

PART 13

SUBDIVISION

13.1 INTRODUCTION AND SIGNIFICANT RESOURCE MANAGEMENT ISSUES

13.1.1 Subdivision is often the first step in the development process, creating land parcels that define and redefine property rights. Subdivision determines the long term pattern of future land use, therefore careful management is required to make sure long-lasting impacts are positive.

13.1.2 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.

13.1.3 The three main considerations for subdivision in the district are:

1. Site suitability – is the site suitable for potential future activities
2. Site serviceability – can the site be provided with the appropriate services
3. Sustainable lot design – will the design of the site lead to sustainable best use

13.1.4 **SITE SUITABILITY AND SECTION 106 CONSIDERATIONS**

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. In the Rotorua district geothermal activity can be a significant cause of erosion, subsidence or inundation. Other site suitability issues more specific to Rotorua include:

- Geothermal activity
- Geothermal fluids and gases
- Geothermal affected soils
- Young soils that are highly erodible
- Catchments with short duration storm events
- Ephemeral gully systems
- Lake edge inundation
- Surface water inundation

13.1.5 A comprehensive assessment of the full range of natural hazards in the Rotorua district is provided in **Part 14** of the district plan.

13.1.6 Conditions can be imposed on a subdivision or land use consents to mitigate the risk of natural or human generated hazards. In other circumstances the effects can not be mitigated and consent may not be granted. However there are also areas where there are strong cultural associations with living and accepting geothermal hazards and where management of the hazard may differ. The villages of Ohinemutu and Whakarewarewa are geothermal hazard areas that will be subject to special management.

13.1.7 **SITE SERVICEABILITY**

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 land use activities. Roads and services may already have available capacity or there may be deficiencies that will have to be upgraded before the subdivision and consequential future land use can proceed. Any infrastructure upgrading will need to be addressed with the appropriate infrastructure service providers. A financial contribution for

upgrading of infrastructure may be required at the time of subdivision for a variety of purposes set out in **Part 15** Financial Contributions.

- 13.1.8 The Council and other infrastructure service providers have undertaken comprehensive modelling which may indicate the need for service upgrading. Consultation is required with infrastructure providers at the time of applying of a subdivision to ensure the appropriate level of services are proposed and can be provided or that agreements have been entered into for the appropriate upgrading to be carried out, in relation to:
- Roads
 - Water
 - Wastewater
 - Stormwater and land drainage
 - Telecommunications
 - Electricity
 - Gas
- 13.1.9 The subdivider may wish to retain ownership of infrastructure and services as a self contained entity. If the subdivider proposes to vest assets in the Council and/or other service providers, the infrastructure to be vested will have to meet the appropriate standards of the provider. In the case of the Council, an engineering standard has been developed as a means to achieve compliance. It is anticipated that the subdivider will obtain a statement from the infrastructure owner(s) that the standard is met and the infrastructure can be vested.
- 13.1.10 An increase in extreme weather events and associated natural hazards is predicted in the foreseeable future. This may include an increase in short duration, but more 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.
- 13.1.11 Subdivision may provide a new framework for 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 to the satisfaction of Council.
- 13.1.12 **SITE DESIGN**
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, 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.
- 13.1.13 Setting minimum site sizes and site shape factors, coupled with the yard, site coverage and height provisions 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.
- 13.1.14 Subdivision design should ensure sufficient privacy and space around residential buildings. It should also ensure that future sites can accommodate their intended future use.
- 13.1.15 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 are maintained.
- 13.1.16 **INFILL RESIDENTIAL SUBDIVISION**
Infill subdivision refers to further subdivision of already established residential areas. In the urban area there are large lots or sites that are able to be further subdivided. In some areas a medium-housing density zoning may be identified. In other areas there is an expectation that the larger lots should remain. The aim is to provide 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, nor on the quality and character of the neighbourhood.
- 13.1.17 There are challenges associated with sites that are marginal for infill subdivision. Some sites may be affected by natural hazards, servicing limitations, require engineering design of buildings, or may

have limited practical outdoor living space. In addition, the location of existing buildings or structures may limit future development. Privacy, orientation for maximum solar access, practical outdoor space and on-site parking and turning must 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 of stormwater. Careful consideration must be given to solutions for stormwater collection and disposal in infill situations to avoid effects on adjoining properties from more intense development.

13.1.18 NATURAL AND CULTURAL HERITAGE, AND PROVISION FOR PUBLIC ACCESS TO, AND ALONG, WATERBODY MARGINS

Amenity and heritage values may be adversely affected by activities resulting from subdivision. Natural and cultural features and heritage sites should be protected at the time of subdivision. Esplanade reserves and esplanade strips are instruments that can be vested in Council or created at the time of subdivision to assist with improving public access, and to assist in maintaining the health of water bodies. The provisions in relation to esplanade area acquisition are stated in **Part 3** Matters of National Importance.

13.1.19 A financial contribution for reserves and heritage purposes can be required. In addition, Council may acquire esplanade reserves or required the creation of an esplanade strip along water bodies at the time of subdivision for a variety of purposes set out in the Act, as provided for in this Part and also in **Part 3** Matters of National Importance.

13.1.20 SUBDIVISION AS AN INCENTIVE TO ENCOURAGE LAND USE CHANGE TO SUSTAINABLE LOW NUTRIENT OUTPUTS TO IMPROVE LAKE WATER QUALITY

Lake water quality is being adversely affected by high nutrient output activities within the lake catchments. Primary agricultural production is amongst a number of land uses and natural processes, contributing negatively to nutrients reaching water bodies. 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 is encouraged by objective and policies within both the Rural Zone chapter and this subdivision chapter. Subdivision rules allow extra subdivision rights where it can be demonstrated there will be land use change that will result in sustainable positive effects on lake water quality. 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.

DRAFT POLICY FRAMEWORK – FEEDBACK SOUGHT

Is the policy framework for site design an efficient and effective way to create quality developments?

The policy framework provides additional site entitlements to promote the reduction of nutrient run off from land use activities to improve the water quality of the district. There is the potential that this may lead to adverse effects on the rural character, landscape values and amenity values of rural areas. Further, it may reduce the ability of properties to achieve sustainable agricultural production. Does the policy framework strike a balance that will achieve a significant reduction in nutrient run off without compromising other values?

Is the policy framework for minimum site areas appropriate for the district?

Will the policy framework create a district that is a desirable location to live, whilst facilitating economic development?

SPECIAL CONSIDERATION FOR THE RURAL, SUBDIVISION AND MATTERS OF NATIONAL IMPORTANCE CHAPTERS OF THE DRAFT DISTRICT PLAN

Specific feedback is sought on a proposal that could incentivise land use change, natural heritage protection and lake water quality improvements in the Rotorua district.

We all know Activity Rules can be used to stop something from happening in a certain area.

But activity rules can also be used to incentivise and enable actions. Activity rules can be used to Target land use change

This concept is based on a public-private sector approach to the development of sustainable land use options for “strategic properties”, those properties where there is willingness, or where substantial gains can be made for water quality or broader environmental objectives.

What this entails is the development of concept plans, sponsored by Rotorua District Council or BOP regional council, for key properties. The development plans would be based on ecological, groundwater, landscape and sustainable infrastructure principles. The landowner would need to agree to the development plans and their outcomes. Concept plans could cover a range of land-use change options beyond common lifestyle lots such as forestry, tourist lodges, golf courses, industry and farm parks for example.

The concept plans would be incorporated into the district plan that is to be publicly notified. If a landowner then wishes to develop in accordance with the concept plan the activity would be a controlled activity – meaning that Council must approve the application subject to conditions, where one of the conditions would be to demonstrate a decrease in nutrients.

If a landowner wished to deviate from the concept plan then consent for a restricted discretionary/discretionary activity would be required, which Council can choose to approve or decline. Where a development that did not fit with the concept plan was suggested, where there would be an increase of nutrients discharged or where no benefit resulted, then the activity would be a discretionary or non-complying activity, which may or may not be approved.

A number of discussions are currently underway to see if at least one test-case can be formulated and reflected in the proposed, rather than the draft version of the district plan. Council would go as far as funding part of the ecological or landscape assessments during the scoping phase. In addition, landowners will be encouraged to provide the concept plans as submissions to the district plan.

Please tell us what you think.

13.2 OBJECTIVES AND POLICIES

Site suitability and Section 106 considerations

Objective 13.2.1

Subdivision of land where the effects of natural hazards can be mitigated to a safe and acceptable level.

Policy 13.2.1.1

Ensure sites created by subdivision are not unduly affected by, or subject to, the effects of:

- Inundation
- Surface water ponding
- High water tables
- Geothermal activity
- Subsidence
- Slippage
- Falling debris
- Erosion
- Soil instability

such that it would make the site unusable or unsafe.

Policy 13.2.1.2

Restrict subdivision of land where the effects of natural hazards may be further exacerbated by subdivision.

Policy 13.2.1.3

Restrict further infill subdivision where land is at risk of the effects of lake level inundation.

Policy 13.2.1.4

Require detailed engineering responses satisfying Council that the tests of Section 106 of the Act can be met where subdivision is proposed on sites susceptible to natural hazards.

Provision of legal and physical access

Objective 13.2.2

All site created by subdivision are provided with safe, practical, legal and physical access suitable for the expected development potential.

Policy 13.2.2.1

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

Policy 13.2.2.2

Ensure large lot subdivision in the residential zones does not prejudice the design of future subdivision or development of the land for the potential number of household units anticipated by the District Plan.

Serviceability – road network

Objective 13.2.3

Subdivision which connections with the existing transport network are achieved in a safe, efficient and integrated manner.

Policy 13.2.3.1

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

Policy 13.2.3.2

Provide for the connection of new streets and public accessways with existing infrastructure in a logical progression and in a manner that does not compromise future subdivision or

Serviceability – road network

Objective 13.2.4

Roads and shared access which is provided in a manner that is consistent with roading hierarchy status.

development of adjoining sites at the time of subdivision.

Policy 13.2.3.3

Provide at the time of subdivision public accessways that link residential areas with public transport services, schools, recreational areas, shops, and other destination points.

