modifications to the natural environment resulting from earthworks shall be minimised, avoided or mitigated in order to preserve existing landscape and habitat features.

d. Bulk earthworks, slope stability or the suitability of natural and made ground for the foundations of buildings, road, services or other works, shall be evaluated, investigated, controlled and certified by a Chartered Professional Engineer specialising in Geotechnical works or an Engineering Geologist.

e. Where the volume of filling exceeds 50m³ and the depth exceeds 450mm, the filling shall be tested and certified by a Chartered Professional Engineer.

13.13.2 Roading & Access

a. For the subdivision of any land or buildings the following are the requirements for servicing access to new sites created by subdivision shall be provided as follows:

i. All sites and lease areas for which a certificate of title - Computer Register (Certificate of Title) [379.243] is to be issued must have suitable legal and physical access. Large lot subdivision (that is subdivision into sites or lease areas that may be further subdivided in accordance with the Rules of this plan) shall also make provision for satisfactory access to future potential sites.

ii. Every site that does not have frontage to an existing road or private road shall be provided with a frontage to a road or private road which will give vehicular access to that site.

iii. A hierarchical network of roads shall be provided having regard to the desired servicing levels, with clear physical distinctions between each type of road, based on road formation, convenience, traffic volumes, vehicle speeds, public safety and amenity.

iv. Provision shall be made in the planning of the subdivision for noise mitigation by providing a barrier or distance from the source of noise.
sufficient to protect the amenity of occupiers from unreasonable disturbance from the use of transport routes.

v. Sufficient provision shall be made in the design of the road corridor for utility services, that is, water supply and reticulation, sewerage reticulation and disposal facilities, stormwater and land drainage, electricity, street lighting, telecommunication and broadband, gas and for landscaping and street trees.

vi. No access shall be created within 25 metres of the boundary of the rail corridor at a level crossing.

vii. Provision for the safe and convenient movement of pedestrians and cyclists throughout the subdivision site or development.

viii. Access shall not be directly on to a State Highway that is defined as a strategic road by the New Zealand Transport Agency as identified in Appendix 3.

b. Shared Private Access [360.155]

i. The minimum access and formation widths for shared private access serving household units shall be provided in accordance with the following table:

<table>
<thead>
<tr>
<th>Access</th>
<th>Number of potential household units</th>
<th>Widths</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Legal</td>
</tr>
<tr>
<td>Shared private access</td>
<td>1-2 potential household units</td>
<td>3m</td>
</tr>
<tr>
<td></td>
<td>3-4 potential household units</td>
<td>4m</td>
</tr>
<tr>
<td></td>
<td>5-8 potential household units</td>
<td>6.5m</td>
</tr>
<tr>
<td>Rural 1 zone shared private access</td>
<td></td>
<td>20m10m</td>
</tr>
</tbody>
</table>

ii. The maximum number of household units and potential household units that may share a private access shall be 8.

iii. Potential household units for a site will be calculated by dividing the site area by the minimum site area for the zone less any unbuildable area. [17.2; 463.34; 474.7: 474.15]


For any subdivision of land or buildings where roading is proposed the following shall apply;

i. A design and access statement shall be submitted with the subdivision consent application for design approval. The statement shall cover all aspects of purpose and design and shall specifically address:
   - road dimensions and layout
   - link and place functions
   - connectivity
   - the manner in which target operating speeds will be achieved
   - the manner in which Low Impact Design principles have been considered for stormwater runoff from the roads

ii. In addition the design and access statement shall evaluate the effects of the proposed development at its ultimate extent, and where staged, on the surrounding communities and transportation network.

d. Advisory Notes for Road Networks Road and Access [379.2; 288.2; 360.158]
i. A Māori Roadway that is unrestricted to users will be considered to be a private road. A Māori Roadway that is restricted to users will be considered to be a private way.
   - Private roads and private ways are as defined in Section 313 of the Local Government Act 1974
   - Private roads and private ways are approved by council under Section 348 of the Local Government Act 1974 and private roads can also be approved as part of the subdivision process under the Resource Management Act 1991

ii. Council may approve an application for subdivision in any of the following situations:
   - Where council is satisfied that adequate access to the site area is provided over other land pursuant to an easement of right of way or via an access lot
   - Access to rear sites, by way of access way or legally formed right of way must comply with the minimum width requirements, and must be of sufficient width to provide for the potential future use of the site. The future proofing of this should be considered in all new building locations so that efficient use of the land can be made at a future date
   - The subdivision of land and buildings shall be designed such that there is sufficient on-site turning to comply with Appendix 4, so that reversing of vehicles along a right of way, access lot, or access leg will not be necessary

iii. Access to adjoining land may be required to be secured in order to ensure that future potential development is not precluded by the layout of a subdivision.

