

# PART 14

## LAND SUITABILITY AND SUBDIVISION

### 14.1 INTRODUCTION

- 14.1.1 This chapter sets out the policy framework for subdivision in all zones. Subdivision is often the first step in the development process, creating land parcels that define and redefine property rights. Careful management is required as reconfiguring land has long-lasting impacts.
- 14.1.2 The Act sets specific considerations for subdivision of land affected by hazards. Council 'may' refuse to grant consent to subdivision of this type of land. The Act also requires that Council is satisfied that sufficient legal and physical access is provided to each new lot created by subdivision. Part 2 of the Act details a range of natural and cultural heritage features that are to be protected from inappropriate subdivision and development, including outstanding natural features and landscapes and historic heritage.
- 14.1.3 The three main considerations for subdivision and development in the district are:
- Site suitability
  - Site serviceability
  - Sustainable lot design

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### SIGNIFICANT ISSUES

#### Site suitability and Section 106 considerations

- 14.1.4 Section 106 of 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. A hazard not directly covered by Section 106 but a major consideration for Rotorua is geothermal activity and a clear policy framework is set for the consideration of this feature is set by this plan. A comprehensive assessment of the full range of natural hazards in the district is provided in Part 15 of the district plan.
- 14.1.5 In considering an application for subdivision or development, it may be appropriate to apply conditions to the consent that mitigate the risk of natural or human generated hazards. However, there may be some parts of the district where the effects cannot be mitigated. There are also areas where there are strong cultural associations with living and accepting geothermal hazards where management may differ. The villages of Ohinemutu and Whakarewarewa are examples.

#### Site serviceability

- 14.1.6 Additional subdivision and development generates further demand for services and provides the framework for road networks, infrastructure and subsequent land use activities. In considering subdivision and development, Council must ensure that new services and

infrastructure requirements do not adversely affect the capacity and functioning of existing physical resources. Any upgrading of existing services or infrastructure created as a result of new subdivision or development will have to be funded by the subdivider or developer. Overall, subdivision and development requires integrated management to provide for the efficient allocation and use of resources for communities and future generations. Council must ensure that any subdivision or development is provided with infrastructure and services which will adequately meet the requirements of the anticipated land use activities.

- 14.1.7 It is accepted there will be an increase in extreme weather events and associated natural hazards in the foreseeable future. This may include both an increase in short duration, but more intense rainfall, or extended periods without rain at all. Subdivision and servicing requirements will have to take this into account, particularly in providing for higher intensity rainfall events for stormwater infrastructure.
- 14.1.8 Subdivision and development provide the framework for roads, public reserve space, infrastructure and utility services and therefore Council must ensure the integrated management of these physical resources when new subdivision and development is proposed. Financial contributions in the form of minimum engineering requirements are listed either in this Part and 17, and include Rules for upgrading contributions. In specified situations, service lanes and road widening will also be acquired.

### **Site design**

- 14.1.9 Subdivision can have impacts on amenity values when not designed sympathetically with the surrounding environment. The way places are designed can impact on the level of safety and comfort for the people using them, therefore it is important that subdivision facilitate safe living spaces. The way a subdivision is designed and used can also improve health, energy efficiency, and the overall character of an area.
- 14.1.10 The use of minimum lot sizes and lot shape factor, coupled with the yard and height provisions in the zones, enables factors to be taken account of when developing lot sizes for optimal use.
- 14.1.11 Subdivision presents the first opportunity to ensure sufficient privacy and space around residential buildings can be provided for. It also presents an opportunity to assess whether future lots can accommodate their intended future use.
- 14.1.12 Lots in the rural areas of the district are less constrained by privacy and neighbour closeness, however there is a need to ensure these qualities and characteristics are not adversely impacted by subdivision or development activities.

### **Infill residential subdivision**

- 14.1.13 The further subdivision of already established residential areas is provided for in the district plan. The urban area has a number of large lots that are able to be further subdivided, and in some instances are specifically provided for by way of a medium-housing density zoning. In other areas there is an expectation that the larger lots should remain. The aim is to provide a balance, ensuring that where further 'infill' subdivision of a site occurs this does not impact on the privacy and amenity enjoyed by neighbours of the site, nor impacts on the quality and character of the neighbourhood. There are challenges associated with sites that would be marginal for infill subdivision. Where sites have an incidence of natural hazards, require an extensive engineering solution to enable building, or where useable space for an additional household unit is not achievable, then a more rigorous assessment of suitability for subdivision or development is required. Further, the potential future use of the lot may be impeded by

the historical location of buildings or structures. Buildings, structures, or fencelines should not be a determinant of an urban infill lot. Privacy, opportunities for orientation of household units for maximum solar access, and separate areas for useable outdoor space and on-site parking and turning provide the framework for determining the potential of a lot for future infill subdivision.

**Natural and cultural heritage, and provision for public access to, and along, waterbody margins**

- 14.1.14 It is also recognised that amenity and heritage values may be adversely affected by activities resulting from subdivision and development. The protection of natural and cultural features and heritage sites, and the requiring of a financial contribution for reserves and heritage purposes, are all matters to be considered at the time of subdivision and development. The ability for Council to acquire esplanade reserves and esplanade strips along water bodies at the time of subdivision and development for a variety of purposes, is provided for in this Part and also in Part 3 of this Plan.

## 14.2 OBJECTIVES AND POLICIES

### Site suitability and Section 106 considerations

#### Objective 14.2.1

No subdivision or development of land where the effects of natural hazards cannot be mitigated to a level considered safe for human use.

#### Policy 14.2.1.1

Ensure subdivision and development undertaken on a site is not unduly affected by, or subject to, the effects of:

- Inundation
- Ponding from water courses
- High water tables
- Geothermal activity
- Subsidence
- Slippage
- Falling debris
- Erosion
- Soil instability

such that it would make the site unusable.

#### Policy 14.2.1.2

Restrict further subdivision of, or development of, sites on land where the effects of natural hazards may be further exacerbated by subdivision or development.

#### Policy 14.2.1.3

Restrict further infill subdivision where land is impacted from the effects of lake level inundation.

#### Policy 14.2.1.4

Require detailed engineering response satisfying Council that the tests of Section 106 of the Act can be met where subdivision and development is to occur on sites susceptible to inundation, ponding from water courses, or the incidence of high water tables

#### Policy 14.2.1.5

Ensure new subdivision and development does not create the potential to materially damage adjoining land or buildings.

#### Objective 14.2.2

All new lots created by subdivision are provided with safe and practical legal and physical access.

#### Policy 14.2.2.1

Require safe and practical access suitable for the anticipated land use on all lots and lease areas created by subdivision, and to all development

## Site serviceability - road network and accessibility

### Objective 14.2.3

Connections with the existing transport network in a safe and efficient manner, providing for increased accessibility to and integration with existing infrastructure.

#### Policy 14.2.3.1

Ensure provision of safe and effective multi-modal transport network including roadways, cycleways, and pedestrian access.

#### Policy 14.2.3.2

Provide for the connection of new streets and accessways to existing infrastructure in a logical progression.

#### Policy 14.2.3.3

Provide public accessways that link residential areas with public transport services, schools, recreational areas, shops and other destination points.

#### Policy 14.2.3.4

Promote rural subdivision and development that does not lead to ribbon development along rural roads where this is not in keeping with existing rural character.

### Objective 14.2.4

Roads, streets, and accessways provided for in a manner that reflects the status of the carriageway in the district roading hierarchy

#### Policy 14.2.4.1

Provide for flexibility in carriageway design while ensuring:

- Roads, streets, and accessways can perform their functions within the district roading hierarchy
- Sufficient provision for the laying of services in berms is provided for
- Landscaping and vegetative treatments add value to the carriageway without obstructing the provision of services
- Carriageway width and design is considered in conjunction with on-site amenity, in particular the depth of site front yards

#### Policy 14.2.4.2

Consideration given to energy efficiency in the design and layout of roads, streets, and accessways that service a subdivision or development.