Policy 13.2.3.4

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

Policy 13.2.4.1

Provide for flexibility in carriageway design while ensuring:

- Roads can perform their functions within the district's roading hierarchy
- Sufficient provision for the laying of services in berms is provided for
- Sufficient landscaping that does not impact on the provision of services
- Carriageway width and design is considered in conjunction with on-site amenity, in particular the depth of site front yards.
- Streetscape amenity is adequately provided for in the design of the subdivision (this may not necessarily be within the road reserve)

Policy 13.2.4.2

Consideration is given to energy efficiency in the design and layout of roading and accessways that service a subdivision.

Policy 13.2.4.3

Have regard to the character of the receiving environment ensuring subdivision and subsequent development is designed, located and maintained in such a way as to avoid, remedy or mitigate any reverse sensitivity from road noise.

Serviceability – water services and utilities

Objective 13.2.5

Infrastructure and services are adequately provided for in a safe and efficient manner that provides for future anticipated land use and development.

Policy 13.2.5.1

Ensure adequate provision is made at the time of subdivision for connections to public reticulated water supply, stormwater and sanitary sewerage systems wherever a reticulated system is available.

Policy 13.2.5.2

Ensure adequate information is provided at the time of subdivision to demonstrate there is sufficient water supply capacity at a suitable standard to all lots or lease areas created by subdivision.

Serviceability – water services and utilities

Policy 13.2.5.3

Ensure adequate provision is made at the time of subdivision for an effective system for the disposal of sewage from lots or lease areas, or is able to be provided, in a manner which minimises adverse effects on the environment and public health.

Policy 13.2.5.4

Ensure adequate provision is made at the time of subdivision for an effective system for the collection, treatment and disposal of stormwater for lots or lease areas suitable for the intended use, existing buildings, roads, shared access, reserves, or works created by subdivision.

Policy 13.2.5.5

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.

Policy 13.2.5.6

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.

Serviceability – public space

Objective 13.2.6

Quality public open spaces provided as a key component of greenfield subdivision.

Policy 13.2.6.1

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

Policy 13.2.6.2

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

Policy 13.2.6.3

Provide for 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
- There are opportunities to provide connection between existing public spaces.
- The reserves can be easily accessed by surrounding residents, highly visible, and can be used safely
- There are opportunities to protect significant natural and cultural features
- Multiple reserve design shall aim to create fewer reserves that are larger in size

Site design – landform and recontouring

Objective 13.2.7

Maintenance of the existing natural landform and topography without making unnecessary modification at the time of subdivision or development.

Policy 13.2.7.1

Facilitate retention of natural landform through site design that enables future development in harmony with the landform.

Policy 13.2.7.2

Enable recontouring of existing landforms, where necessary for safety, servicing, site access or to provide useable building platforms.

Policy 13.2.7.3

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 incorporated into subdivision design and future land use patterns.

Policy 13.2.7.4

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

Site design – site vegetation and planting

Objective 13.2.8

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

Policy 13.2.8.1

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
- Contributes to amenity when considered in the context of other vegetation in the vicinity

Policy 13.2.8.2

Include appropriate streetscapes and plantings to maintain or improve amenity and character of an area at the time of subdivision.

Policy 13.2.8.3

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
- retiring areas that are unsuitable for grazing

Site design – site vegetation and planting

- aiding the stabilization of land at risk of slippage
- where links can be achieved between existing areas of significant vegetation
- enhancing landscape and natural character.

Site design – maintenance of amenity values

Objective 13.2.9

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

Policy 13.2.9.1

Subdivisions that have considered the following matters as a primary determinant of site design:

- New sites 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
- Mitigation of effects of noise from surrounding land uses including traffic noise.

Policy 13.2.9.2

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

Improving the quality of water in our streams, rivers and lakes

Objective 13.2.10

Subdivision which complements rural land use practises that create a significant reduction in nutrient discharge and contribute to improving lake water quality while maintaining the character enjoyed in the rural areas of the district as defined in Objective 10.2.2.

Policy 13.2.10.1

Allow extra subdivision rights as an incentive to encourage sustainable positive land use change that demonstrates a significant nutrient reduction from activities undertaken on the land.

Policy 13.2.10.2

Ensure subdivision complementing land use change intending to improve lake water quality does not create significant adverse effects on rural amenity.

Policy 13.2.10.3

Require the retirement of riparian areas, steep slopes and gullies, and other areas adjoining water bodies to assist with improving water quality in lakes, rivers and streams as part of subdivision consents where appropriate.

Policy 13.2.10.4

Require the on-going management of

retirement areas so vegetation is established, well maintained, and pest plants are well managed as part of subdivision consents where appropriate.

Policy 13.2.10.5

Encourage revegetation 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 gains can be made in improving biodiversity and ecological corridors in rural areas

as part of subdivision consents where appropriate.

13.3 ACTIVITY CLASSES FOR SUDIVISION

The following rules classify subdivision activities in the zones of the district. The activity classification and relevant performance standards can be found in:

- 13.4.1 Residential
- 13.4.2 City Centre
- 13.4.3 Commercial
- 13.4.4 Industrial
- 13.4.5 Innovation and Enterprise
- 13.4.6 Airport
- 13.4.7 Rural
- 13.4.8 Reserve and Recreation
- 13.4.9 Infrastructure and Transport
- 13.5 Site suitability performance standards applicable to all zones
- 13.6 Site serviceability performance standards applicable to all zones
- 13.7 General requirements for subdivision performance standards applicable to all zones
- 13.8 General requirements for financial contributions and esplanade reserve requirements
- 13.9 Other district plan provisions

13.4 SUBDIVISION ACTIVITIES AND PERFORMANCE STANDARDS FOR ALL ZONES

13.4.1 SUBDIVISION IN RESIDENTIAL ZONES

The following rules classify subdivision in the Residential Zones of the district.

Residential 1	Residential Living
Residential 2	Medium Density
Residential 3	Ohinemutu, Whakarewarewa, Ngapuna
Residential 4	Lakeside Settlements
Residential 5	Residential Lifestyle (Wharenui Road Area)

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

SUBDIVISION ACTIVITY CLASSES

13.4.1.1 The table below states the activity classes for subdivision in the Residential Zones of the district.

Activities	Residential Zones				
	1	2	3	4	5
General rules and activity classifications					
1. Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant site design performance standards stated in 13.4.1 and the relevant performance standards stated in 13.5 to 13.9	C	C	C	D	C
2. Unless otherwise stated below the subdivision of sites or buildings that would otherwise be a controlled activity and that comply with all but one of any relevant performance standards in 4.4 , any relevant site design performance standards stated in 13.4.1 and the relevant performance standards stated in 13.5 to 13.9 .	D	D	D	D	D
3. The subdivision of sites or buildings that do not comply or the proposal is not to comply with two or more of any relevant performance standards in 4.4 , any relevant site design performance standards stated in 13.4.1 and the relevant performance standards stated in 13.5 to 13.9 .	NC	NC	NC	NC	NC
Specific subdivision activities	1	2	3	4	5
4. The subdivision of sites or buildings for the purpose of a boundary adjustment complying with Rule 13.7.2 .	C	C	C	C	C
5. The subdivision of sites or buildings for the purpose of a boundary adjustment not complying with Rule 13.7.2 .	D	D	D	D	D
6. The subdivision of sites or buildings for the purpose of creating a reserve in accordance with Rule 13.7.1.1 .	C	C	C	C	C
7. The subdivision of sites or buildings for the purpose of creating a utility service site, as defined by Part 1 , and in accordance with Rule 13.7.1.2 .	C	C	C	C	C
8. The subdivision of sites or buildings within or dissected by the airport Inner Control Area, as defined in Part 1 and shown on Planning Map 104 .	D	NA	NA	NA	NA
9. The subdivision of sites or buildings within or dissected by the airport Air Noise Area, as defined in Part 1 and shown on Planning Map 104 .	Pro	NA	NA	NA	NA
10. The subdivision of sites or buildings on land that has been identified as being either potentially contaminated, or is identified as a contaminated site.	D	D	D	D	D
Subdivision of sites and buildings susceptible to natural hazards					
11. The subdivision of sites or buildings on land susceptible to inundation, as defined in Part 1 .	NC	NC	NC	NC	NC
12. The subdivision of sites or buildings on land susceptible to known areas of thermally active ground, or geothermal and	NC	NC	NC	NC	NC

hydrothermal activity.					
13. The subdivision of sites or buildings on land susceptible to the effects of lake level inundation.	NC	NC	NC	NC	NC
14. The subdivision of sites or buildings on land that contains a known overland stormwater flow path.	NC	NC	NC	NC	NC

RESIDENTIAL ZONE SITE DESIGN PERFORMANCE STANDARDS

Site dimension requirements

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

ZONE	MINIMUM SITE AREA	SITE DESIGN FACTOR
Residential 1 Residential Living (Exclusive of the Wharenui Road Area)	350m ² net site area provided that the average net site area of all new sites shall be at least 450m ²	Sites of 450m ² net site area and above: The site shall be capable of containing a square of at least 15m x 12m suitable for building, that is free of the yards stated in Rule 4.4.1.3
		Sites of less than 450m ² net site area: The site shall be capable of containing a square of at least 12m x 12m suitable for building, that is free of the yards stated in Rule 4.4.1.3
Residential 1 Residential Living Within the Wharenui Road Area	For residential housing provided that the average net site area of all new sites shall be 450m ²	Sites shall be capable of containing a square of at least 15m x 12m suitable for building, that is free of the yards as stated in Rule 4.4.1.3
Residential 2 Medium Density Residential With a comprehensive residential development plan, which will include the complementary land use consent application	150m ² net site area	Sites shall be capable of containing the proposed or existing buildings and activities on-site and enough land that these be free of yards as stated in Rule 4.4.2.3 unless the complementary land use consent approves otherwise.
Residential 2 Medium Density Residential Without a comprehensive residential development plan	350m ² net site area	Sites shall be capable of containing the proposed or existing buildings and activities on-site and enough land that these be free of yards as stated in Rule 4.4.2.3
Residential 3 Ohinemutu, Whakarewawera, and Ngapuna	250m ² net site area	Sites shall be capable of containing the proposed or existing buildings and activities on-site and enough land that these be free of yards as stated in Rule 4.4.3.3

Residential 4 Lakeside Settlements	2000m ² net site area provided that Rule 13.4.1.12 1. is met 1000m ² net site area provided that Rule 13.4.1.12 2.	Sites shall be capable of containing a square of at least 20m x 15m suitable for building, that is free of the yards as stated in Rule 4.4.4.3
Residential 5 Residential Lifestyle Residential Lifestyle within the Wharenui Road Area	1,500m ² minimum net site area, provided that the average net site area of all new lots shall be 2,000m ²	Sites shall be designed so as to be capable of containing sufficient site coverage as required in Rule 4.4.5.5

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

1. Residential Zone, Rules **4.4**
2. Site suitability, Rules **13.5**
3. Site serviceability, Rules **13.6**
4. Subdivision performance standards applicable to all zones, Rules **13.7**
5. Financial contributions and esplanade reserve requirements, Rules **13.8**
6. Other district plan provisions, **13.9**
7. Historical, cultural, and natural values of sites, **Part 2** and **Part 3**
8. Natural hazards, **Part 13**

Subdivision of sites with existing buildings

- 13.4.1.4
1. 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 **4.4**.
 2. 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 state in **4.4** shall not be increased by the subdivision.