iv. All vehicle crossings shall be provided and constructed to the standards of the road controlling authority.

13.13.3 Network Infrastructure Services Performance Standards

a. Requirements for Water Services - Sewerage, Stormwater & Water Supply

The following are the general requirements for servicing services shall be required for new sites created by subdivision: [360.161; FS.558.9; 246.20; 78.33;]

i. The subdivider shall provide An adequate system for the site specific collection and disposal of stormwater from the proposed roads, private ways, access ways, and reserves and from all sites and buildings within the subdivision.

ii. The subdivider shall provide for the Adequate disposal of sewage from each site and building within the subdivision.

iii. The subdivider shall provide Adequate and potable water supply to all sites and buildings within the subdivision. New private water supplies shall require testing to prove quantity and potability. Treatment of water supplies for stock use is not required. [430.3]

iv. All land and buildings to be subdivided are required to shall be served by available communal water services schemes and which will be mandatory in areas where these services are already operating or likely to be available within five years.

v. Where one or more of the water services are not available, the application shall demonstrate that these services can be provided within the site, or is otherwise secured in perpetuity.
vi. All easements for the identification and protection of private and public services shall be shown on the survey plan. Adequate provision must be made for access to and along the easements for maintenance and renewal purposes and in particular easements covering open stormwater drains.

vii. All sites and buildings shall be serviced independently with stormwater, sanitary sewerage and water supply.

b. viii. Advisory Note for Water Services

i. All existing available water services shall be extended wherever practically possible. Council will consider the capacity of the existing utility service to connect to each new site within the subdivision, to service future land use in the catchment, and the adequacy of the existing utility services available, including potential to upgrade such services to ensure adequate capacity.

ii. New water services should be provided for within road reserves, in the first instance.

iii. Unless otherwise provided for by this plan, all services are expected to be entirely underground.

iv. The services to each site will be expected to be independent from the point of supply and to the point of discharge.

v. All existing water services serving the sites in the subdivision and that are located on adjacent sites must be identified, including all existing and proposed easements associated with the provision of water services.

vi. The application should demonstrate that the water supply shall be adequate for fire-fighting purposes.

c. Requirements for Electricity, Telecommunication & Gas

i. Adequate provision shall be made for the supply and installation of electricity, telecommunication including broadband capability and gas services (where available within 100 metres of the subdivision) for every site and building within the subdivision up to the frontage of the site, or lease area.

ii. Electricity, telecommunication, and services shall be installed underground unless that is demonstrated to be impractical.

iii. Advisory Notes for Electricity, Telecommunication & Gas

The following is the minimum requirement for electricity servicing of new sites or lease areas created by subdivision:

- Written confirmation of the provision of these services in accordance with the requirements of the supply authority will be required prior to release of Section 224(c) certification.

- Written confirmation and evidence as to why the installation of these services underground is impractical will be required prior to release of Section 224(c) certification.

- The subdivider will be required to demonstrate that the cost of subsequent connection by the future property owner or occupier is not onerous or unreasonable.

