

74 Subdivision Rules - Business 1, 2, 3, 4, Town Basin, Marsden Point Port, Port Nikau and Airport Environments

74.1 Introduction

This chapter contains subdivision rules for the Business 1, 2, 3, 4, Town Basin, Marsden Point Port, Port Nikau and Airport Environments. Additional subdivision rules are also contained in the Esplanade Priority Areas rules (Chapter 61) and Financial Contributions (Chapter 80).

See Chapter 70.3 for a list of matters to which controlled is reserved. These apply to every controlled activity mentioned in the rule table

All rules apply to subdivision in all Business Environments, and the Town Basin Airport and Marsden Point Port Environments, unless otherwise stated.

74.2 Application of Rules

Unless otherwise stated, the rules in the rule table do not apply to allotments that are intended exclusively for utility, road, reserve or access purposes. The following rules apply to all allotments, including those used for utility, road, reserve or access purposes:

- Existing buildings;
- Sites of Significance to Maori;
- Property access;
- Stormwater;
- Earthworks;
- Stone walls.
- Outstanding Natural Features, including Geological Sites.

74.2.1 Subdivision in the Port Nikau Environment

Subdivision in accordance with the Port Nikau Environment subdivision rules can only be undertaken after a Master Plan and / or Precinct Plan has been approved. Following the approval of a Master Plan and / or Precinct Plan, any subdivision in the Port Nikau Environment shall be undertaken in accordance with the requirements of this Chapter.

74.3 Rule Table - Subdivision in Business 1, 2, 3, 4, Town Basin, Marsden Point Port, Port Nikau and, Airport Environments

74.3.1 Allotment Area

<p>Subdivision is a controlled activity if:</p> <p>a) In the Business 1, 3, Town Basin, Port Nikau and Airport Environments, every allotment has a net site area of at least 100.0m²; or</p> <p>Except in the Town Basin Open Space Sub-environment, where subdivision is a controlled activity only if no new allotments are created.</p> <p>b) In the Business 2 Environment, every allotment has a net site area of at least 300.0m²; or</p> <p>c) In the Business 4 and Marsden Point Port Environment, every allotment has a net site area of at least 1000.0m²; and</p> <p>d) Every allotment not connected to a reticulated sewerage system has a net site area of at least 2000.0m².</p> <p>Control is reserved over:</p> <p>i. Potential effects of permitted land uses on neighbouring properties;</p> <p>ii. The efficiency of land use;</p> <p>iii. Effects on amenity values of neighbouring properties;</p> <p>iv. Effects on amenity values of the land being subdivided;</p> <p>v. The additional matters listed in Chapter 70.3.</p>	<p>Any activity that does not comply with a standard for a controlled activity is a discretionary activity as long as, in the Town Basin Open Space Sub-Environment, the subdivision complies as a controlled activity with the standards of the Town Basin Environment.</p> <p>Subdivision in the Town Basin Open Space Sub-Environment that does not comply with a standard for a discretionary activity is a non-complying activity.</p>
---	---

74.3.2 Allotment Shape

<p>Subdivision is a controlled activity if:</p> <p>a) In the Business 2 Environment, every allotment is capable of containing, within its net site area, a circle with a diameter of 16.0m, or a square at least 14.0m by 14.0m; or</p> <p>b) In the Business 4 and Marsden Point Port Environment, every allotment is capable of containing, within its net site area, a square at least 20.0m by 20.0m.</p> <p>Control is reserved over:</p> <p>i. Ability to site a building permitted under this Plan;</p>	<p>Any activity that does not comply with a standard for a controlled activity is a discretionary activity.</p>
--	--

<ul style="list-style-type: none"> ii. Traffic and pedestrian safety; iii. Provision for safe and practical vehicular access to allotments; iv. The efficiency of land use; v. Amenity values of the locality; vi. The additional matters listed in Chapter 70.3. 	
--	--