## Site serviceability - water services and utilities

### Objective 14.2.5

Provision of infrastructure and services in relation to subdivision and development in a safe and efficient manner that considers future anticipated land use and development

#### Policy 14.2.5.1

Provision of water supply of sufficient capacity and standard to all lots and lease areas created by subdivision.

Policy 14.2.5.2

Promote connections to public reticulated water supply and sanitary sewerage systems wherever a reticulated system is available.

Policy 14.2.5.3

Ensure that the disposal of sewage from lots and lease areas created by subdivision, development is provided in a manner which minimises adverse effects on the environment and public health.

Policy 14.2.5.4

Ensure that every lot or lease area, road, private way, reserve or works created by subdivision or development provides a satisfactory system for the collection, treatment and disposal of stormwater.

Policy 14.2.5.5

Provide for electricity, telecommunications, and broadband services to lots and lease areas created by subdivision and development.

Policy 14.2.5.6

Provide for natural gas to lots and lease areas created by subdivision and development where existing gas reticulation is available.

**Site serviceability - public space**

Objective 14.2.6

Quality public spaces provided as a core component of new subdivision and development

Policy 14.2.6.1

Provide for the location of public neighbourhood reserves in locations that strengthen the provision of recreational opportunities for the community.

Policy 14.2.6.2

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

Policy 14.2.6.3

Provide for the location of public open spaces where:

- There are opportunities to strengthen connections with stream, river, or lake margins
- Views to significant landforms, features, or waterways can be achieved.

## Site design

### Objective 14.2.7

#### Landform and recontouring

Maintenance of the general form and topography of lots without unnecessary modification

#### Policy 14.2.7.1

Retain the contour of the natural landform, where practical, in the design of individual lots.

#### Policy 14.2.7.2

Where necessary for safety or servicing reasons, enable recontouring of sites necessary to provide useable building platforms and site access.

#### Policy 14.2.7.3

Management of recontouring so that the natural landform and important landscape features such as:

- Stream, river, and lake margins
- Significant landscapes and landforms
- Cultural and heritage features

are not adversely affected when determining future land use patterns.

#### Policy 14.2.7.4

Maintenance and enhancement of the rural character, landscape and amenity values of rural areas in the District.

### Objective 14.2.8

#### Site vegetation and planting

New and infill subdivision and development that minimises impact to existing vegetation in and around sites.

#### Policy 14.2.8.1

Retention of existing established trees and vegetation on sites, particularly where the vegetation:

- Is next to a stream, river, or lake margin
- Assists in improving site amenity
- Adds positively to the streetscape
- Reinforces natural landform
- Ensures consistency with other vegetation in the vicinity

#### Policy 14.2.8.2

Include in new subdivisions and development appropriate streetscapes and plantings to maintain or improve amenity and character of an area.

#### Policy 14.2.8.3

Promote the revegetation of areas where positive results can be achieved for the purpose of:

- enhancing stormwater control
- assisting in improving the quality of stormwater by reducing nutrients that

eventually enter the streams, rivers, and lakes

- enhancing landscape and natural character.

Objective 14.2.9

Individual lot design

Lots created that enable buildings to be sited in a manner that can maximise the opportunities on-site for visual and acoustic amenity

Policy 14.2.9.1

Ensure that open space on-site is central to the planning of new lots created , and is not treated as a discretionary matter in lot design

Objective 14.2.10

Maintenance of amenity values

Lots created that enable an acceptable level of amenity on each new lot , where the amenity is in keeping with the adjacent surrounds

Policy 14.2.10.1

Provision of lots that have considered the following matters as a primary determinant of lot design:

- New lots with useable dimensions giving rise to good quality useable outdoor open space
- Ability for the placement of buildings within the site being free from intrusion into side, rear, or front yards
- Solar access and daylight maximised for living spaces
- Car parking and turning areas that are separate to those areas provided for outdoor space

**Natural and cultural heritage, and provision for public access to, and along, waterbody margins**

**NOTE:** *This component of the draft chapter will be complete once the Matters of National Importance Chapter has been finalised in draft form.*

## RULES

The general rules applicable to all subdivision and development are provided in section **14.3.1**. Following this the rules are presented in accordance with the three main considerations guiding the policy framework:

- Site suitability and Section 106 considerations
- Site serviceability
- Lot design considerations

The Lot design considerations also include the minimum lot size requirements in each zone.

### 14.3.1 GENERAL SUBDIVISION RULES

#### ALL SUBDIVISION APPLICATIONS

##### Regional Plans

14.3.1.1 Notwithstanding any provision in this Plan, no activity shall contravene any Rule in any relevant regional plan, or proposed regional plan. The administration of these regional plans is the responsibility of Environment BOP and Environment Waikato, and plan users are urged to consult with these agencies.

##### Subdivision requiring resource consent

14.3.1.2 No person may subdivide land unless the subdivision is allowed by way of a rule in this plan and the provisions of Part X of the Act. Under this plan a resource consent for subdivision is required prior to any subdivision of land or buildings

##### Boundary adjustments in all zones

14.3.1.3 The subdivision standards for the Zone will 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:

1. No new lots for which Certificate of Title will be issued will be created; or
2. The adjustment or relocation of boundaries will leave the allotments with similar areas to that existing prior to subdivision; or
3. The adjustment or relocation of boundaries is more suitable for activities provided for by the Zone, where the boundary adjustment does not increase the degree of non-compliance of any existing lot, or lease area, with the minimum lot design requirements.

Subdivision undertaken for the purposes of a boundary adjustment shall be a discretionary activity

#### RESERVES AND UTILITIES

##### Subdivision relating to Reserves in all Zones

14.3.1.4 The subdivision of any lot with the sole purpose to create a reserve in accordance with *Reserves Act 1977*, the *Te Ture Whenua Maori Act 1993/Maori Land Act 1993* or *Resource Management Act 1991*. shall be a controlled activity. There shall be no minimum site area where a subdivision creates a lot to accommodate a reserve. Servicing of the lot will only be required in accordance with the proposed use of the site, and will be subject to the provisions of this Part .

- 14.3.1.5 The subdivision of an existing reserve formed under the *Reserves Act 1977*, the *Te Ture Whenua Maori Act 1993/Maori Land Act 1993* or *Resource Management Act 1991* shall be a controlled activity. There shall be no minimum site area where a subdivision creates a lot to accommodate a reserve. Servicing of the lot will only be required in accordance with the proposed use of the site, and will be subject to the provisions of this Part .

#### **Subdivision for Utility Service sites in all Zones**

- 14.3.1.6 Subdivision to create a lot to accommodate utility service sites in any zone shall be a controlled activity. Provide that Council can be satisfied that the lot size will be sufficient to:
- (a) accommodate the activity and associated buildings and structures; and
  - (b) accommodate sufficient yard requirements and landscaping to mitigate the adverse effects of the utility service on the surrounding environment in an appropriate manner; and
  - (c) accommodate parking and turning, and other requirements as set out in **Part 14**.
- Servicing of the lot will only be required in accordance with the proposed use of the site, and will be subject to the provisions of this Part .

### **FINANCIAL CONTRIBUTIONS AND ESPLANADE RESERVE REQUIREMENTS**

#### **Financial contributions for reserve purposes**

- 14.3.1.7 Financial contributions for reserves are required at the time of subdivision, as detailed in **Part 17**. Financial contributions in the form of land or works may also be required in order to avoid, remedy, or mitigate adverse effects from the subdivisions activities. The instance n which land or works may be taken is stated in **Part 17**.