Unit title and cross lease requirements for the residential zones

- 13.4.1.5
1. Where an existing building, included in an application for subdivision consent, has obtained a land use consent or is a permitted activity, any proposed common area, unit or accessory unit boundary shall take into account all relevant performance standards for the zone.
 2. The subdivision application shall assess not only the area upon which the buildings are located, but shall assess the vacant land surrounding the buildings as if the entire activity site were a freehold title.
 3. For the purposes of calculating the minimum site area for cross leases, the site area shall include the area of the lease of the buildings and the area of any exclusive use areas associated with the buildings. The balance of the site remaining shall be considered a vacant site and shall comply with the minimum site area for the zone.
 4. Unit title and cross lease areas shall be required to comply with the performance standards stated for the zone.
 5. In the case of a unit title each proposed unit shall be in accordance with either a permitted activity as stated in Table **4.3**, or in accordance with an approved land use consent for the building, or buildings, to be subdivided.
 6. Cross lease, 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 peoples property, and where applicable, provides for persons with disability.
 7. Unit title subdivision applications shall allocated accessory units to principle units to ensure compliance with parking requirements stated in Rule **4.4.6.2** and **Appendix 5** where parking requirements are not provided for within the principle unit. Practical and physical access shall be provided to each unit in accordance with Rule **13.6.2**, or in accordance with an approved land use consent for the building, or buildings, to be subdivided.
 8. 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 the stages do not compromise future stages and that such development will be free from natural or manmade hazards and is capable of adequate servicing.

Useable dimensions

13.4.1.6 Sites created for the purposes of residential living shall be designed so as to provide sufficient space on the site so that future buildings can be placed on the site without the need to depart from performance standards in **4.4**.

Provision of outdoor space and residential privacy

13.4.1.7 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 site and shall be separate from any area used for vehicle parking and turning.

Provision for solar access

13.4.1.8 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. Sites shall be designed so that living and other habitable rooms are able to be located to the north of the site.

On-site parking and turning areas

13.4.1.9 Any vehicle access,, on-site parking and turning that is required in accordance with Rule **4.4.6.2**, Rule **13.6.2** and **Appendix 4** shall be provided separate to the area provided for outdoor spaces and residential privacy.

Subdivision within the Residential 4 Zone

- 13.4.1.10
1. The minimum net site area for any new site shall be 2,000m², provided that:
 - a. 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
 - b. All necessary performance standards associated with the location of buildings on-site as stated in **4.4.4** can be met
 - c. The minimum the site dimension requirements of **13.4.1.2** relating to site design factor can be met
 - d. It can be demonstrated that existing buildings located on sites can comply with the performance standards for the zone as stated in **4.4.4**
 2. 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:

The minimum net site area for any new site shall be 1,000m², provided that:

 - a. All necessary performance standards associated with the location of buildings on-site as stated in **4.4.4** can be met
 - b. The minimum site dimension requirements of **13.4.1.2** relating to the site design factor can be met
 - c. It can be demonstrated that existing buildings and located on-site can comply with the performance standards for the zone as stated in **4.4**

Ability to acquire esplanade reserves

13.4.1.11 The site is of sufficient size to enable any required acquisition of an esplanade reserve in accordance with **Part 3**.

Subdivision in the Residential 1 and Residential 5 Zone within the Wharenui Road Development Area

13.4.1.12 In addition to the provisions of this Part, all subdivision undertaken within the Residential 1 or Residential 5 Zone of the Wharenui Road Development Area, as shown on **Planning Maps 330, 339, and 340** shall be undertaken in accordance with **Appendix A5.2 - 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 A5.2**.

Subdivision of sites or buildings within or dissected by the airport Inner Control Area

- 13.4.1.13 1. Any land use consent required for future development of any vacant sites to be created by subdivision shall be lodged concurrently with the subdivision consent. A subdivision consent will only be considered for approval if consent to any required land use consent is forthcoming.

2. The assessment criteria **4.6.6** and **4.7.7** shall be taken into account when considering both the subdivision and land use consents concurrently.

13.4.2 SUBDIVISION IN CITY CENTRE ZONES

The following rules classify subdivision in the City Centre Zones of the district.

City Centre 1	City Core
City Centre 2	City Fringe
City Centre 3	Southern Large Format
City Centre 4	Western Professional
City Centre 5	Lakefront Tourism
City Centre 6	Lakefront
City Centre 7	Southern Gateway

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

SUBDIVISION ACTIVITY CLASSES

13.4.2.1 The table below states the activity classes for subdivision in the City Centre Zones of the district.

Activities	City Centre Zones						
	1	2	3	4	5	6	7
General rules and activity classifications							
1. Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant site design performance standards stated in 13.4.2 and the relevant performance standards stated in 13.5 to 13.9 .	C	C	C	C	C	NA	C
2. Unless otherwise stated below the subdivision of sites or buildings that would otherwise be a controlled activity and that comply with all but one of any relevant performance standards in 5.4, the relevant site design performance standards stated in 13.4.2 and the relevant performance standards stated in 13.5 to 13.9 .	D	D	D	D	D	D	D
3. The subdivision of sites or buildings that do not comply or the proposal is not to comply with two or more of any relevant performance standards in 5.4 , and relevant site design performance standards stated in 13.4.2 and the relevant performance standards stated in 13.5 to 13.9 .	NC	NC	NC	NC	NC	NC	NC
Specific subdivision activities	1	2	3	4	5	6	7
4. The subdivision of sites or buildings for the purpose of a boundary adjustment in accordance with Rule 13.7.2 .	C	C	C	C	C	C	C
5. The subdivision of sites or buildings for the purpose of a boundary adjustment that can not comply with Rule 13.7.2 .	D	D	D	D	D	D	D
6. The subdivision of sites or buildings for the purpose of creating a reserve in accordance with Rule 13.7.1.1 .	C	C	C	C	C	C	C
7. The subdivision of sites or buildings for the purpose of creating a utility service site, as defined by Part 1 , and in accordance with Rule 13.7.1.2 .	C	C	C	C	C	C	C
8. The subdivision of sites or buildings on land that has been identified as being either potentially contaminated, or is identified as a contaminated site.	D	D	D	D	D	D	D
Subdivision of sites and buildings susceptible to natural hazards	1	2	3	4	5	6	7
9. The subdivision of sites or buildings on land susceptible to known areas of thermally active ground, or geothermal and hydrothermal activity.	D	D	D	D	NC	NC	D
10. The subdivision of sites or buildings on land susceptible to lake inundation.	NA	NA	NA	NA	NC	NC	NA

CITY CENTRE ZONE SITE DESIGN PERFORMANCE STANDARDS

Site dimension requirements

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

ZONE	MINIMUM SITE AREA	SITE DESIGN FACTOR
City Centre 1 City Core	There is no minimum site area for this zone.	Sites shall be capable of containing activities in accordance with 13.4.2.3 and 13.4.2.4
City Centre 2 City Fringe	There is no minimum site area for this zone.	Sites shall be capable of containing activities in accordance with 13.4.2.3 and 13.4.2.4
City Centre 3 Southern Large Format	There is no minimum site area for this zone.	Sites shall be capable of containing activities in accordance with 13.4.2.3 and 13.4.2.4
City Centre 4 Western Professional	350m ² net site area provided that the average net site area of all new sites shall be at least 450m ²	Sites of 450m ² net site area and above: The site shall be capable of containing a square of at least 15m x 12m suitable for building, that is free of the yards as stated in Rule 5.4.5.1
		Sites of less than 450m ² net site area: The site shall be capable of containing a square of at least 12m x 12m suitable for building, that is free of the yards stated in Rule 5.4.5.1
City Centre 5 Lakefront Tourism	There is no minimum site area for this zone.	Sites shall be capable of containing activities in accordance with Rules 13.4.2.3 , 13.4.2.4 and shall comply with relevant parts of 5.4.6 and Appendix 6
City Centre 6 Lakefront	There is no minimum site area for this zone.	The site shall be capable of containing activities in accordance with Rule 13.4.2.6 and shall comply with relevant parts of 5.4.7 and Appendix 6
City Centre 7 Southern Gateway	There is no minimum site area for this zone.	The site shall be capable of containing activities in accordance with Rule 13.4.2.6 and shall comply with relevant parts of 5.4.8 and Appendix 6

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

- City Centre Zone, Rules **5.4**
- Site suitability, Rules **13.5**
- Site serviceability, Rules **13.6**
- Subdivision performance standards applicable to all zones, Rules **13.7**
- Financial contributions and esplanade reserve requirements, Rules **13.8**
- Other district plan provisions, **13.9**
- Historical, cultural, and natural values of sites, **Part 2** and **Part 3**
- Natural hazards, **Part 13**

Site dimensions

- 13.4.2.4 Sites created by subdivision, including vacant sites, shall be suitable for purpose, and shall be of sufficient dimensions to provide for either:
1. the performance standards of the zone to be met, or
 2. the site is able to accommodate a land use consent that has been granted for the site.