- All easements for the identification and protection of electricity, telecommunications and gas services shall be shown on the survey plan in favour of the service provider. Adequate provision must be made for access to and along the easements for maintenance and renewal purposes.
ed. Requirements for Street Lighting
   i. Adequate provision shall be made for the supply and installation of street lighting in accordance with the requirements of the roading authority.
   ii. Any required street lighting shall be provided in a manner to ensure safety of pedestrians, cyclists, and vehicles using the roading network. [451.78]

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13.14 GENERAL SUBDIVISION PERFORMANCE STANDARDS APPLICABLE TO ALL ZONES

13.14.1 Subdivision for the Sole Purpose of Creating Reserves

For the subdivision of any site or building with the sole purpose of creating a reserve in accordance with Reserves Act 1977, the Te Ture Whenua Māori Act 1993/Māori Land Act 1993 or Resource Management Act 1991 the following shall apply:

a. There shall be no minimum site area where a subdivision creates a site for a reserve.

b. Site suitability requirements for building and servicing of the reserve will only be required if relevant for the proposed use of the reserve, and if required will be subject to the provisions of this part. A consent notice may be imposed if building platforms and services are not provided.

c. The balance lot from which the reserve is to be excised shall be demonstrated as being suitable for its purpose.

d. The provisions in 13.14.1(a) and (b) above shall also apply for the subdivision of an existing reserve formed under the Reserves Act 1977, the Te Ture Whenua Māori Act 1993/Māori Land Act 1993 or Resource Management Act 1991.

13.14.2 Subdivision for the Purpose of Creating a Utility Service Site [451.79]

For the subdivision of any site or building to create a lot to accommodate utility service, site- or electricity generation and transmission activity sites [427.98; FS583.57] the following shall apply:

a. There shall be no minimum site area for a site to accommodate a utility service.

b. Site suitability requirements for building and servicing of the utility service lot will only be required if relevant for the proposed utility service, and if required will be subject to the provisions of this part. A consent notice may be imposed if building platforms and services are not provided.

c. The utility service site shall be of sufficient size to adequately accommodate the utility service, any associated buildings and structures.

d. The utility service site shall be of sufficient size to accommodate yard requirements and landscaping to mitigate any potential adverse effects from the utility service activity.

e. The utility service site shall be of sufficient size to accommodate sufficient parking and turning requirements as stated in the relevant zone chapter and Part 15.

f. The balance lot from which the utility service site is to be excised shall be demonstrated as being suitable for its purpose.
13.14.3 Boundary Adjustments

The subdivision standards for the zone shall not apply to subdivision undertaken for the adjustment of boundaries between adjoining lots. Subdivision undertaken for the purposes of a boundary adjustment shall comply with the following:

a. No additional lots or lease areas for which a Certificate of Title Computer Register (Certificate of Title) [379.243] can be issued shall be created; and

b. The adjustment or relocation of boundaries shall leave the resulting Certificate of Title Computer Register (Certificate of Title) [379.243] with similar areas to that existing prior to subdivision; and

c. The adjustment or relocation of boundaries shall not increase the degree of non-compliance of any existing Certificate of Title Computer Register (Certificate of Title) [379.243], or lease area, with the site design performance standards contained in this part for the zone.

d. In rural zones, the adjustment or relocation of boundaries shall not result in lifestyle lot sized lots (less than 4 hectares) for which there was not an allocation.

13.14.4 Subdivision Registration of Consent Notices

Where any subdivision of land or buildings creates an effect that has on-going consequences or requires on-going management, the avoidance, remediation, or mitigation of these effects may be stated as conditions of resource consent. Further, the necessary conditions shall require registration by way of Consent Notice on the Certificate of Title Computer Register (Certificate of Title) [379.243] for the new lots or lease areas created.

13.14.5 Cross Lease, Unit Title, Company Lease Subdivision

All applications associated with cross lease, unit title, or company lease applications must demonstrate to council that all buildings on the lease areas either:

a. Have existing use rights; or

b. Comply with the relevant provisions of the district plan for the zone in which the site is located; or

c. Comply with all building consent requirements, or have a Certificate of Acceptance issued in accordance with the Building Act 2004; or

d. A resource consent has been granted.

e. Where a building fails to comply, a subdivision consent will not be granted until the requirements under 13.15.5.1 to 13.14.5.a to d above have been met.

13.14.6 Conversion of Cross Lease to Freehold Requirements

a. Where a lot to be created by the conversion of a cross lease to a freehold title is occupied by an existing household unit, the proposed lot shall comply with the relevant performance standards for permitted activity for the zone. In any instance of an existing household unit failing to comply with a performance standard, the council may impose conditions regarding mitigation of the potential adverse effects of the non-compliance and the objectives and policies for the residential zones.

b. Any proposed lot that is not occupied by an existing household unit shall comply with the relevant site dimension requirements set out for the relevant zone and the site suitability and site serviceability standards set out in 13.12 and 13.13.

c. The application will be subject to the requirements of the esplanade provisions of Part 3 of the plan.
13.14.7 Update of Cross Lease Flats Plan Requirements

The application shall demonstrate that the existing buildings on the site comply with the provisions of the current building code with regard to means of escape from fire, access, protection of other people’s property, and where applicable, provides for persons with disability.