#### **Financial contributions for roads and servicing upgrades**

- 14.3.1.8 Financial contributions for subdivisions and development may include 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 shall be taken in the manner stated in **Part 17**.

#### **Financial contributions for service lane vesting**

- 14.3.1.9 Council will require the vesting of land for service land upon subdivision or development of lots or lease areas in accordance with identified service lane requirements shown on Planning Maps **xyz** and in accordance with **Part 17**. Where Council requires land to be vested for service lane provision the maximum extent of land will be the financial contribution required. Costs associated with the vesting of the service lane shall be met by the subdivider or developer.

#### **Financial contributions for road widening**

- 14.3.1.10 Council will require the vesting of land for road widening upon subdivision or development of lots or lease areas in accordance with identified road widening requirements shown on Planning Maps **xyz** and in accordance with **Part 17**. Where Council requires land to be vested for road widening the maximum extent of land will be the financial contribution required. Costs associated with the vesting of the land as road shall be met by the subdivider or developer.

#### **Esplanade reserves, esplanade strips, and access strips**

- 14.3.1.11 Council will require the vesting of esplanade reserves and/or creation of esplanade strips or access strips, upon development or subdivision of lots, lease areas, or cross lease updates, where the subdivision of development site adjoins a stream, river, or lake as defined in the Act, and in accordance with **Part 3** of this plan

## **SPECIFIC SUBDIVISION REQUIREMENTS**

### **Subdivision registration of Consent Notices**

14.3.1.12 Where a subdivision or development creates an effect that has ongoing consequences or requires ongoing management, the avoidance, remediation, or mitigation of these effects shall be conditioned upon the resource consent. Further, the necessary conditions shall be registered by way of Consent Notice on the Certificate of Title for the new lots or lease areas created.

### **Survey Plan approval**

14.3.1.13 The Council will not approve a survey plan under Section 223 of the Act unless a subdivision consent has been obtained for the subdivisions to which the survey plan relates and the survey plan is in accordance with that consent. In the case of applications for cross leases, company leases and unit titles, other than those being staged, the Council must be satisfied that the buildings, the subject of the leases, have been constructed in accordance with their building consent.

### **Staged subdivision**

14.3.1.14 Where a subdivision, other than for cross lease or unit title, is likely to be carried out in stages, the consent applicant must demonstrate this to Council at the time of application for subdivision consent and indicate the time period over which the development is likely to take place. Approvals in terms of Section 223 and 224 of the Act for each stage will only be given when the Council is satisfied the conditions that apply to that stage have been met, and the balance of the area being subdivided is an allotment that complies with the provisions of the district plan.

### **Cross lease, unit title, company lease**

14.3.1.15 All applications associated with cross lease, unit title, or company lease application must demonstrate to Council that buildings on the lots have:

1. Existing use rights; or
2. Comply with the relevant provisions of the district plan; or
3. A resource consent

Where a building fails to comply a subdivision consent will not be granted until the appropriate land use consent has been granted.

### **Section 224(f) requirements**

14.3.1.16 Where work is required on any application for a subdivision by way of cross lease, unit title, or company lease to meet the requirements of Section 224(f) of the Act, the requirements may be applied as conditions to the subdivision consent.

### **Conversion of Cross-lease to fee-simple subdivision**

14.3.1.17 The conversion of a cross-lease property into fee-simple lots is a Controlled Activity subject to meeting the Controlled Activity performance standards of the Zone and the following criteria:

1. (a) The cross-lease has previously been approved by Council in terms of Section 314(1) of the *Local Government Act 1974* or Section 224 of the *Resource Management Act 1991*, and
  - (b) (i) The proposed lots comply with the minimum net site area specified in the zone, or
  - (ii) Council is satisfied that the creation of the fee-simple lots will not provide for any additional potential for any building over and above that which existed for the parent lot in accordance with the Performance Standards of the relevant zone.

## **SUBDIVISION AND ROTORUA REGIONAL AIRPORT**

### **Subdivision in the Airport Noise Contours**

- 14.3.1.18
1. Notwithstanding the subdivision provisions of the underlying zone the subdivision of a lot or building within, or dissected by, the Air Noise Area as shown on **Planning Map xyz**, shall be a Prohibited activity
  2. Notwithstanding the subdivision provisions of the underlying zone the subdivision of a lot or building within the Inner Control Area as shown on **Planning Map xyz**, shall be a discretionary activity. In all other respects the minimum standards and requirements applicable to the underlying zone shall apply
  3. Subdivision of a lot or building within, or dissected by, the Outer Control Area as shown on **Planning Map xyz**, shall be as stated by the provisions of the underlying zone.

### **Subdivision in the Airport and Airport Protection Zones**

- 14.3.1.19
1. As provided for in **Part 9**, subdivision in the Airport and Airport Protection Zones is a non-complying activity.
  2. Boundary adjustment subdivision will be provided for in the Airport and Airport Protection Zones as a controlled Activity

### **NON-COMPLYING ACTIVITIES**

- 14.3.1.20
- Where the minimum standards applicable to subdivision and development stated in **Part 14.3** can not be met, and unless otherwise stated, the activity shall be a non-complying activity.

CONSULTATION DRAFT

## 14.3.2 SITE SUITABILITY AND SECTION 106 CONSIDERATIONS

### **INUNDATION - Protection of property from inundation**

*In accordance with Section 106 of the Resource Management Act 1991 and Section 72 of the Building Act 2004, Council may not grant Subdivision Consent or Building Consent if land or buildings are subject to inundation, unless satisfactory means of avoidance, or mitigation works are carried out. It is noted that the provisions of the Building Act 2002 are more stringent than the Resource Management Act 1991, under which the district plan is mandated.*

- 14.3.2.1 Inundation is defined as being surface ponding caused by a 2% Annual Exceedance Probability (AEP) storm event. Avoidance or mitigation may be provided by:
1. Filling the inundated area to provide a building platform above the 2% AEP flood level.
    - a. In areas where the filling would displace significant surface ponding onto other properties this shall not be allowed.
  2. In areas adjacent to lakes which are likely to have elevated lake levels for considerable periods of time, this situation shall not be allowed.
    - a. In these instances Council may approve creation of lots subject to inundation with the proviso that all future buildings are built on piles and suspended floor foundations and that this requirement will be registered by way of a Consent Notice on the Certificate of Title for the new lot.

### **Building floor levels and building platform levels related to ground water**

- 14.3.2.2
1. For areas with high water tables the ground water table must be established.
    - a. In the case of land adjacent to rivers and streams, the ground water tables must be established with reference to the average water level of the river or stream at maximum lake level.
    - b. For areas in close proximity to lakes, the ground water table must be established with reference to the maximum desirable lake levels.  
The maximum desirable lake levels are provided by the Regional Council.
  2. Filling to not less than 1m above mean water table level as above will be required in order to provide a dry building platform for subsequent building development in accordance with the Building Act 2004. In areas where such filling would displace surface ponding this shall not be allowed and provision may have to be made for buildings with suspended floors and piled foundations. Such provisions will be registered by way of a Consent Notice on the Certificate of Title for the new lot.
  3. In reserve areas and other areas not required to support buildings or services, the Council may agree to lower standards than for the remainder of the earth fill. The extent of such low density fills shall be defined on the "As-Built" drawings and be registered by way of Consent Notice on the Certificate of Title for each new lot created by the subdivision.

### **Stormwater design criteria affecting land development**

- 14.3.2.3
1. New Primary (piped) stormwater systems shall be capable of carrying surface water resulting from a storm having a minimum 10% AEP (10 year return) storm event.