Access to service lane network for subdivision within the City Centre 1 and 2 Zones

- 13.4.2.5 Where a site to be subdivided adjoins a service lane as shown on **Planning Map 104 – City Centre Service Lanes** which is vested in Council or will be vested in Council as part of the subdivision, vehicular access to the site shall be provided from the service lane network. New lots shall be designed to allow 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.

Financial contributions for vesting of service lanes

- 13.4.2.6 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 104 - City Centre Service Lanes** and in accordance with **Part 5** and **Part 15**. Where Council requires land to be vested for service lane provision of 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 Council. The costs of forming the service lane shall be met by Council.

13.4.3 SUBDIVISION IN COMMERCIAL ZONES

The following rules classify subdivision in the Commercial Zones of the district.

Commercial 1	Ngongotaha Centre
Commercial 2	Suburban Centres (Westend and Te Ngae)
Commercial 3	Neighbourhood Centres
Commercial 4	City Entranceway Tourism
Commercial 5	Northern Entranceway Tourism

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

SUBDIVISION ACTIVITY CLASSES

13.4.3.1 The table below states the activity classes for subdivision in the Commercial Zones of the district.

Activities	Commercial Zones				
	1	2	3	4	5
General rules and activity classifications	1	2	3	4	5
1. Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant site design performance standards stated in 13.4.3 and the relevant performance standards stated in 13.5 to 13.9 .	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 comply with all but one of any relevant performance standards in 6.4, the relevant site design performance standards stated in 13.4.3 and the relevant performance standards stated in 13.5 to 13.9 .	D	D	D	D	D
3. The subdivision of sites or buildings that do not comply or the proposal is not to comply with two or more of any relevant performance standards in 6.4, and relevant site design performance standards stated in 13.4.3 and the relevant performance standards stated in 13.5 to 13.9 .	NC	NC	NC	NC	NC
Specific subdivision activities	1	2	3	4	5
4. Subdivision in accordance with Appendix A5.6 – Whangamoā Trust Otaramarāe.	NA	NA	NA	D	NA
5. The subdivision of sites or buildings for the purpose of a boundary adjustment complying with Rule 13.7.2 .	C	C	C	C	C
6. The subdivision of sites or buildings for the purpose of a boundary adjustment not complying with Rule 13.7.2 .	D	D	D	D	D
7. The subdivision of sites or buildings for the purpose of creating a reserve in accordance with Rule 13.7.1.1 .	C	C	C	C	C
8. The subdivision of sites or buildings for the purpose of creating a utility service site, as defined by Part 1 , and in accordance with Rule 13.7.1.2 .	C	C	C	C	C
9. The subdivision of sites or buildings within or dissected by the airport Inner Control Area, as defined in Part 1 and shown on Planning Map 104 .	NA	NA	D	NA	NA
10. The subdivision of sites or buildings on land that has been identified as being either potentially contaminated, or is identified as a contaminated site.	D	D	D	D	D
Subdivision of sites and buildings susceptible to natural hazards	1	2	3	4	5
11. The subdivision of sites or buildings on land susceptible to inundation, as defined in Part 1 .	NA	NA	NC	NA	NC
12. The subdivision of sites or buildings on land susceptible to known areas of thermally active ground, or geothermal and hydrothermal activity.	NC	NC	NC	NC	NC
13. The subdivision of sites or buildings on land susceptible to the effects of lake level inundation.	NC	NC	NC	NC	NC
14. The subdivision of sites or buildings on land that contains a known overland stormwater flow path.	NC	NC	NC	NC	NC

COMMERCIAL ZONES LOT DESIGN PERFORMANCE STANDARDS

Site dimension requirements

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

ZONE	MINIMUM SITE AREA	SITE DESIGN FACTOR
Commercial 1 Ngongotaha Centre	There is no minimum site area for this zone.	Sites shall be capable of containing activities in accordance with 13.4.3.3 and 13.4.3.4
Commercial 2 Westend and Te Ngae Suburban Centres	There is no minimum site area for this zone.	Sites shall be capable of containing activities in accordance with 13.4.3.3 and 13.4.3.4
Commercial 3 Neighbourhood shops	There is no minimum site area for this zone.	Sites shall be capable of containing activities in accordance with 13.4.3.3 and 13.4.3.4
Commercial 4 City Entranceway Tourism	For sites that are for residential purposes: 350m ² net site area provided that the average net site area of all new sites shall be at least 450m ² For sites that are for other purposes: There shall be no minimum site area for this zone for sites that are not for residential purposes	Sites that are for residential purposes shall be capable of containing a square of at least 15m x 12m suitable for building, that is free of the yards as stated in Rule 6.4.4.1 Sites that are for other purposes shall be capable of containing activities in accordance with 13.4.3.3 and 13.4.3.4
Commercial 5 Tourism Activities and Events	There is no minimum site area for this zone.	Sites shall be capable of containing activities in accordance with 13.4.3.3 and 13.4.3.4

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

- Commercial Zone, Rules **6.4**
- Site suitability, Rules **13.5**
- Site serviceability, Rules **13.6**
- Subdivision performance standards applicable to all zones, Rules **13.7**
- Financial contributions and esplanade reserve requirements, Rules **13.8**
- Other district plan provisions, **13.9**
- Historical, cultural, and natural values of sites, **Part 2** and **Part 3**
- Natural hazards, **Part 13**

Site dimensions

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

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

On-site parking and turning areas

13.4.3.5 Any vehicle access, on-site parking and turning that is required in accordance with Rule **6.4**, Rule **13.6.2** and **Appendix 4** shall be provided separate to the area provided for outdoor spaces and privacy.

Ability to acquire esplanade reserves

13.4.3.6 The site is of sufficient size to enable any required acquisition of an esplanade reserve in accordance with **Part 3**.

Subdivision in the Commercial 3 Zone within the Wharenui Road Area

13.4.3.7 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 A5.2 - 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 A5.2**.

Subdivision of sites or buildings within or dissected by the airport Inner Control Area

- 13.4.3.8
1. Any land use consent required for future development of any vacant sites to be created by subdivision shall be lodged concurrently with the subdivision consent. A subdivision consent will only be considered for approval if consent to any required land use consent is forthcoming.
 2. The assessment criteria **6.6.5** and **6.7.11** shall be taken into account when considering both the subdivision and land use consents concurrently.

13.4.4 SUBDIVISION IN INDUSTRIAL ZONES

The following rules classify subdivision in the Industrial Zones of the district.

Industrial 1 **General industry**

Industrial 2 **Heavy industry**

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

Subdivision activity classes

13.4.4.1 The table below states the activity classes for subdivision in the Industrial Zones of the district.

Activities	Industrial Zones	
	1	2
General rules and activity classifications		
1. Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant zone performance standards stated in 13.4.4 and the relevant performance standards stated in 13.5 to 13.9 .	C	C
2. Unless otherwise stated below the subdivision of sites or buildings that would otherwise be a controlled activity and that comply with all but one of the relevant performance standards stated in 7.4 , the relevant site design performance standards stated in 13.4.4 and the relevant performance standards stated in 13.5 to 13.9 .	D	D
3. The subdivision of sites or buildings that do not comply or the proposal is not to comply with two or more of any relevant performance standards in 7.4 , any relevant site design performance standards stated in 13.4.1 and the relevant performance standards stated in 13.5 to 13.9 .	NC	NC
Specific subdivision activities	1	2
4. The subdivision of sites or buildings for the purpose of a boundary adjustment complying with Rule 13.7.2 .	C	C
5. The subdivision of sites or buildings for the purpose of a boundary adjustment not complying with Rule 13.7.2 .	D	D
6. The subdivision of sites or buildings for the purpose of creating a reserve in accordance with Rule 13.7.1.1 .	C	C
7. The subdivision of sites or buildings for the purpose of creating a utility service site, as defined by Part 1 , and in accordance with Rule 13.7.1.2 .	C	C
8. The subdivision of sites or buildings within or dissected by the airport Inner Control Area, as defined in Part 1 and shown on Planning Map 104 .	D	NA
9. The subdivision of sites or buildings within or dissected by the airport Air Noise Area, as defined in Part 1 and shown on Planning Map 104 .	D	NA
10. The subdivision of sites or buildings on land that has been identified as being either potentially contaminated, or is identified as a contaminated site.	NC	NC
11. The subdivision of sites or buildings on land that has been identified as being either potentially contaminated and confirmed that it is not, or is contaminated and has been remediated to national standards.	C	C
Subdivision of sites and buildings susceptible to natural hazards	1	2
12. The subdivision of sites or buildings on land susceptible to inundation, as defined in Part 1 .	NC	NC
13. The subdivision of sites or buildings on land susceptible to known areas of thermally active ground, or geothermal and hydrothermal activity.	NC	NC

INDUSTRIAL ZONE SITE DESIGN PERFORMANCE STANDARDS

Site dimension requirements

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

ZONE	MINIMUM SITE AREA	SITE DESIGN FACTOR
Industrial 1 General Industry	There is no minimum site area for this zone.	Sites shall be capable of containing activities in accordance with 13.4.4.3 to 13.4.4.6
Industrial 2 Heavy Industry	There is no minimum site area for this zone.	Sites shall be capable of containing activities in accordance with 13.4.4.3 to 13.4.4.6

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

- Industrial Zone, Rules **7.4**
- Site suitability, Rules **13.5**
- Site serviceability, Rules **13.6**
- Subdivision performance standards applicable to all zones, Rules **13.7**
- Financial contributions and esplanade reserve requirements, Rules **13.8**
- Other district plan provisions, **13.9**
- Historical, cultural, and natural values of sites, **Part 2** and **Part 3**
- Natural hazards, **Part 13**

Site dimensions

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

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

Provision of a buffer at residential, rural, reserve zone interfaces or adjoining Marae

13.4.4.5 The site is of sufficient size to enable Rule **7.4.1.1 (2) - Zone interface** and **7.4.1.1 (7) - Landscaping**, to be met and will not impact on the ability of the sites adjoining Residential Zones to provide a portion of the site at the zone interface.