13.14.8 Unit Title Requirements

a. Unit title subdivision applications shall allocate accessory units to principal units to ensure compliance with parking requirements stated in Rule 4.6 and Appendix 5 where parking requirements are not provided for within the principal unit. Practical and physical access shall be provided to each unit in accordance with Rule 13.13.3-13.13.2, or in accordance with an approved land use consent for the building, or buildings, to be subdivided.

In the case of a unit title each proposed unit shall be in accordance with either a permitted activity as stated in the relevant zone, or in accordance with an approved land use consent for the building, or buildings, to be subdivided.

Company lease or unit title subdivision applications shall demonstrate that the proposal complies with, or will comply with the provisions of the current building code with regard to means of escape from fire, access, protection of other people’s property, and where applicable, provides for persons with disability.

Before granting consent to a staged cross lease, company lease or unit title subdivision the council shall be satisfied that the site has sufficient area for further complying development, that each stage does not compromise future stages and that such development will be free from natural or manmade hazards and is capable of being adequately serviced.

13.14.9 Subdivision of Sites (other than Cross Lease Titles) with Existing Buildings

a. Where any proposed site to be subdivided has existing, lawfully established buildings on it, the new sites to be created by subdivision shall comply with the performance standards for yards for the zone. [459.10]

b. Where any proposed site that is to be subdivided has existing buildings on the site that have been granted land use consent to intrude into the site yards, the degree of non-compliance with the relevant performance standards for the zone shall not be increased by the subdivision.

13.14.10 Subdivision of Sites or Buildings within or dissected by National Grid Transmission Corridor.

A suitable building platform for the principal dwelling or other principal building shall be identified for each allotment, to be located outside the national grid transmission corridor. [447.86, 451.78, 246.18] [Cl.16]
13.15 GENERAL REQUIREMENTS FOR FINANCIAL CONTRIBUTIONS & ESPLANADE RESERVE REQUIREMENTS

13.15.1 Financial Contributions for Reserve Purposes

Financial contributions for reserves are required for all new sites and will be levied in the manner detailed in Part 14. Financial contributions can be levied as cash or land. If the land to be taken as a financial contribution for reserve purposes is to be developed as part of the subdivision application then a development plan for the reserve shall be submitted to, and approved by council, prior to any works beginning on the land to be vested.

13.15.2 Financial Contributions for Transport Network & Servicing Works

Financial contributions for subdivision may include works to avoid, remedy, or mitigate adverse effects of the subdivision, including the formation of an unformed road, the upgrading of a formed road, or the upgrading of an under capacity sanitary sewer, stormwater, or water services infrastructure. The financial contribution will be levied in the manner stated in Part 14.

13.15.3 Financial Contributions for Vesting of Service Lanes

Council will require the vesting of land for service lanes upon subdivision of land containing service lanes as shown on planning map 204 - city centre service lanes and in accordance with Part 5 and Part 14. Where council requires land to be vested for service lane provision the maximum extent of land will be the financial contribution required. Survey and legal costs associated with the vesting of the service lane shall be met by the council. The costs of forming the service lane shall be met by council.
13.16 GENERAL REQUIREMENTS FOR ESPLANADE RESERVES, ESPLANADE STRIPS & AND ACCESS STRIPS [162.29; 162.35]

Council will require the vesting of esplanade reserves or the creation of esplanade strips or access strips upon subdivision of sites, lease areas, or cross lease updates, where the subdivision site adjoins or is within 20 metres of a stream, river, or lake as defined in the Act, and in accordance with Part 2 of this plan. [162.26; 436.103; 554.51]