2. Secondary flow (normally surface flow) paths and systems capable of carrying surface water resulting from a storm having a 2% AEP (50 year return) storm event shall be constructed to ensure that such surface water shall not enter buildings.
3. If the surface flow path cannot carry a 2% AEP (50 year return) storm flow without effect on buildings the capacity of the primary system shall be increased such that the primary and secondary system shall carry a 2% design storm.
4. All such surface flow paths shall be on public land vested in Council except where they are constructed over vehicle rights of way.
5. Low lying areas that are prone to inundation by a 2% AEP year return period storm must be identified and registered by way of a Consent Notice on Certificate of Title, and shall be restricted from building.

## **GEOTHERMAL**

### **Thermally active ground**

*Hydrothermal eruptions are most likely to occur in places where the geothermal aquifer is at or very close to the surface. In the past they have occurred in and near areas such as Whakarewarewa, Ohinemutu and Kuirau Park. In areas where the geothermal aquifer is well below the surface, the possibility of hydrothermal eruption is low. However, if earthquakes occur which rupture the earth to below the level of the water table, the sudden pressure release could be accompanied by hydrothermal eruptions.*

*Associated with the danger of development in thermal areas are the geothermal hazards of ground subsidence and hydrogen sulphide gas emission. If Hydrogen sulphide gas can be emitted from the ground, and even with low levels of emission, gas can build up to lethal levels in excavations and poorly ventilated spaces such as manholes, closed sheds and garages.*

*Hydrothermal eruptions, ground subsidence and gas emissions tend to be localized, affecting a limited number of properties and people. There is potential, however, for them to occur in quite densely populated areas such as Fenton Park and some parts of the Central Business District where there are already significant existing levels of residential and commercial activities in areas affected by geothermal and hydrothermal activity.*

*Subdividers and developers are urged to have early consultation with Council Officers before proposing any works in thermally active areas.*

- 14.3.2.4 Council may impose specific requirements applicable to any subdivision or development in thermal areas.

### **Geothermal and hydrothermal activity**

*In order to effectively plan to reduce the risks from geothermal and hydrothermal activity, it is important to establish those areas that are vulnerable to hydrothermal eruptions, ground subsidence and gas emissions, and particularly those vulnerable areas that are also presently used or zoned for residential or commercial purposes.*

- 14.3.2.5
1. Visible surface geothermal features and geothermal bores (existing and disused) shall be identified as part of an application for resource consent, and assessed and protected from the effects of building and development.

2. The effects of existing and disused geothermal bores located either on buildings or a site subject to a subdivision or development application shall be avoided, remedied or mitigated. The details of which shall be addressed in the resource consent application.
3. Subdivision and development within areas identified as geothermally active will be considered if the undesirable effects on the proposed buildings and/or development can be shown to be suitably avoided, remedied or mitigated.

### **SLIPPAGE AND SUBSIDENCE**

*Due to the volcanic nature of the Rotorua District land formation, the land formation has been created by successive eruptive and erosion sequences. The layered formation of the land form is seen in road cuttings and excavations. The land form is also dependent on successive and significant changes in the lake level and the lake terraces are visible around various lakes within the district. Consequently, the district is geotechnically complex varying from free draining pumaceous soils to hot artesian ground waters and from steep ridges of varying stability to lake silts and compressible soils.*

*The land form within the Okataina Volcanic Centre is dominated by resurgent volcanic activity forming the steep slopes in filled between Lake Tarawera, Green Lake, Blue Lake, Lake Okareka and Lake Okatania and Lakes Rotomahana and Rerewhakaaitu.*

- 14.3.2.6 As part of any subdivision or development application within the district the land shall be adequately identified and assessed in relation to potential for slippage and subsidence. This information shall be used by Council to determine whether the consent application can avoid, remedy, or mitigate the effects of natural hazards, and therefore would influence Council's decision in accordance with Section 106.

### **LEGAL AND PHYSICAL ACCESS**

*Section 106 of the Resource Management Act 1991 enables Council to decline a subdivision consent where insufficient provision has not been made for legal and physical access to each new lot created. This is reflective of previous statutory provisions that required road frontage for new lots created. It is imperative that each new lot created is accessible and integrates well with the districts road infrastructure.*

- 14.3.2.7 The provision for legal and physical access to each allotment or development is covered by the requirements for access under the Site Serviceability in Part xyz.

### **14.3.3 SITE SERVICEABILITY**

*The term “subdivision” includes for all subdivision and development proposals and works, where the term “development” refers to any new construction works or further development of the land or any existing buildings.*

#### **EARTHWORKS, FOUNDATIONS AND LAND STABILITY**

14.3.3.1 The following are the general requirements for servicing new lots created by subdivision or development:

1. Every lot or lease area within the subdivision shall have an area with a foundation adequate for any intended activity, which will be free from inundation, erosion, subsidence and slippage, in accordance with Section 106 of the Resource Management Act 1991 and Council's criteria for subdivision in these areas.
2. That all earthworks are carried out in a manner that avoids, remedies, or mitigates damage to the natural and physical environment.
3. That modifications to the natural environment resulting from earthworks be minimised or avoided or mitigated in order to preserve existing landscape and habitat features as far as practicable.
4. That the land form is stabilised.
5. That the carrying out of bulk earthworks, the assessment of slope stability or the detailed evaluation of the suitability of natural ground for the foundations of buildings, road, services or other works, be evaluated, investigated, controlled and certified by a Chartered Engineer specialising in Geotechnical works.
6. That where the volume of filling does not exceed 50m<sup>3</sup> and the depth does not exceed 450mm, the requirement for testing will not be required.

#### **ROADING AND LANDSCAPING**

##### **Roading network general requirements**

14.3.3.2 The following are the general requirements for servicing new lots created by subdivision or development:

1. That a distinctive and hierarchical network of roads is 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.
2. That provision for the safe and convenient movement of pedestrians and cyclists throughout the subdivision site or development is provided.
3. That streets, service lanes and accessways are laid out to fit in with the general roading requirements of the locality in which they are situated, and to conform with any provisions of this District Plan. The roading layout must provide for access to adjoining land where deemed necessary by Council.
4. That sufficient provisions are made for utility services, that is, water supply and reticulation, sewerage reticulation and disposal facilities, stormwater and land

drainage, electricity, street lighting, telecommunication, gas and for landscaping and street trees within detailed carriageway design.

5. That roads within any residential neighbourhood are designed to avoid functioning as through traffic roads for externally generated traffic.
6. That a road hierarchy and network is established which provides convenient linkages between residential neighbourhoods within the District, and a road and pedestrian network which provides convenient linkages to activity centres.

### **Roading minimum requirements**

14.3.3.3 The following are the minimum requirements for servicing new lots created by subdivision or development:

1. All lots and lease areas must have access to roads or other means of access approved by Council. Large lot subdivision (that is subdivision into lots 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 lots.
2. Every lot that does not have frontage to an existing road or private road shall have a frontage to a road or private road to be provided by the owner(s) which will give vehicular access to that lot from an existing road or private road. Further, the following shall also apply:
  - a. A Maori Roadway that is unrestricted to users will be considered to be a private road. A Maori Roadway that is restricted to users will be considered to be a private way.
  - b. Private roads and private ways are as defined in Section 315 of the Local Government Act 1974.
  - c. 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.
3. Notwithstanding the above, Council may approve an application for subdivision in any of the following situations:
  - a. Where Council is satisfied that adequate access to the lot or lease area is provided over other land pursuant to an easement of right of way.
  - b. Access to rear properties, by way of access way or right of way must comply with the minimum width requirements for access. 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.
  - c. Subdivision and development shall be designed such that no reversing of vehicles along a right of way shall be necessary.
4. Construction of a road as part of a subdivision:
  - a. The subdivider shall form and completely construct a proposed road as shown on the scheme plan to enable the proposed road to carry the predicted traffic loadings and volumes of the subdivision or development. This may include providing pedestrian and cycle facilities, drainage, landscaping, and planting. All new roads shall be sealed.
  - b. The subdivider shall form and construct a carriageway over every proposed private way and private road as shown on the scheme plan.