Ability to acquire esplanade reserves

13.4.4.6 The site is of sufficient size to enable any required acquisition of an esplanade reserve in accordance with **Part 3**.

Subdivision of sites or buildings within or dissected by the airport Inner Control Area

- 13.4.4.7
1. Any land use consent required for future development of any vacant sites to be created by subdivision shall be lodged concurrently with the subdivision consent. A subdivision consent will only be considered for approval if consent to any required land use consent is forthcoming.
 2. The assessment criteria **7.6.5.2** and **7.7.5.1** shall be taken into account when considering both the subdivision and land use consents concurrently.

13.4.5 SUBDIVISION IN INNOVATION AND ENTERPRISE ZONES

The following rules classify subdivision in the Innovation and Enterprise Zones of the district.

Innovation Park 1	Scion Campus
Enterprise Park 2	Waipa

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

SUBDIVISION ACTIVITY CLASSES

13.4.5.1 The table below states the activity classes for subdivision in the Innovation and Enterprise Zones of the district.

Activities	Innovation Park Scion	Enterprise Park Waipa
General rules and activity classifications	1	2
1. Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant site design performance standards stated in 13.4.5 and the relevant performance standards stated in 13.5 to 13.9 and is in accordance with the Approved Development Plan in Appendix 5 .	C	C
2. Unless otherwise stated below the subdivision of sites or buildings where performance standards 8.4 can not be met, or that are not in accordance with the Approved Development Plan in Appendix 5 .	D	D
Specific subdivision activities	1	2
3. The subdivision of sites or buildings for the purpose of a boundary adjustment complying with Rule 13.7.2 .	C	C
4. The subdivision of sites or buildings for the purpose of a boundary adjustment not complying with Rule 13.7.2 .	D	D
5. The subdivision of sites or buildings for the purpose of creating a reserve in accordance with Rule 13.7.1.1 .	C	C
6. The subdivision of sites or buildings for the purpose of creating a utility service site, as defined by Part 1 , and in accordance with Rule 13.7.1.2 .	C	C
7. The subdivision of sites or buildings on land that has been identified as being either potentially contaminated, or is identified as a contaminated site.	D	D
8. The subdivision of sites or buildings on land that has been identified as being either potentially contaminated and confirmed that it is not, or is contaminated and has been remediated to national standards.	C	C
Subdivision of sites and buildings susceptible to natural hazards	1	2
9. The subdivision of sites or buildings on land susceptible to inundation, as defined in Part 1 .	NC	NA
10. The subdivision of sites or buildings on land susceptible to known areas of thermally active ground, or geothermal and hydrothermal activity.	NC	NC

Innovation and enterprise zone lot design performance standards

13.4.5.2 Site dimension requirements

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

Zone	Minimum site area	Site design factor
Innovation Park 1 Scion Campus	There is no minimum site area for this zone.	Sites shall be capable of containing activities in accordance with 13.4.5.3 to 13.4.5.6 , and shall be in accordance with the Approved Development Plan for the site in Appendix 5
Enterprise Park 2 Waipa	There is no minimum site area for this zone. (There maybe for subzones.)	Sites shall be capable of containing activities in accordance with 13.4.5.3 to 13.4.5.6 , and shall be in accordance with the Approved Development Plan for the site in Appendix 5

13.4.5.3 In addition to the site dimension requirements in the table above the following performance standards shall also be met:

- Innovation Zone, Rules **8.4**
- Site suitability, Rules **13.5**
- Site serviceability, Rules **13.6**
- Subdivision performance standards applicable to all zones, Rules **13.7**
- Financial contributions and esplanade reserve requirements, Rules **13.8**
- Other district plan provisions, **13.9**
- Historical, cultural, and natural values of sites, **Part 2** and **Part 3**
- Natural hazards, **Part 13**

Site dimensions

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

1. the performance standards of the zone to be met, or
2. the site is able to accommodate a land use consent that has been granted for the site; and
3. shall be in accordance with the Development Plan for the Zone in **Appendix 5**.

On-site parking and turning areas

13.4.5.5 Any vehicle access, on-site parking and turning that is required in accordance with Rule **8.4.1.4** and **8.4.2.4** and **Appendix 4** shall be provided.

Ability to acquire esplanade reserves

13.4.5.6 The site is of sufficient size to enable any required acquisition of an esplanade reserve in accordance with **Part 3**.

13.4.6 SUBDIVISION IN THE AIRPORT ZONE

The following rules classify subdivision in the Airport Zone.

Airport 1 Rotorua Airport

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

SUBDIVISION ACTIVITY CLASSES

13.4.6.1 The table below states the activity classes for subdivision in the Airport Zone of the district.

Activities	Airport Zone
General rules and activity classifications	1
1. Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant site design performance standards stated in 13.4.6 and the relevant performance standards stated in 13.5 to 13.9 .	D
2. The subdivision of sites or buildings that do not comply or the proposal is not to comply with one or more of any relevant performance standards in 9.4 , any relevant site design performance standards stated in 13.4.6 and the relevant performance standards stated in 13.5 to 13.9 .	NC
Specific subdivision activities	1
3. The subdivision of sites or buildings for the purpose of a boundary adjustment complying with Rule 13.7.2 ., and that are not for the purpose of creating a site for Activities Sensitive to Aircraft Noise.	D
4. The subdivision of sites or buildings for the purpose of a boundary adjustment not complying with Rule 13.7.2 , or comply with 13.7.2 but are for the purpose of creating a site for Activities Sensitive to Aircraft Noise.	NC
5. The subdivision of sites or buildings for the purpose of creating a reserve in accordance with Rule 13.7.1.1 .	C
6. The subdivision of sites or buildings for the purpose of creating a utility service site, as defined by Part 1 , and in accordance with Rule 13.7.1.2 .	C
7. The subdivision of sites or buildings within or dissected by the Inner Control Area or within or dissected by the Air Noise Area, as defined in Part 1 and shown on Planning Map 104 , where all sites are for activities other than Activities Sensitive to Aircraft Noise.	D
8. The subdivision of sites or building within or dissected by the Inner Control Area or within or dissected by the Air Noise Area, as defined in Part 1 and shown on Planning Map 104 , unless stated above	Pro
9. The subdivision of sites or buildings on land that has been identified as being either potentially contaminated, or is identified as a contaminated site.	NC
10. The subdivision of sites or buildings on land that has been identified as being either potentially contaminated and confirmed that it is not, or is contaminated and has been remediated to national standards.	D
Subdivision of sites and buildings susceptible to natural hazards	1
11. The subdivision of sites or buildings on land susceptible to inundation.	NC

AIRPORT ZONE SITE DESIGN PERFORMANCE STANDARDS

13.4.6.2 Site dimension requirements

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

Zone	Minimum site area	Site design factor
Airport 1 Rotorua Airport Zone	There is no minimum site area for this zone	Sites shall be capable of containing activities in accordance with Rule 13.4.6.3 to 13.4.6.6 and or any land use consent granted for the lot being created.

13.4.6.3 In addition to the site dimension requirements in the table above the following performance standards shall also be met:

- Airport Zone, Rules **9.4**
- Site suitability, Rules **13.5**
- Site serviceability, Rules **13.6**
- Subdivision performance standards applicable to all zones, Rules **13.7**
- Financial contributions and esplanade reserve requirements, Rules **13.8**
- Other district plan provisions, **13.9**
- Historical, cultural, and natural values of sites, **Part 2** and **Part 3**
- Natural hazards, **Part 13**

Site dimensions

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

1. the performance standards of the zone to be met, or
2. the site is able to accommodate a land use consent that has been granted for the site;

On-site parking and turning areas

13.4.6.5 Any vehicle access, on-site parking and turning that is required in accordance with Rule **9.4.1.1 (4)**, and **Appendix 4** shall be provided.

Ability to acquire esplanade reserves

13.4.6.6 The site is of sufficient size to enable any required acquisition of an esplanade reserve in accordance with **Part 3**.

Subdivision of sites or buildings within or dissected by the airport Inner Control Area or within or dissecting the Air Noise Area

13.4.6.7 Any land use consent required for future development of any vacant sites to be created by subdivision shall be lodged concurrently with the subdivision consent. A subdivision consent will only be considered for approval if consent to any required land use consent is forthcoming.

13.4.7 SUBDIVISION IN THE RURAL ZONES

The following rules classify subdivision in the Rural Zones of the district.

Rural 1 Working rural

Rural 2 Rural lifestyle

Rural 3 Rural village

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

SUBDIVISION ACTIVITY CLASSES

13.4.7.1 The table below states the activity classes for subdivision in the Rural Zones of the district.

Activities	Rural Zones		
	1	2	3
General rules and activity classifications			
1. Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant site design performance standards stated in 13.4.7 and the relevant performance standards stated in 13.5 to 13.9 .	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: <ul style="list-style-type: none"> a. any relevant performance standards in 10.4; b. any relevant site design performance standards stated in 13.4.7; or c. the relevant performance standards stated in 13.5 to 13.9. 	NC	NC	NC
Specific subdivision activities	1	2	3
3. The subdivision of land for the purposes of creating a lifestyle lot, in accordance with Rule 13.4.7.4 2 .	D	D	D
4. Subdivision in accordance with Appendix A5.6 – Whangamoā Trust Otaramarāe	D	NA	NA
5. The subdivision of sites that may be severed by a natural feature or road as stated in Rule 13.4.7.7 and 13.4.7.8 .	D	D	D
6. The subdivision of sites or buildings for the purpose of a boundary adjustment complying with Rule 13.7.2 .	C	C	C
7. The subdivision of sites or buildings for the purpose of a boundary adjustment not complying with Rule 13.7.2 .	D	D	D
8. The subdivision of sites or buildings for the purpose of creating a reserve in accordance with Rule 13.7.1.1 .	C	C	C
9. The subdivision of sites or buildings for the purpose of creating a utility service site, as defined by Part 1 , and in accordance with Rule 13.7.1.2 .	C	C	C
10. The subdivision of sites or buildings within or dissected by the airport Inner Control Area, as defined in Part 1 and shown on Planning Map 104 .	NC	NA	NA
11. The subdivision of sites or buildings within or dissected by the airport Air Noise Area, as defined in Part 1 and shown on Planning Map 104 .	Pro	NA	NA
12. The subdivision of sites or buildings on land that has been identified as being either potentially contaminated, or is an identified contaminated site.	NC	NC	NC
13. The subdivision of sites or buildings on land that has been identified as being either potentially contaminated and confirmed that it is not, or is contaminated and has been remediated to national standards.	D	D	D
Subdivision of sites and buildings susceptible to natural hazards	1	2	3
14. The subdivision of sites or buildings on land susceptible to inundation.	D	D	D
15. The subdivision of sites or buildings on land susceptible to known areas of thermally active ground, or geothermal and hydrothermal activity.	D	D	D