13.16.1 Esplanade Reserve & Esplanade Strip Provision

a. Where the subdivision of land occurs and new sites are created the following shall apply:

i. An esplanade reserve or strip [370.73; FS584.110] of 20 metres in width (unless otherwise required by waived in accordance with the provisions of 13.16.1.(b) 13.19.3 along the margin banks [459.3] of the following water bodies stated in 13.16.1.(b) i, ii, or iii below shall be vested in council:
   - Lakes over 8 hectares; or
   - Rivers with an average width of 3 metres or more wide as shown on the planning maps and within the Rotorua basin, and also those rivers adjoining residential 4 zoned areas; or
   - The following rivers and tributaries [463.39; Lakeside Submitters (77.51 et al); FS554.50; 516.45; 192.51; 300.165; 465.51; 463.39; 423.97; 111.17]

<table>
<thead>
<tr>
<th>Awahau</th>
<th>Waiteti</th>
<th>Ngongotaha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utuhina</td>
<td>Waiohewa</td>
<td>Waiohoro</td>
</tr>
<tr>
<td>Waingaehe</td>
<td>Puarenga</td>
<td>Ohau</td>
</tr>
<tr>
<td>Wairoa</td>
<td>Kaituna</td>
<td>Waikato</td>
</tr>
<tr>
<td>Waitapu</td>
<td>Tahunaatara</td>
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</tbody>
</table>

b. Where the subdivision of land occurs and new sites are created that exceed 4 hectares the following shall be assessed to determine if a greater width than 20 metres is required:

i. If topography, cultural values or ecological values makes access impracticable or undesirable within 20 metres of the water body.

ii. If facilities will be required in conjunction with the esplanade reserve or strip, such as car parking, picnic, or recreation areas.

iii. If an area is required for the avoidance, remediation or mitigation of adverse effects arising from the expected or likely use of the new sites where those adverse effects cannot be avoided, remedied or mitigated on-site.

iv. Other situations where the subdividing owner offers a wider reserve or strip and particular features of the site make this desirable. [370.73; FS584.110; 416.27; 436.103; FS554.51; 192.51; 300.165; 465.51]
13.17 CONTROLLED ACTIVITIES: METHOD OF ASSESSMENT

Council shall reserve its control to the level of compliance with the performance standards for the relevant zone in this chapter, site suitability performance standards 13.12, site serviceability performance standards in 13.13 and general requirements for subdivision performance standards in 13.16. The application shall also be assessed against the general controlled assessment criteria for controlled activities for the relevant underlying zone and 13.17.1.

13.17.1 Matters Over Which Control is Reserved

Council may impose conditions in relation to:

1. The degree of connectivity to open space, services and facilities.
2. Accessibility by all modes of transport, including for cyclists and pedestrians.
3. The degree of accordance with the principles of CPTED.
4. The extent to which the design and layout of lots enable siting of a household unit with good solar access.
5. The extent to which retention and enhancement of existing landform and landscape features are retained and enhanced.
6. The extent to which existing retention and enhancement of vegetation is retained or enhanced.
7. Whether opportunities for re-vegetation have been taken.
8. Whether opportunities for retirement of pasture from grazing have been taken.
9. The extent to which the character and amenity values are maintained and enhanced.
10. The extent to which adverse reverse sensitivity effects can be avoided, remedied or mitigated. [78.34; FS594.91; 11.4; FS558.10]
11. Potential for the activity to adversely affect the safe and efficient operation of strategic infrastructure.

13.17.2 Subdivision of Sites Containing Existing Household Units that fail to comply with a Performance Standard

1. Where subdivision will result in an existing dwelling failing to meet performance standards, the council shall consider and may impose conditions regarding the potential adverse effects of non-compliance with a performance standard and the objectives and policies for the relevant zones. [459.10; 288.2]
13.18 RESTRICTED DISCRETIONARY ACTIVITIES: METHOD OF ASSESSMENT

Council shall restrict its discretion to the level of compliance with the performance standards for the relevant zone in this chapter, site suitability performance standards 13.12, site serviceability performance standards in 13.13 and general requirements for subdivision performance standards in 13.16. The application shall also be assessed against the general assessment criteria restricted discretionary activities for the relevant underlying zone and 13.18.1.