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Council policy in relation to land suitability and subdivision will only be determined at the time of notification of the new Rotorua District Plan

- c. The subdivider shall set aside within the road reserve areas of land for the purpose of landscaping and street tree planting to the satisfaction of Council in accordance with the table and standard cross sections shown in Table 1.

**Minimum widths and formation criteria for roads**

14.3.3.4 The following are the minimum requirements for servicing new lots created by subdivision or development:

1. The minimum access widths for roads, residential access ways and private ways shall be provided in accordance with the following table:

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## **WATER SERVICES (WASTEWATER, STORMWATER AND WATER SUPPLY)**

### **General requirements**

14.3.3.5 The following are the general requirements for servicing new lots created by subdivision or development:

1. That all residential subdivisions will be required to be served by communal water services schemes. Water services will be mandatory in areas where these services are already operating or likely to be available within five years.
2. That all existing water services available are extended wherever practically possible, allowing for the connection of each new property within the subdivision, capacity for future land use in the catchment being serviced, and assessing the adequacy of the existing utility services available, including upgrading such services to ensure adequate supply.
3. That where one or more of the water services are not available, that the subdivision is able to sustain the lack of the particular service in its own right.
4. That the location of water services is provided for within road reserves in the first instance, and otherwise parallel to common property boundaries wherever practically possible. No new water mains shall be located on private property.
5. That utility services are provided in a manner which can be economically maintained over their design life.
6. That utility services within road reserves are provided at the location and depth required.
7. That unless resolved otherwise by Council, or unless otherwise permitted by this Plan, all services shall be entirely underground.
8. That all easements for the identification and protection of private and public services are to be granted by the applicant and shown on the survey plan.
9. That all services are supplied to ensure maximum conservation of resources in a sustainable manner.
10. That all subdivision and development, lots, lease areas, building sites and buildings shall be serviced independently with stormwater, sanitary sewerage and water supply to the point of discharge/supply as deemed appropriate by Council.
11. All existing water services serving the lots in the subdivision and that are located on adjacent lots must be identified, including all associated existing and proposed easements associated with the provision of water services.

### **Stormwater, minimum requirements**

14.3.3.6 The following are the minimum requirements for servicing new lots created by subdivision or development:

1. The subdivider shall provide an adequate system for the collection, treatment and disposal of stormwater from the proposed roads, private ways, access ways, and reserves and from all lots, lease areas, building sites and buildings within the subdivision.

### **Sanitary Sewerage, minimum requirements**

- 14.3.3.7 The following are the minimum requirements for servicing new lots created by subdivision or development:
1. The subdivider shall provide for the adequate disposal of sewage from each lot, lease areas, building sites and buildings within the subdivision.

### **Water Supply, minimum requirements**

- 14.3.3.8 The following are the minimum requirements for servicing new lots created by subdivision or development:
1. The subdivider shall provide adequate and potable water supply to all lots, lease areas, building sites and buildings within the subdivision. New private water supplies shall require testing to prove adequacy and potability. Council does not require treatment of water supplies for stock use.

## **UTILITIES**

### **General Requirements for Electricity, Street Lighting, Telecommunication and Gas**

- 14.3.3.9 The following are the general requirements for servicing new lots created by subdivision or development:
1. That adequate provision is made for the supply and installation of electricity, street lighting, telecommunication, and gas services.
  2. That street lighting is provided in a manner to ensure safety of pedestrians, cyclists, and vehicles using the roading network.
  3. That electricity, telecommunication, and gas services be installed underground in accordance with the Rules of this Plan.
  4. That the requirements for the provision of electricity, street lighting, telecommunication, and gas meets with the approval of the relevant network utility operator. Written confirmation of this will be required prior to release of Section 224(c) certification.

### **Electricity Supply, Minimum requirements**

- 14.3.3.10 The following are the minimum requirements for servicing new lots created by subdivision or development:
1. The subdivider shall make adequate arrangements for the reticulation of an electric power supply for every lot, lease areas, building sites and buildings within the subdivision. The subdivider shall prove to Council that the cost of subsequent connection by the future property owner is not onerous or unreasonable.

### **Gas Supply**

- 14.3.3.11 The following are the minimum requirements for servicing new lots created by subdivision or development:
1. The subdivider shall make adequate arrangements for the reticulation of a gas supply for every lot, lease areas, building sites and buildings within the subdivision, where existing gas reticulation is available within 100 metres of the subdivision. The subdivider shall prove to Council that the cost of subsequent connection by the future property owner is not onerous or unreasonable.

**Telecommunications (Including Broadband)**

14.3.3.12 The following are the minimum requirements for servicing new lots created by subdivision or development:

1. The subdivider shall make adequate arrangements for the reticulation of a telephone service and other telecommunication services for every lot, lease areas, building sites and buildings within the subdivision. The subdivider shall prove to Council that the cost of subsequent connection by the future property owner is not onerous or unreasonable.

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## 14.3.4 LOT DESIGN REQUIREMENTS

### RESIDENTIAL ZONES

#### Minimum lot design requirements

14.3.4.1 The following table and rules stated in **Part 14.3.4.1 to 14.3.15** state the minimum lot design requirements for lots within the Residential Zones.

Zone	Minimum site area	Lot shape factor
Residential 1 Exclusive of the Wharenui Road Area (Residential B)	350m <sup>2</sup> provided that the average net site area of all new lots shall be at least 450m <sup>2</sup>	Lots 450m <sup>2</sup> and above The lot shall be capable of supporting a square of at least 15m x 15m, that shall be free of the yards  Lots of at least 350m <sup>2</sup> The lot shall be capable of supporting a square of at least 12m x 12m, that shall be free of the yards
Residential 1 Within the Wharenui Road Area (Residential B)	For residential housing provided that the average net site area of all new lots shall be 450m <sup>2</sup>	The lot shall be capable of supporting a square of at least 15m x 15m, that shall be free of the yards
Residential 2 (Residential C) With a comprehensive residential development plan, which will include the complementary land use consent application	150m <sup>2</sup> net site area per new lot created	Not applicable
Residential 3 (Residential A and Resort C)	Lots shall be at least 250m <sup>2</sup> net site area	Not applicable
Residential 4 (Rural E)	Lots shall be at least 2000m <sup>2</sup> net site area  Also see Rule <b>14.3.4.14</b>	The lot shall be capable of supporting a square of at least 20m x 20m, that shall be free of the yards
Residential 5 Residential Lifestyle within the Wharenui Road Area (Residential Lifestyle WRA)	1,500m <sup>2</sup> minimum net site area, provided that the average net site area of all new lots shall be 2,000m <sup>2</sup>	Not applicable

#### Subdivision activity status

14.3.4.2 Subdivisions that comply with the minimum lot design requirements in the above table shall be controlled activities

14.3.4.3 Where a subdivision undertaken in the Residential zones of the district can not comply with the minimum lot design requirements in the above table, then the activity shall be a non-complying activity.

14.3.4.4 1. Where any proposed lot to be subdivided has existing residential buildings on the lot, and where the new lot to be created results in the activity on-site failing to comply with the performance standards for the Zone in relation to yards, the subdivision shall be a non-complying activity. For the purposes of this rule a yard

shall be deemed to be measured from the buildings located on-site to the location of the adjacent right of way boundary.

2. Where any proposed lot that is to be subdivided has existing residential buildings on the lot, and where a land use consent has been granted for the existing buildings on-site to intrude into site yards, the degree of non-compliance with the relevant Residential Zone performance standards shall not be increased by the subdivision. Where a subdivision causes the degree of non-compliance to be increased the subdivision shall be a non-complying activity.