Additional subdivision entitlement for protection of significant natural areas and reducing nutrients from land use activities	1	2	3
Subdivision of an additional lifestyle lot entitlement where a significant natural area identified in Appendix 2 a2.3 is proposed to be legally protected	C	NA	NA
Subdivision of land in conjunction with a land use activity in accordance with Rule 10.3.2.25 “Conversion from a high nutrient output activity to a low nutrient output activity” , in accordance with 13.4.7.4 4.	C	NA	NA

RURAL ZONE SITE DESIGN PERFORMANCE STANDARDS

Site dimension requirements

13.4.7.2 The table and performance standards below state the minimum site design requirements for sites with the Rural Zones.

Zone	Minimum site area	Site design factor
Rural 1 Working rural	Unless otherwise stated the minimum net site area is 15 hectares of useable land. Except for lifestyle lots in accordance with 13.4.7. 2. where the a minimum net site area of 2,500m ² to a maximum net site area of 4 hectares.	Sites shall be capable of containing activities in accordance with Rule 13.4.7.3
Rural 2 Rural lifestyle	The minimum net site area is stated in Rule 13.4.7.5	Sites shall be capable of containing activities in accordance with Rule 13.4.7.3
Rural 3 Rural village	1500m ² minimum net site area, provided that where Rule 13.4.7.6 applies the site area of all new lots shall be at least 1000m ²	The site shall be capable of containing a square of at least 20m x 15m, that shall be free of the yards in accordance with Rule 10.4.3

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

- Rural Zone, Rules **10.4**
- Site suitability, Rules **13.5**
- Site serviceability, Rules **13.6**
- Subdivision performance standards applicable to all zones, Rules **13.7**
- Financial contributions and esplanade reserve requirements, Rules **13.8**
- Other district plan provisions, **13.9**
- Historical, cultural, and natural values of sites, **Part 2** and **Part 3**
- Natural hazards, **Part 13**

RURAL 1 - WORKING RURAL ZONE

13.4.7.4 1. **Site design useable dimensions**

Unless otherwise stated a site, or an amalgamation of sites to be held in a separate certificate of title, shall have a minimum of 15 hectares of usable land as defined by **Part 1.**

2. **Design requirements 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:

- a. A lifestyle lot to be held in a separate Certificate of Title may be created provided that the net site area of the lot is between 2,500m² and 4 hectares.
- b. 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.

- c. The balance of the site from which the lifestyle lot is to be subdivided has a minimum net site area of 15 hectares of usable land; and
- d. The number of lifestyle 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	15.25 – 50
2	51 – 100
3	101 – 200
4	201 – 400
5	401 and over

- e. 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 the parent title, as it existed at 10 June 1994 or as consented to by Council.
 - f. 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.
3. **Additional lifestyle lot may be created where a significant natural area listed in Appendix 2 a2.3 is to be legally protected, and its ongoing management provided for**
- a. Where a significant natural area identified in **Appendix 2 a2.3** is proposed to be legally protected as part of the subdivision application, and the ongoing management of the area, an additional lifestyle lot over and above that allowed by the table in **13.4.7.4 2** may be created. The additional lot shall comply with all other requirements of 13.4.7.4 2.
 - b. For those sites that are not eligible for a lifestyle lot entitlement in accordance with Rule **13.4.7.4 2**, or have previously exhausted all lifestyle lot entitlements allowed, an additional lifestyle lot may be created for where a significant natural area identified in **Appendix 2 a2.3** is proposed to be legally protected as part of the subdivision application, and the ongoing management of the feature.
4. **Subdivision of land in conjunction with a land use activity in accordance with Rule 10.3.2.25 “Conversion from a high nutrient output activity to a low nutrient output activity”**
- Where a subdivision consent is lodged concurrently with a land use consent in accordance with Rule **10.3.2.25** the subdivision consent will be a controlled activity. As part of the subdivision the following matters will be addressed in the subdivision consent application:
- a. A comprehensive visual and landscape assessment has been undertaken, by a suitably qualified professional, of the site in order to determine the most sympathetic placement of buildings within the landscape.
 - b. A comprehensive ecological assessment has been undertaken where.
 - c. Retirement and enhancement of riparian areas in accordance with the provisions of **Part 3** of the plan will occur.
 - d. Sufficient space will be provided for about buildings so that those qualities that contributed to rural character are maintained.
 - e. The proposal will comply with the relevant site suitability, site serviceability, financial contributions performance standards stated in **13.5 to 13.9**.
 - f. The degree to which the conversion to a low nutrient activity will have a positive effect on improving lake water quality.
 - g. Building design and site layout matters stated **10.5.5 1.**, with particular emphasis on the maintenance of rural character, space about buildings, and density of residential activity.
 - h. The protection of matters of national importance such as outstanding natural features and landscapes, wetlands, sites of historical or cultural importance.
 - i. Ongoing programme of implementation and management to ensure that the activity continues over time to contribute to improving lake water quality.

- j. Annual report of land use activities undertaken on site and the contribution these have to improving lake water quality, where such matters as nutrient discharge are monitored and reported on.
- k. Restrictions on the type of future activities that are likely to occur on the site.

Where the above matters have been addressed to Council satisfaction the Rural 1 minimum site requirements stated in **13.4.7.2 and 13.4.7.4** may be waived.

- 5. **Subdivision of sites or buildings within or dissected by the airport Inner Control Area**
 - a. Any land use consent required for future development of any vacant sites to be created by subdivision shall be lodged concurrently with the subdivision consent. A subdivision consent will only be considered for approval if consent to any required land use consent is forthcoming.
 - b. The assessment criteria **10.6.5.1** and **10.7.6** shall be taken into account when considering both the subdivision and land use consents concurrently.

RURAL 2 - RURAL LIFESTYLE ZONE

13.4.7.5 Minimum lot design requirements

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 8,000m², 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: and
 - b. All relevant performance standards associated with the location of buildings on site as stated in **10.4** can be met; and
 - c. Where sites contain existing buildings, it can be demonstrated that **13.4.7.7** is met.
- 2. 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:
 - a. The minimum net site area for any new lot shall be 4,000m²; and
 - b. All relevant performance standards associated with the location of buildings on a site, as stated in **10.4**, can be met; and
 - c. Where sites contain existing buildings, it can be demonstrated that **13.4.7.7** is met.

RURAL 3 - RURAL VILLAGE ZONE

13.4.7.6 Minimum lot design requirements

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 m², 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.
 - b. All relevant performance standards associated with the location of buildings on site as stated in **10.4**, can be met; and
 - c. Where sites contain existing buildings, it can be demonstrated that **13.4.7.7** is met.
- 2. Where a lot zoned as Rural 3 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 1000m²; and
 - b. All relevant performance standards associated with the location of buildings on site as stated in **10.4**, can be met; and
 - c. Where sites contain existing buildings, it can be demonstrated that **13.4.7.7** is met.

SUBDIVISION PROVISIONS APPLICABLE TO ALL RURAL ZONES

13.4.7.7 Subdivision of sites with existing buildings

1. 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 **10.4**.
2. 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 state in **10.4** shall not be increased by the subdivision.

13.4.7.8 Severed Lots

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

- a formed public road;
- an unrestricted Maori roadway;
- a railway reserve;
- topographical severance.

Subdivision undertaken in accordance with the provisions of this rule shall be a Discretionary activity. For the avoidance of doubt compliance with 13.4.7.3 is required for severed lots. This Rule will not apply in addition to any lifestyle lot allocation under **13.4.7.4 2**.

13.4.7.9 Lots not to create new severed areas

Subdivision of land shall not create a lot that has the potential to use the severed lot provision **13.4.7.8** to claim a future severed lot. The features listed in rule **13.4.7.8** 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 unnecessarily. Boundaries shall not be created .

13.4.7.10 Waikato regional requirements for lots less than 2,500m²

Where any lot proposed to be subdivided has an area of less than 2,500 m², and is located within the Waikato region, and is not proposed to be connected to a reticulated sanitary 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.

13.4.8 SUBDIVISION IN RESERVE AND RECREATION ZONES

The following rules classify subdivision in the Reserve and Recreation Zones of the district.

- Reserve 1 Public Reserves**
Reserve 2 Privately-Owned Reserves
Reserve 3 Lakes and Rivers

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

Subdivision activity classes

13.4.8.1 The table below states the activity classes for subdivision in the Reserves and Recreation Zones of the district.