13.18.1 General Assessment Criteria

Council shall restrict its discretion to the following matters:

1. How the activity enforces achieves the objectives and policies of this part, the relevant zone and Parts 1, 2 and 3.
2. The degree of connectivity to open space, services and facilities.
3. Accessibility by all modes of transport, including for cyclists and pedestrians.
4. The degree of accordance with the principles of CPTED.
5. The design and layout of lots to enable siting of a household unit with good solar access.
6. The retention and enhancement of existing landform and landscape features.
7. The retention and enhancement of vegetation.
8. Whether opportunities for re-vegetation have been taken.
9. Whether opportunities for retirement of pasture from grazing have been taken.
10. The extent to which the character and amenity values are maintained and enhanced.

13.18.2 Additional Assessment Criteria for Specific Activities

In addition to the criteria of 13.7 Council may impose conditions in relation to the following matters for the specific activities listed below.

I. Subdivision within an Electricity-National Grid Subdivision Transmission Line Corridor [Cl.16]
   a. The risk to the structural integrity of the transmission asset.
   b. The extent to which the subdivision design avoids, remedies or mitigates conflicts with existing transmission assets, for example through the location and design of roads, reserves, landscaping and building platforms.
   c. The ability for operation, maintenance and planned upgrade of the transmission asset, including inspection of transmission lines.
   d. The extent to which the subdivision design and consequential development will minimise the risk or injury and/or property damage from such lines.
   e. The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity and nuisance effects of the transmission asset.
   f. The ability to provide a complying building (platform).
   g. The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the Compliance with Sections 2 and 3 of the New
Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). Advice Note: Vegetation to be planted within the transmission corridor should be selected and managed in accordance with technical advice from the network operator.

13.19 DISCRETIONARY ACTIVITIES: METHOD OF ASSESSMENT

Council may decline an application for a discretionary activity or grant a resource consent subject to conditions that will ensure that the activity does not have any significant adverse effects on the environment and that the relevant objectives and policies of this Part and Parts 2 and 3 Part 1, Parts 2 and Part 3 and the relevant zone chapter are upheld.

Applications for subdivision shall comply with the performance standards for the relevant zone in this chapter, site suitability performance standards 13.12, site serviceability performance standards in 13.13 and general requirements for subdivision performance standards in 13.16. The application shall also be assessed against the general controlled assessment criteria for discretionary activities for the relevant underlying zone and 13.19.1 and 13.19.2.

13.19.1 General Assessment Criteria

Council may impose conditions in relation to:

1. The degree of connectivity to open space, services and facilities.
2. Accessibility by all modes of transport, including for cyclists and pedestrians.
3. The degree of accordance with the principles of CPTED.
4. The design and layout of lots to enable siting of a household unit with good solar access.
5. The retention and enhancement of existing landform and landscape features.
6. The retention and enhancement of vegetation.
7. Whether opportunities for re-vegetation have been taken.
8. Whether opportunities for retirement of pasture from grazing have been taken.
9. The extent to which provision is made for the protection and enhancement of indigenous biodiversity.
10. The extent to which the character and amenity values are maintained and enhanced.
11. The extent to which adverse reverse sensitivity effects can be avoided, remedied or mitigated. [78.35; FS594.92]
12. Potential for the activity to adversely affect the safe and efficient operation of strategic infrastructure. Regard should be had to the outcome of any consultation with the infrastructure operator.
13.19.2 Subdivision Within the Sensitive Rural Area of the Rotorua Caldera Rim (planning map 216)

Applications for subdivision within this area shall be assessed against the following criteria:

1. The extent of compliance with performance standards for subdivision.
2. The location of buildings, works and structures.
3. The height of buildings taking into account the surrounding landscape and the ridgeline of the caldera.
4. Whether proposed roads and access ways cut across a hillside or into a prominent slope.
5. The extent of earthworks and modification of the landform and the extent to which the finished landform appears natural and maintains the character and amenity of the rural area.
6. The extent of vegetation removal.
7. The mitigating effects of the proposed landscape scheme.
9. The ability to service the subdivision without adverse effects from necessary infrastructure located on the caldera ridgeline or prominent upper slopes of the caldera.

A landscape and visual assessment shall be provided with the subdivision consent application. This assessment shall consider the nature and scale of the proposed subdivision in the context of the sensitive rural area and the affected landscape elements applicable to the development site and the immediate surrounding area.