#### **Unit title and cross lease requirements for the residential zone**

- 14.3.4.5 Where an application for subdivision consent affects a building or part thereof, compliance with the provisions of this Plan and the Building Act 2004 is required.
- 14.3.4.6 Where an existing building, included in an application for subdivision consent, has obtained a resource consent or is a permitted activity, any proposed covenant, unit or accessory unit boundary shall take into account all relevant performance standards for the zone
- 14.3.4.7 Where any building include in the application for subdivision consent has not be constructed or is under construction at the time of granting consent, the Council will not approve the survey plan under Section 223 of the Act, until the building is completely framed up to and including the roof level and the Council is satisfied that it has been built in accordance with the Plan or any resource consent granted. The Council may require the height of the building and its position in relation to the boundaries of the site to be confirmed by a certificate from a Registered Surveyor.
- 14.3.4.8 Before granting consent to a staged cross lease subdivision the Council shall be satisfied that the site has sufficient area for further complying development and that such development will be free from inundation and slippage and capable of adequate servicing
- 14.3.4.9 Consent to an application for a staged unit title subdivision is subject to the production of the unit development plan for the site approved in terms of the plan.

#### **Useable dimensions**

- 14.3.4.10 Lots created for the purposes of residential living shall be designed so as to provide sufficient space on the lot so that future buildings complying with the performance standards in **Part 4** can be accommodated without the need to encroach into side or rear yards.

#### **Provision of outdoor space and residential privacy**

- 14.3.4.11 Lots 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 unit to be constructed on site.

#### **Provision for solar access**

- 14.3.4.12 Lots created for the purposes of residential living shall be designed so as to provide sufficient space for the placement of future residential buildings to enable maximum benefit to be derived from solar access. Where living and other habitable rooms located on the north

### **On-site carparking and turning areas**

14.3.4.13 Any required on-site turning in accordance with **Appendix ....** shall be provided so that vehicles can enter and exit in forward motion. The carparking and turning areas provided shall be separate to the area provided for outdoor space and privacy.

### **Subdivision within the Residential 4 Zone**

14.3.4.14 Lots within the Residential 4 Zone may be created as a discretionary activity subject to the following conditions:

1. The minimum site area for any new lot for which a separate Certificate of Title is intended to be issued shall be 2,000m<sup>2</sup>, provided that:
  - a. 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
2. Where a lot zoned as Residential 4 is within a service area programmed to be publicly reticulated for sanitary sewer and is within the Hamurana Service Area, and the reticulation system is operational the following shall apply:
  - a. The minimum net site area for any new lot shall be 600m<sup>2</sup>; and
  - b. All necessary performance standards associated with the location of buildings on a site, as stated in **Part 10**, can be met; and
  - c. The minimum lot design requirements of **14.3.4.1** relating to lot shape factor can be met.
3. Where a lot zoned as Residential 4 is within a service area programmed to be publicly reticulated for sanitary sewer (excluding the Hamurana Service Area), and the reticulation system is operational the following shall apply:
  - a. The minimum net site area for any new lot shall be 1,000m<sup>2</sup>; and
  - b. All necessary performance standards associated with the location of buildings on a site, as stated in **Part 10**, can be met; and
  - c. The minimum lot design requirements of **14.3.4.1** relating to lot shape factor can be met.

### **Sites within or dissected by the Airport Noise Contours**

14.3.4.15 Where subdivision is undertaken in the Residential Zone and it subject to the provide of the Airport Noise Contours as shown on Planning Map then General rule **14.3.1.18** shall apply.

## **COMMERCIAL ZONES**

### **Minimum lot design requirements**

14.3.4.16 There shall be no minimum site areas or lot shape factor for the subdivision of lots within the Commercial Zones. New lots and lease areas created by way of subdivision within the Commercial Zones shall be suitable for purpose, and shall be of sufficient dimensions to ensure that the performance standards of the Zone, applicable to the proposed activity, are able to be met. In particular the new lots or lease areas created shall be of sufficient size to:

1. Buildings to accommodate commercial activities not located within the yards as prescribed in **Part 6** of the Plan
2. Sufficient car parking and turning accommodate anticipated future use, and in accordance with **Part 6** of the Plan
3. Sufficient landscaping of the site as may be required by the performance of **Part 6** of the Plan.

**Subdivision activity status**

- 14.3.4.17 Subdivisions undertaken in the Commercial zones that comply with the requirements stated in **14.3.4.16** shall be controlled activities
- 14.3.4.18 Where a subdivision undertaken in the Commercial zones of the district can not comply with the design requirements **14.3.4.16**, then the activity shall be a non-complying activity.

**CITY CENTRE and LAKEFRONT ZONES**

**Minimum lot design requirements City Centre 1, 2, and 3 Zones**

- 14.3.4.19 There shall be no minimum site areas or lot shape factor for the subdivision of lots within the City Centre and Lakefront Zones. New lots and lease areas created by way of subdivision within the City Centre and Lakefront Zones shall be suitable for purpose, and shall be of sufficient dimensions to ensure that the performance standards of the Zone, applicable to the proposed activity as stated in **Part 5**, are able to be met.

**NOTE:** *It is proposed that there will not be any minimum net site area requirements for the City Centre 1, 2, and 3 Zones, nor the Lakefront Zone. However, Council is presently progressing through the CBD Urban Design Framework and a review of Appendix AA, Rotorua CBD Design Guide. Recommendations from these studies may necessitate a review of 14.3.4.19*

**Minimum lot design requirements City Centre 4 (Residential D) Zone**

- 14.3.4.20 The following table states the minimum lot design requirements for lots within the City Centre 4 Zone.

Zone	Minimum site area	Lot shape factor
City Centre 4 (Residential D)	450m <sup>2</sup> net site area	The lot shall be capable of supporting a square of at least 15m x 15m, that shall be free of the yards

**Subdivision activity status**

- 14.3.4.21 Subdivisions undertaken in the City Centre and Lakefront zones that comply with the requirements stated in **14.3.4.19** and **14.3.4.20** shall be controlled activities
- 14.3.4.22 Where a subdivision undertaken in the Commercial zones of the district can not comply with the design requirements **14.3.4.19** and **14.3.4.20**, then the activity shall be a non-complying activity.

**INDUSTRIAL and INNOVATION AND ENTERPRISE ZONES**

**Minimum lot design requirements**

- 14.3.4.23 There shall be no minimum site areas or lot shape factor for the subdivision of lots within the Industrial or Innovation and Enterprise Zones. New lots and lease areas created by way of subdivision within the Industrial and Innovation and Enterprise Zones shall be suitable for purpose, and shall be of sufficient dimensions to ensure that the performance standards of the Zone, applicable to the proposed activity, are able to be met. In particular the new lots or lease areas created shall be of sufficient size to:
  1. Buildings to accommodate industrial and enterprise activities not located within the yards as prescribed in **Part 8** of the Plan

2. Sufficient car parking and turning accommodate anticipated future use, and in accordance with **Part 8** of the Plan
3. Sufficient landscaping of the site as may be required by the performance of **Part 8** of the Plan.

#### **Subdivision activity status**

14.3.4.24 Subdivisions undertaken in the Industrial and Innovation and Enterprise Zones that comply with the requirements stated in **14.3.4.23** shall be controlled activities

14.3.4.25 Where a subdivision undertaken in the Industrial and Enterprise and Innovation zones of the district can not comply with the design requirements **14.3.4.23**, then the activity shall be a non-complying activity.