Activities	Reserve and Recreation Zones		
	1	2	3
General rules and activity classifications			
1. Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant site design performance standards stated in 13.4.8 and the relevant performance standards stated in 13.5 to 13.9 .	C	C	NC
2. Unless otherwise stated below the subdivision of sites or buildings that would otherwise be a controlled activity and that comply with all but one of any relevant performance standards in 11.4 , any relevant site design performance standards stated in 13.4.1 and the relevant performance standards stated in 13.5 to 13.9 .	D	D	NC
3. The subdivision of sites or buildings that do not comply or the proposal is not to comply with two or more of any relevant performance standards in 11.4 , any relevant site design performance standards stated in 13.4.1 and the relevant performance standards stated in 13.5 to 13.9 .	NC	NC	NC
Specific subdivision activities	1	2	3
4. The subdivision of sites or buildings for the purpose of a boundary adjustment complying with Rule 13.7.2 .	C	C	C
5. The subdivision of sites or buildings for the purpose of a boundary adjustment not complying with Rule 13.7.2 .	D	D	NC
6. The subdivision of sites or buildings for the purpose of creating a reserve in accordance with Rule 13.7.1.1 .	C	C	NC
7. The subdivision of sites or buildings where sites are not being created for reasons other than for the purpose of creating a reserve	D	NC	NC
8. The subdivision of sites or buildings for the purpose of creating a utility service site, as defined by Part 1 , and in accordance with Rule 13.7.1.2 .	C	C	NC
9. The subdivision of sites or buildings within or dissected by the airport Inner Control Area or within or dissected by the airport Air Noise Area, as defined in Part 1 and shown on Planning Map 104 where all sites are for activities other than Activities Sensitive to Aircraft Noise.	D	NA	NC
10. The subdivision of sites or building within or dissected by the Inner Control Area or within or dissected by the Air Noise Area unless stated above	Pro	NA	Pro
11. The subdivision of sites or buildings on land that has been identified as being either potentially contaminated, or is an identified contaminated site.	D	D	D
Subdivision of sites and buildings susceptible to natural hazards			
12. The subdivision of sites or buildings on land susceptible to inundation.	D	D	D
13. The subdivision of sites or buildings on land susceptible to known areas of thermally active ground, or geothermal and hydrothermal activity.	D	D	D

RESERVES AND RECREATION SITE DESIGN PERFORMANCE STANDARDS

Site dimension requirements

13.4.8.2 The table and performance standards below state the minimum site design requirements for site within the Reserves and Recreation Zones.

Zone	Minimum site area	Site design factor
Reserve 1 Public Reserve	There is no minimum net site area for this zone in accordance with 13.7.1	Sites shall be capable of containing activities in accordance with 13.7.1 .
Reserve 2 Privately-Owned Reserve	There is no minimum net site area for this zone in accordance with 13.7.1	Sites shall be capable of containing activities in accordance with 13.7.1 , except where sites are intended for a commercial or residential nature are proposed. Where sites are intended for a future residential or commercial use sites shall be capable of containing activities in accordance with 13.4.8.3 and 13.4.8.4
Reserve 3 Lakes and Rivers	There is no minimum net site area for this zone in accordance with 13.7.1	There are no site design factors for this zone

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

- Reserve and Recreation Zone, Rules **11.4**
- Site suitability, Rules **13.5**
- Site serviceability, Rules **13.6**
- Subdivision performance standards applicable to all zones, Rules **13.7**
- Financial contributions and esplanade reserve requirements, Rules **13.8**
- Other district plan provisions, **13.9**
- Historical, cultural, and natural values of sites, **Part 2** and **Part 3**
- Natural hazards, **Part 13**

Site dimensions

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

1. the performance standards of the zone to be met, or
2. 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.

Subdivision of sites or buildings within or dissected by the airport Inner Control Area

- 13.4.8.5
1. Any land use consent required for future development of any vacant sites to be created by subdivision shall be lodged concurrently with the subdivision consent. A subdivision consent will only be considered for approval if consent to any required land use consent is forthcoming.
 2. The assessment criteria **11.6.5** and **11.7.6** shall be taken into account when considering both the subdivision and land use consents concurrently.

13.4.9 INFRASTRUCTURE ZONE LOT DESIGN PERFORMANCE STANDARDS

The following rules classify subdivision in the Infrastructure Zones of the district.

Infrastructure 1 Road

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

SUBDIVISION ACTIVITY CLASSES

The table below states the activity classes for subdivision in the Infrastructure Zone of the district.

Activities	Infrastructure Zone
General Activities and classifications	1
1. The subdivision of land for the purposes of roads	C
2. The subdivision of land for purposes other than for roading where land is amalgamated with the adjoining land and no new certificates of title result	C
Specific subdivision activities	1
3. Subdivision for the purpose of: <ul style="list-style-type: none"> ▪ vesting road required to ensure the existing road alignment is vested in the Road Controlling Authority; ▪ required road widening; or ▪ required service lanes in accordance in accordance with Rule 13.7.2 	C
4. Subdivision for the purposes of boundary adjustments where land is surplus to roading requirements or where land is required for roading purposes in accordance with Rule 13.7.2	C
5. The subdivision of sites or buildings for the purpose of a boundary adjustment not complying with Rule 13.7.2 .	D
6. The subdivision of sites or buildings within or dissected by the Inner Control Area or within or dissected by the Air Noise Area, as defined in Part 1 and shown on Planning Map 104 , where all sites are being created to vest land required for the Rotorua Eastern Arterial and which does not result in additional titles being created for activities other than Activities Sensitive to Aircraft Noise.	C

INFRASTRUCTURE ZONE LOT DESIGN PERFORMANCE STANDARDS

Site dimension requirements

13.4.9.2 The table and performance standards below states the minimum site design requirements for sites within the Infrastructure Zone.

Zone	Minimum site area	Site design factor
Infrastructure and Transport 1 Road	<p>There is no minimum net site area for this zone, except where additional certificates of title are to issue</p> <p>Where sites are created for which additional certificates of title are to issue the minimum net site area relevant to the adjoining Zone shall apply.</p>	<p>There are no site design factors for this zone, except where sites are created for sites where additional certificates of title are to issue.</p> <p>Where sites are created for which additional certificates of title are to issue the site design factors relevant to the adjoining Zone shall apply.</p>

13.5 SITE SUITABILITY PERFORMANCE STANDARDS APPLICABLE TO ALL ZONES

13.5.1 SUBDIVISION OF LAND OR BUILDINGS SUSCEPTIBLE TO INUNDATION FROM SURFACE WATER

For the purpose of this rule inundation is defined as being surface ponding caused by a 2% Annual Exceedance Probability (AEP) storm event (1 in 50 year return period flood event). For the subdivision of any land or buildings susceptible to inundation from surface water the following shall apply:

1. 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.
2. Subdivision of lots containing existing lawfully authorised buildings located on land susceptible to inundation may be undertaken on the understanding that any replacement or habitable additions to building in the future will require building platforms filled to above the 2% AEP flood level 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.
3. Compliance with the site coverage performance standard for the zone will not be required where:
 - a. The existing building has been lawfully established with a footprint exceeding the site coverage performance standard; or
 - b. A resource consent has been granted to exceed the percentage of site coverage stated in the performance standard.

13.5.2 SUBDIVISION OF LAND OR BUILDINGS SUSCEPTIBLE TO HIGH GROUND WATER TABLES AND FLOOD LEVELS

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.

1.
 - 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 lakes levels as set by the relevant regional authority; and
2. 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 required in order to provide a dry building platform in order to comply with relevant statutory requirements for the construction of buildings; and
3. Filling to achieve 2. above shall not result in displacement of surface ponding off the site onto other properties.
4. In reserve areas, or other areas excluded from the placement of buildings or services, lower standards than those required above may be accepted by Council. The areas that will be covered by these provisions are to be shown on applications for the subdivision of any sites or buildings.
5. 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.
6. 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 for the site.

13.5.3 DESIGN STANDARDS FOR STORMWATER MANAGEMENT AT THE TIME OF SUBDIVISION

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

1. Secondary flow (normally surface flow) paths shall be designed and constructed to ensure that surface water shall not enter buildings; and
2. 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.
3. Roads maybe used to provide stormwater ponding and overland flowpaths when the primary system is overloaded.

13.5.4 SUBDIVISION OF LAND OR BUILDINGS IN AREAS OF THERMALLY ACTIVE GROUND, GEOTHERMAL AND 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;

1. 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.
2. 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 mitigation.
3. 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.

13.5.5 SUBDIVISION OF LAND OR BUILDINGS ON GROUND SUBJECT TO SLIPPAGE AND SUBSIDENCE

As part of any subdivision consent application it shall be demonstrated that the site upon which the subdivision is to occur is not subject to potential slippage or subsidence. Further it shall be demonstrated that the site is suitable for subdivision and the intended future use, and that the subdivision or intended future use will not exacerbate any slippage or subsidence effects on the site.

13.5.6 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.

13.6 SITE SERVICABILITY PERFORMANCE STANDARDS APPLICABLE TO ALL ZONES

13.6.1 SITE DEVELOPMENT AND EARTHWORKS

Earthworks, foundations and land stability

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

1. 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, in accordance with Resource Management Act 1991
2. All earthworks are carried out in a manner that does not cause damage to the natural and physical environment. Where the site is within a feature identified in **Appendix 1** or **Appendix 2**, then the provisions of **Part 3** of the plan shall apply.
3. 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. 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 Professional Engineer specialising in Geotechnical works.
5. Where the volume of filling exceeds 50m³ and the depth exceeds 450mm, the filling shall be tested and certified by a Chartered Professional Engineer.

13.6.2 ROADING AND ACCESS

Roading network general requirements

13.6.2.1 For the subdivision of any land or buildings the following are the general requirements for servicing new sites created by subdivision:

1. A 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. The roading layout must provide for access to adjoining land where deemed necessary by Council.
2. Provision for the safe and convenient movement of pedestrians and cyclists throughout the subdivision site or development is provided.
3. Provision is made for noise mitigation in terms of landscaping or building setbacks in the planning of the subdivision in order to ensure amenity and mitigation from transport routes is provided for.
4. Sufficient provision is 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, gas and for landscaping and street trees.

Roading minimum servicing requirements

13.6.2.2 The following are the minimum requirements for servicing new sites created by subdivision or development:

1. All sites and lease areas for which a certificate of title is to be issued must have suitable legal and physical access and frontage to roads or other means of access approved by Council. 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.
2. 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.
3. 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 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.
4. 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 site area is provided over other land pursuant to an easement of right of way or via an access lot.
 - b. 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.
 - c. The subdivision of land and buildings shall be designed such that there is sufficient on-site turning to comply with Appendix 5, so that reversing of vehicles along a right of way, access lot, or access leg will not be necessary.