The landscape assessment shall:
- Identify and describe the landscape character of the site including any significant or prominent features, its location within the sensitive rural area including the upper slopes and ridgelines where the landscape is more sensitive to development.

13.16.2 13.19.3 Reduction or Waiver of a 20 Metre Width for Esplanade Reserves or Strips [436.101; 233.66; FS594.90; 436.105]

Priorities for acquisition of an esplanade reserve are shown on the planning maps and in particular map 203. This will be considered in determining a reduction or waiver.

1. The width requirements for esplanade instruments as stated in 13.16.1 may be reduced to a width of no less than 5 metres if the following instances apply:

   a. Topographical constraints on or adjacent to, the area in question are such that the full 20 metres width will lead to conflict with no practical resolution.
   b. Existing permanent buildings such as dwellings (but excluding boat sheds, garages and garden sheds) are sited within 25 metres of the water body.
   c. Existing access to adjacent allotments is sited within 20 metres of the water body and cannot be readily re-sited.
   d. Topography adjacent to or within the proposed reserve requires that services such as a road or access must be placed within 20 metres of the water body.
   e. Identified Māori historic heritage sites are within 20 metres of the water body.
f. Provided that the 5 metres width may be further reduced where the esplanade tapers to follow a geographic feature.

2. The requirements for esplanade instruments as stated in 13.16.1 may be waived if the following instances apply:
   a. Topographical constraints on, or adjacent to, the area in question has the potential to adversely affect public safety.
   b. Access to the water body is able to be provided at only certain times of the year is limited.
   c. Council believes that the ownership of the land it would be more beneficial for the land to remain with the owner of the land than to vest in council.
   d. The land has little or no value in terms of enhancing public access; there are no conservation benefits to be gained; or for reasons of public safety or security.
   e. Where the land is already protected under a QEII Trust Covenant, protective covenant under the Reserves or Conservation Act, or marginal strip under the Conservation Act.
   f. Land administered under the Te Ture Whenua Māori Act 1993.

13.19.4 Subdivision within Significant Natural Areas and Outstanding Natural Features and Landscapes.

1. Whether the subdivision layout has taken sufficient account of the topography of the site and surrounding land, through providing for house sites and the provision of access and services to the site that will, when built on, minimise the visual impact of buildings and the access (both individually and cumulatively) on the ONFL.

2. Whether consequential features of the subdivision including the intended location of residential activities and dwelling, design and location of access, stormwater and wastewater management, overhead service lines, the planting of trees and shrubs and earthworks avoids remedies or mitigates any adverse effect on identified SNA and ONFL.

3. Whether the lots created will be able to adequately accommodate onsite services for the disposal of stormwater and wastewater and other utilities such as power and telephone without the removal of indigenous vegetation.

4. The extent to which future development would affect significant natural areas that have been identified as requiring protection from subdivision and development.

13.20 NON-COMPLYING ACTIVITIES: METHOD OF ASSESSMENT

Applications for resource consent must be assessed on their merits against the requirements of the Act. Consent for a non-complying activity may be granted only if Council is satisfied that either:
   a. the adverse effects of the activity on the environment (other than any effect on a person who has given written approval to the application) will be minor; or
   b. the application is for an activity that will not be contrary to the objectives and policies of the plan or proposed plan.
If the proposal meets either of the two tests, Council can then assess the application and may grant or decline an application. If neither test is met, Council must decline the resource consent application.

Non-complying activities have the potential to create adverse effects on the environment that are more than minor. Such activities may be provided for in other zones where the environment is more suited to accommodating the adverse effects of these activities.

Consent may be refused or granted subject to conditions. Council must be satisfied that the adverse effects of the activity on the environment will be minor or the activity will not be contrary to the objectives and policies of the plan contained within the zone and Parts 2 and 3. To help determine this, the activity will be assessed against any relevant discretionary criteria for the zone as well as assessment against the requirements of the Act.

### 13.21 OTHER DISTRICT PLAN PROVISIONS

Subdivision provisions for all zones within the district are provided for in this chapter. The relevant zone chapters in which the site is located must also be referenced when preparing a subdivision application.