### **TOURISM and EVENTS ZONES**

#### **Subdivision activity status**

14.3.4.26 There shall be no minimum site areas or lot shape factor for the subdivision of lots within the Tourism and Events Zones. New lots and lease areas created by way of subdivision within the Tourism and Events Zones shall be suitable for purpose, and shall be of sufficient dimensions to ensure that the performance standards of the Zone, applicable to the proposed activity, are able to be met. In particular the new lots or lease areas created shall be of sufficient size to:

1. Buildings to accommodate tourism and events activities not located within the yards as prescribed in **Part 12** of the Plan
2. Sufficient car parking and turning accommodate anticipated future use, and in accordance with **Part 12** of the Plan
3. Sufficient landscaping of the site as may be required by the performance of **Part 12** of the Plan.

#### **Subdivision activity status**

14.3.4.27 Subdivisions undertaken in the Tourism and Events Zones that comply with the requirements stated in **14.3.4.26** shall be controlled activities

14.3.4.28 Where a subdivision undertaken in the Tourism and Events zones of the district can not comply with the design requirements **14.3.4.26**, then the activity shall be a non-complying activity.

#### **Subdivision to provide for household units**

14.3.4.29 Where subdivision within the Tourism and Events Zone is to create a lot for household units the following table states the minimum lot design requirements for lots within the Tourism and Events 1 and 2 Zone,

<b>Zone</b>	<b>Minimum site area</b>	<b>Lot shape factor</b>
Tourism and Events 1 (Resort A)	450m <sup>2</sup> net site area	The lot shall be capable of supporting a square of at least 15m x 15m, that shall be free of the yards

## **AIRPORT ZONE , AIRPORT PROTECTION ZONE, AND AIR NOISE CONTOURS**

14.3.4.30 Where subdivision is undertaken in the Airport Zone, Airport Protection Zone, or is impacted by the Air Noise Contours then rules **14.3.1.18** and **14.3.1.19** shall apply as necessary.

## **RURAL ZONES**

### **Lots for severed areas**

14.3.4.31 There shall be no minimum site area where a subdivision creates new lots that are separated fully from the parent lot by:

- (i) a public road;
- (ii) an unrestricted Maori roadway;
- (iii) a railway reserve;
- (vi) topographical severance.

This Rule will not apply in addition to any lifestyle lot allocation under **14.3.4.34**.

14.3.4.32 Subdivision of land shall not create a lot that has the potential to use rule **14.3.4.31** to claim a future potential severance lot. The features listed in rule **14.3.4.31** shall be used as determinants for the boundaries of new lots created, and any new lot or lease area shall not contain within the lot a feature listed in **14.3.4.31**. Subdivision undertaken in accordance with the provisions of this rule shall be a discretionary activity.

### **Lots of less than 2,500m<sup>2</sup>**

14.3.4.33 Where any lot proposed to be subdivided in any Rural Zone has an area of less than 2,500 m<sup>2</sup>, and is located within the Waikato region, and is not proposed to be connected to a reticulated sanitary sewer network, a resource consent may be required from Environment Waikato for on-site sewage disposal.

## **RURAL 1 (Rural A) ZONE**

### **Minimum lot design requirements for General lots**

14.3.4.34 Except as provided for in Rules **14.3.4.31** and Rule **14.3.1.3** any lot, a balance lot or an amalgamation of lots, to be held in a separate Certificate of Title, shall have a minimum area of 20 hectares of usable land. "Usable land" is defined in **Part 1**. Subdivision undertaken in accordance with the provisions of this rule shall be a discretionary activity.

### **Minimum lot design requirements for Lifestyle lots**

14.3.4.35 Lifestyle lots may be created as a discretionary activity subject to the following conditions:

1. a lot to be held in a separate Certificate of Title may be created provided that the area of the lot is between 2,500m<sup>2</sup> and 2 hectares.
2. the lot shall be of sufficient size in order to meet the necessary regional council requirements for the treatment and management of sanitary sewer and associated disposal field
3. the balance of the lot from which the lifestyle lot is to be excised has a minimum area of 20 hectares of usable land; and
4. the number of lots to be excised from the existing lot does not exceed the number specified in the following table:

NUMBER OF LIFESTYLE LOTS ALLOWED	AREA OF EXISTING LOT IN HECTARES
1	20.5 – 50
2	51 – 100
3	101 – 200
4	201 – 400
5	401 and over

14.3.4.36 For the purpose of this Rule the existing lot shall be a lot held in a separate Certificate of Title as it existed on 10 June 1994 or a lot consented to by Council pursuant to Section 105 of the *Resource Management Act 1991* (the consent of which has not expired) before 10 June 1994.

14.3.4.37 Any allowance for lifestyle lot subdivision on lots held in separate Certificates of Title created after 10 June 1994 shall not exceed the number of lifestyle lots allowed for the parent title, as it existed at 10 June 1994 or as consented to by Council pursuant to Section 105 of the *Resource Management Act 1991* (the consent of which has not expired) before 10 June 1994.

14.3.4.38 For Certificates of Title created after 10 June 1994, the subdivider may nominate an appropriate allocation of lifestyle lots per newly created lot. This nomination will be registered on the Certificate of Title and/or form part of the subdivision consent as is appropriate.

## RURAL 2 (Rural B) ZONE

### Minimum lot design requirements

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

1. The minimum site area for any new lot for which a separate Certificate of Title is intended to be issued shall be 4,000m<sup>2</sup>, provided that:
  - a. 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
2. 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:
  - a. The minimum net site area for any new lot shall be 2,000m<sup>2</sup>; and
  - b. All necessary performance standards associated with the location of buildings on a site, as stated in **Part 10**, can be met

## RURAL 3 (Rural C and D) Zone

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

1. The minimum site area for any new lot for which a separate Certificate of Title is intended to be issued shall be 1,500 m<sup>2</sup>, provided that:
  - a. 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

2. 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
  - a. The minimum site area for any new lot shall be 800m<sup>2</sup>; and
  - b. All necessary performance standards associated with the location of buildings on a site, as stated in **Part 10** , can be met; and

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## **14.3.5 MISCELLANEOUS REQUIREMENTS FOR SUBDIVISION AND DEVELOPMENT**

### **EASEMENTS AND OTHER RELATED MATTERS**

#### **Easements for Water Services**

14.3.5.1 Water services means: Water supply and Wastewater services (sewage and stormwater drainage) as in Section 124 of the Local Government Act 2002.

1. All Easements necessary for public services and batters, or where required by Council are to be granted by the subdivider or developer.
2. No easement boundary shall be closer to Water Services network infrastructure than the greater of:
  - a) 1.5 metres from the centre of any Water Services pipes or drains; or
  - b) The depth of the centreline of the Water Services pipes or drains, plus the diameter of pipe plus 0.2 metres, from the centre of the Water Services pipes or drains.
  - c) For open drains, a minimum distance of 1.5 meters from the top edge of the drain is required.

No buildings shall be built within any easement for water services.

3. All easement documentation is to be in Council's approved standard format.
4. Surface stormwater flow paths are required by Council policy to be on public land, however, surface stormwater flow paths can be constructed on private Right of Ways. Surface flow paths will require a suitably dimensioned easement to provide for the surface floods.

#### **Easements for Private Services**

14.3.5.2 All easements necessary for the protection of private services are to be provided for by the subdivider or developer. The minimum width of these easements shall adequately provide for access for maintenance and operation.

#### **Discharge Permits or Consents**

14.3.5.3 All discharge permits or consents shall be obtained by the subdivider or developer in their name.

14.3.5.4 Where appropriate discharge permits shall be transferred to Council where the discharge is from an asset to be transferred to Council. When the asset and the discharge permit or consent is to be transferred to Council, the written approval of Council and agreement to the discharge permit or consent conditions shall be obtained. Council may not automatically accept the transfer of unacceptable conditions. All fees associated with obtaining and transferring discharge permits or consent shall be met by the Subdivider or Developer.