Shared Private Access

13.6.2.3 The following are the minimum requirements for shared private access created by subdivision:

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

	Number of potential household units	Widths	
		Legal	Formation
Shared Private Access	1-2 -potential household units	3m	2.7m
	1-4 potential household units	4m	3m
Shared Private Access	5-8 potential household units	6.5m	5m
Rural 1 Zone Shared Private Access		20m	6m

2. The maximum number of household units, and potential household units, that may share a private access shall be no more than 8.
3. Potential household units for a site will be calculated by dividing the site area by the minimum net site area for the zone less any unbuildable area.

Design guidance for roading layouts

13.6.2.4 For any subdivision which requires detailed roading design any capacity provision related to the subdivision must meet the requirements of the Road Controlling Authority.

1. For any subdivision the following shall be considered when designing appropriate roading and access:
 - a. Roads serve a number of purposes that enhance quality of life, improve opportunities for business and commerce and meet a range of local, regional and national goals for access, mobility and land use; and
 - b. Roads serve the functions of place and linkage which enable the interaction between human, business, buildings, public spaces and the connection and movement of pedestrians, cyclists, public transport, freight, private vehicles and other modes of transport.
 - c. Design of roads shall take into account the function that roads perform as a servicing corridor for utilities and amenity infrastructure, which can include stormwater treatment and conveyance, road lighting, landscaping, street furniture, utility services, signals, signs, markings and safety, convenience and crime prevention.

Provision of a design and access statement for roading design approval

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

1. 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:
 - a. road dimensions and layout;
 - b. link and place functions;
 - c. Connectivity;
 - d. the manner in which target operating speeds will be achieved
 - e. the manner in which Low Impact Design principles have been considered for stormwater run off from the roads.
2. 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.

13.6.3 NETWORK SERVICABILITY PERFORMANCE STANDARDS

General servicing requirements for water services - wastewater, stormwater and water supply

13.6.3.1 The following are the general requirements for servicing new sites created by subdivision:

1. All land and buildings to be subdivided 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. All existing water services available are extended wherever practically possible, allowing for the connection of each new site 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 capacity.
3. Where one or more of the water services are not available, the site or building to be subdivided is able to sustain the lack of the particular service in its own right.
4. The location of any new water services is provided for within road reserves in the first instance.
5. Unless otherwise permitted by this Plan, all services shall be entirely underground.
6. All easements for the identification and protection of private and public services are to 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.
7. All sites and buildings shall be serviced independently with stormwater, sanitary sewerage and/or water supply to the point of discharge and supply as deemed appropriate by Council.
8. All existing water services serving the sites in the subdivision and that are located on adjacent sites must be identified, including all associated existing and proposed easements associated with the provision of water services.

Minimum design requirements for stormwater, sanitary sewerage, and water supply

13.6.3.2 The following is the minimum requirement for servicing new sites created by subdivision:

1. 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.
2. The subdivider shall provide for the adequate disposal of sewage from each site and buildings within the subdivision.
3. 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.

General requirements for street lighting

13.6.3.3 The following are the general requirements for street lighting for new sites created by subdivision:

1. Adequate provision is made for the supply and installation of street lighting in accordance with the requirements of the roading authority. Written confirmation of this will be required prior to release of Section 224(c) certification.
2. Any required street lighting is provided in a manner to ensure safety of pedestrians, cyclists, and vehicles using the roading network.

General requirements for electricity, telecommunication and gas

13.6.3.4 The following are the general requirements for servicing new sites created by subdivision:

1. Adequate provision is made for the supply and installation of electricity, telecommunication and gas services in accordance with the requirements of the supply authority. Written confirmation of this will be required prior to release of Section 224(c) certification.
2. Electricity, telecommunication, and services be installed underground. Unless specific written approval is given otherwise written confirmation of this will be required prior to release of Section 224(c) certification.

Minimum servicing requirements for electricity supply

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

1. The subdivider shall make adequate arrangements for the reticulation of an electric power supply for every site and building within the subdivision up to the frontage of the site, or lease area. The subdivider shall prove to Council that the cost of subsequent connection by the future property owner or occupier is not onerous or unreasonable.

Minimum servicing requirements for gas supply

13.6.3.6 The following is the minimum requirement for gas servicing new lots created by subdivision:

1. The subdivider shall reticulate gas supply for each site and building 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.

Minimum servicing requirements for telecommunications and broadband

13.6.3.7 The following is the minimum requirement for servicing new lots created by subdivision or development:

1. The subdivider shall make adequate arrangements for the reticulation of a telephone service and telecommunication services that shall include broadband capability, for every site, lease area and /or building 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.

13.7 GENERAL REQUIREMENTS FOR SUBDIVISION PERFORMANCE STANDARDS APPLICABLE TO ALL ZONES

13.7.1 RESERVE AND UTILITY SERVICE SITES

Subdivision for the sole purpose of creating reserves

13.7.1.1 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 Maori Act 1993/Maori Land Act 1993* or *Resource Management Act 1991* the following shall apply:

1. There shall be no minimum site area where a subdivision creates a site for a reserve.
2. 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 maybe imposed if building platforms and services are not provided.
3. The balance lot from which the reserve is to be excised shall be demonstrated as being suitable for it's purpose.
4. The provisions in 1. and 2. above shall also apply for 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*.

Subdivision for the purpose of creating a utility service site

13.7.1.2 For the subdivision of any site or building to create a lot to accommodate utility service site the following shall apply:

1. There shall be no minimum site area for a site to accommodate a utility service;
2. 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 maybe imposed if building platforms and services are not provided.
3. The utility service site shall be of sufficient size to adequately accommodate the utility service, any associated buildings and structures;
4. 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;
5. 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 12**;
6. The balance lot from which the utility service site is to be excised shall be demonstrated as being suitable for it's purpose.

13.7.2 BOUNDARY ADJUSTMENTS

Boundary adjustments in all zones

13.7.2.1 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 additional lots or lease areas for which a Certificate of Title can be issued are created; and
2. The adjustment or relocation of boundaries will leave the resulting Certificates of Title with similar areas to that existing prior to subdivision; and
3. The adjustment or relocation of boundaries does not increase the degree of non-compliance of any existing Certificate of Title, or lease area, with the site design performance standards contained in this Part for the Zone.
4. The adjustment or relocation of boundaries does not result in lifestyle lot sized lots for which there was not an allocation.

13.7.3 REGIONAL PLANS

13.7.3.1 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 Bay of Plenty Regional Council and Waikato Regional Council, and subdividers are urged to consult with these agencies prior to lodging an application for subdivision consent.

13.7.4 REGISTRATION OF CONSENT NOTICES AGAINST TITLES

Subdivision registration of Consent Notices

13.7.4.1 Where any subdivision of land or buildings being subdivided creates an effect that has ongoing consequences or requires ongoing management, the avoidance, remediation, or mitigation of these effects shall be stated as conditions of resource consent. Further, the necessary conditions shall require registration by way of Consent Notice on the Certificate of Title for the new lots or lease areas created.

13.7.5 CROSS LEASE, UNIT TITLE, COMPANY LEASESUBDIVISION

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

1. Existing use rights; or
2. Comply with the relevant provisions of the district in the zone in which the site is located; or
3. Comply with all building consent requirements, or have a Certificate of Acceptance issued in accordance with the Building Act 2004; or
4. 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.

13.7.6 CONVERSION OF CROSS-LEASE TO FEE-SIMPLE SUBDIVISION

- 13.7.6.1
1. The conversion of cross-lease titles into fee-simple titles shall demonstrate to Council that:
 - a. The performance standards of the zone in which the site is located can be met, including that the proposed lots comply with the minimum net site area.
 - b. 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 site in accordance with the Performance Standards of the relevant zone.
 2. The conversion of a cross-lease title to a fee-simple title shall be subject to the esplanade provisions of **Part 3** of the plan.
 3. The conversion of a cross-lease title to a fee-simple title shall be subject to site suitability performance standards as required by **13.5** and any relevant infrastructure servicing upgrades as required by **13.6**.

13.8 GENERAL REQUIREMENTS FOR FINANCIAL CONTRIBUTIONS AND ESPLANADE RESERVE REQUIREMENTS

13.8.1 FINANCIAL CONTRIBUTIONS

Financial contributions for reserve purposes

13.8.1.1 Financial contributions for reserves are required for all new sites and will be levied in the manner as detailed in **Part 15**. Financial contributions can be levied as cash or land. Any works for the upgrading of services may also be required in order to avoid, remedy, or mitigate adverse effects from subdivision. The instances in which land or works will be levied is stated in **Part 15**.

Financial contributions for roads and servicing upgrades

13.8.1.2 Financial contributions for subdivision 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 will be levied in the manner stated in **Part 15**.

Financial contributions for vesting of service lanes

13.8.1.3 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 104 - City Centre Service Lanes** and in accordance with **Part 5** and **Part 15**. 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 Council. The costs of forming the service lane shall be met by Council.

13.8.2 ESPLANADE RESERVES, ESPLANADE STRIPS, AND ACCESS STRIPS

13.8.2.1 Council will require the vesting of esplanade reserves and/or 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 20m of a stream, river, or lake as defined in the Act, and in accordance with **Part 3** of this plan.

13.9 OTHER DISTRICT PLAN PROVISIONS

13.9.1 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.

13.9.2 Reference should also be made the following sections of the Plan for other matters relevant to the subdivision of sites or buildings:

Part 1	Definitions
Part 2	Issues of Importance to Maori
Part 3	Matters of National Importance
Part 4	Residential
Part 5	City Centre
Part 6	Commercial
Part 7	Industrial
Part 8	Innovation and Enterprise
Part 9	Airport
Part 10	Rural
Part 11	Reserves and Recreation
Part 12	Infrastructure
Part 14	Natural Hazards
Part 15	Financial Contributions
Part 16	Hazardous Substances
Appendix 1	Cultural Heritage
Appendix 2	Natural Heritage
Appendix 3	Designations
Appendix 4	Road Hierarchy
Appendix 5	Parking and Turning
Appendix 5	Approved Development Plans
Appendix 6	City Centre Design Guide