#### **Works in Reserves, Domains or Private Land**

14.3.5.5 Wherever any works are to be constructed within a reserve or domain vested in Council, the subdivider or developer shall obtain the approval of Council. In the case of private property, written permission of both the owner(s) and the occupier(s) shall be obtained and submitted to Council along with the engineering plans. Upon completion of the works and prior to the issue of a completion certificate in the case of a subdivision, written confirmation of the property owner(s) satisfaction with reinstatement works shall be provided.

- 14.3.5.6 Drains laid on private property other than that owned by the subdivider, are subject to Section 181 of the Local Government Act 2002 and only Council is empowered to serve the statutory notifications etc. required. All costs involved in the serving of notices, hearing of objections and any other consequential expenditure shall be met by the subdivider or developer.

#### **Road Corridor Access Requests**

- 14.3.5.7 Road Corridor Access Requests are required for all works within the existing road corridor. They are required to ensure that utilities will be installed, maintained or removed in a timely and cost effective manner, with minimal impact on the corridor environment, community, corridor users and the assets of other utility operators. For State Highways there is a specific statutory duty to have a written approval from NZTA for all works within the highway corridor.

### **SHARED COST ARRANGEMENTS, ASSET TRANSFER FEES, AND VARIATION OF REQUIREMENTS**

#### **Voluntary Shared Cost Arrangements**

- 14.3.5.8 The provisions of 'Financial Contributions – Upgrading Requirements for Subdivision and Development', with the exception of 'Upgrading Parameters for Roading' (c), do not define a basis for the voluntary sharing of the cost of services between the subdivider or developer and Council. The agreed share of the costs to be met by the subdivider or developer and Council will be determined at the time of scheme plan or development approval.
- 14.3.5.9 Council's share and upgrading costs are required to be included in the Annual Plan process which may delay provision of the appropriate service and implementation of the subdivision or development. The subdivider or developer may elect to proceed with such works at their cost or agree to proceed at their own cost while awaiting reimbursement by Council.

#### **Asset Transfer Fees**

- 14.3.5.10 To cover the cost of the inspection by Council of the Engineering Plans and Specifications, the cost of inspection of construction, and the cost of asset transfer the subdivider or developer shall pay the following fees:
1. 1% + GST of the value of the works inspected and approved based on a schedule of quantities and estimated rates to be submitted by the subdivider or developer; or
  2. A minimum fee as determined by Council; or
  3. The cost of staff time charged out at the appropriate hourly rate that enables Council to recover the cost of the Asset Approval and Transfer Process.

All estimated rates must be fair and reasonable.

#### **Variation of Requirements**

- 14.3.5.11 Any variation from the Engineering (Works & Services) requirements which may be necessary to meet particular circumstances must be referred to the infrastructure provider for approval in writing prior to the incorporation in plans and specification which are to be submitted for subdivision or development approval.

## **COMMENCEMENT OF WORKS AND TESTING REQUIREMENTS**

### **Commencement of Works**

- 14.3.5.12 On no account shall any engineering works be commenced on any subdivision or development until after the engineering plans and specifications have been approved by Council and satisfactory notice of the commencement of the works has been given to Council.
- 14.3.5.13 Works carried out without satisfactory notification and works not audited by Council will not be accepted by Council for certification under section 224(c) of the RMA or for transfer of assets to Council.

### **Testing**

- 14.3.5.14 Any works required to be tested by, or in the presence of, a Council officer shall be pre-tested and proved satisfactory by the subdivider's or developer's professional advisor before any request is made for official testing. The costs of any re-testing required (should the particular section of work under test, fail to pass the test on the first occasion) and for all Benkelman Beam testing will be charged to the subdivider in addition to other fees payable.

## **BONDS and INSURANCE**

### **Performance bonds**

- 14.3.5.15 In accordance with section 108A in the RMA, Council may require the developer or owner(s) to enter into a bond for any one or more conditions that Council considers appropriate and may continue after the expiry of the resource consent.

### **Uncompleted works bond**

- 14.3.5.16 Bonds for uncompleted work are not favored. If agreed to, the bond shall be an agreed cash deposit, refundable upon completion of the works. The value of the bond shall be equal to the value of the uncompleted engineering works based on the works contract rates plus an additional charge of 25% plus administration costs plus Goods and Services Tax. The time frame for the completion of these works shall be agreed at the time of bond payment and shall not exceed 12 months.

### **Maintenance bonds**

- 14.3.5.17 The consent holder shall maintain the construction works after completion approval by Council by the issue of the Section 224 Certificate or other written acknowledgment for a minimum period of 6 months, to allow for the remedy of design or construction defects and the stabilization of grassed surfaces and batters and table drains and water channels. Other items of work (eg. Silt traps) may have longer periods of maintenance as specified by Council.
- 14.3.5.18 Subsequent damage caused by builders, developers and road users or through fair wear and tear shall not be subject to the maintenance obligations provided that evidence of such damage is demonstrated as being beyond the control of the Developer or Contractor.
- 14.3.5.19 At the end of the maintenance period the Developer or Contractor shall arrange for the mowing of berms and batters, the cleaning of table drains, sweeping of kerb and channel, clean out of sumps, drop structures and the removal of temporary works associated with silt runoff control as well as the repair of other construction defects before the release of the maintenance bond.

14.3.5.20 The value of the maintenance bond for developments to be vested in Council shall be equal to 5% of the value of the construction work based on works contract rates plus Goods and Services Tax.

14.3.5.21 The actual priced contract schedule for the work is to be submitted with the 5% deposit.

#### **Landscaping and streetscaping bonds**

14.3.5.22 Landscape and Streetscape work shall be maintained for the following periods:

1. For landscaping structures the minimum period for the bond shall be 3 months.
2. the bond period for grass shall be until a healthy sward is established and mowable (minimum of 12 months)
3. For all other plant material (gardens, street trees etc) the minimum period for the bond shall be 18 months.
4. For re-vegetation the minimum period of the bond shall be 3 years.

14.3.5.23 The Landscape/Streetscape maintenance bonds shall take the form of a cash payment refundable at the completion of the maintenance period.

14.3.5.24 The value of the bond for landscape or streetscape developments to be vested in Council shall be either 15% of the value of the works or based on Council's contract rates for maintenance plus 25% plus administration costs plus Goods and Services Tax.

#### **Insurance – Third Party Liability**

14.3.5.25 Where the subdivider or developer carries out works on a road, or any other land not owned by the subdivider or developer, the following insurance provisions will apply:

1. The subdivider or developer or his/her representative will be responsible to ensure that insurance is taken out or held in the joint names of the subdivider or developer and Council. This insurance shall be of the third party/public liability type, for a minimum amount of two million dollars;
2. The Policy will be extended to cover all insurable risks normally applicable to subdivision or development works; and
3. The Policy shall have attached thereto either:
  - a. a cross liabilities/joint insured's clause; or
  - b. appropriate wording which states that the Policy will be construed as though a separate Policy has been issued to each of the joint insured's.

### **WORKS AND SERVICES COMPLETION REQUIREMENTS**

#### **Completion Certificate**

14.3.5.26 The Completion Certificate will be issued by Council when the following have been complied with:

1. Receipt of written confirmation of approval that the construction works for all relevant earthworks, roading, water services, electricity, telecommunications, street lighting, gas, broadband meets with the approval of the relevant authority and network utility operator.
2. Payment of the Maintenance Deposit and Cash Bonds where applicable.
3. Payment of all upgrading fees and inspection charges etc.
4. "As-Built" drawings received, by the relevant network utility operator for all works.
5. All conditions of consent.

## **14.4 SUBDIVISION APPLICATIONS ASSESSMENT CRITERIA AND CONDITIONS**

**NOTE:** *This component of the draft chapter will be complete once the format assessment criteria provisions for the district plan are standardised.*

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