74.3.3 Allotment Frontage

<p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) In the Business 1, 3, Town Basin and Airport Environments, every allotment that has a frontage has at least: <ul style="list-style-type: none"> i) 6.0m frontage; or ii) 12.0m frontage in the case of a corner site; or b) In the Business 2 Environment, every allotment that has a frontage has at least: <ul style="list-style-type: none"> i) 15.0m frontage; or ii) 30.0m frontage in the case of a corner site; or c) In the Business 4 and Marsden Point Port Environment, every allotment that has a frontage has at least: <ul style="list-style-type: none"> i) 24.0m frontage; or ii) 48.0m frontage in the case of a corner site. <p>Control is reserved over:</p> <ul style="list-style-type: none"> i. Ability to site a building permitted under this Plan; ii. Traffic and pedestrian safety; iii. Provision for safe and practical vehicular access to allotments; iv. The efficiency of land use; v. Amenity values of the locality; vi. The additional matters listed in Chapter 70.3. 	<p>Any activity that does not comply with a standard for a controlled activity is a discretionary activity.</p>
--	--

74.3.4 Existing Buildings

<p>Subdivision is a controlled activity if:</p> <p>a) The boundaries of all allotments are drawn relative to existing buildings, so that there is compliance as a permitted activity with the rules in Chapter 47 (Road Transport), and any other rules relating to parking, loading, manoeuvring and access; and</p> <p>b) The boundaries of all allotments are drawn relative to existing buildings, so that the building complies as a permitted activity with the rules in this Plan relating to site coverage, setbacks, daylight angles, and outdoor living space, except to the extent of any non-compliance that existed lawfully prior to subdivision.</p> <p>Control is reserved over:</p> <p>i. Effects on amenities, both on site and on neighbouring properties, including other allotments in the subdivision;</p> <p>ii. Opportunities to reduce the extent of any existing non-compliance with the Rules in this Plan;</p> <p>iii. The additional matters listed in Chapter 70.3.</p>	<p>Any activity that does not comply with a standard for a controlled activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>i. The matters over which control is reserved;</p> <p>ii. Provision for on-site parking, loading, manoeuvring and access;</p> <p>iii. The matters referred to in any land use rules that are not complied with;</p> <p>iv. Effects on health and safety.</p>
---	--

74.3.5 Sites of Significance to Maori

<p>Subdivision is a controlled activity if:</p> <p>a) The boundaries of all allotments are drawn relative to a Site of Significance to Maori shown on the Planning Maps, to ensure that the whole site is entirely within one of the allotments produced by the subdivision.</p> <p>Control is reserved over:</p> <p>i. Effects of allotment boundaries on cultural values;</p> <p>ii. The provision of mechanisms to achieve the permanent protection, where appropriate, of the Site of Significance;</p> <p>iii. The additional matters listed in Chapter 70.3.</p>	<p>Any activity that does not comply with a standard for a controlled activity is a discretionary activity.</p>
--	--

74.3.6 Property Access

<p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) Every allotment is capable of having vehicular access to a road; and b) Access is physically provided where it is shared by two or more allotments; and c) No more than 8 allotments are served by a shared access. <p>Control is reserved over:</p> <ul style="list-style-type: none"> i. The relevant provisions of the Whangarei District Council's Environmental Engineering Standards 2010; ii. The adequacy of the access for the anticipated use; iii. The ability of the access to contain required services; iv. Traffic safety and visibility; v. The provision of acceleration and deceleration lanes; vi. Type, frequency and timing of traffic; vii. Access design, number and location of vehicle crossings; viii. Efficiency and safety of roads; ix. The need for forming or upgrading of roads in the vicinity of the site; x. The need for traffic control, including signs, signals and traffic islands; xi. The additional matters listed in Chapter 70.3. 	<p>Any activity that does not comply with a standard for a controlled activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> i. The matter over which control is reserved; ii. The need for access to the allotment; iii. The safe and efficient movement of people, vehicles and goods; iv. The ability of the road structure to withstand anticipated loads; v. The effects of water runoff.
--	--

74.3.7 Road and Cycleway Layout and Formation

<p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) Any new road or cycleway laid out or formed in a subdivision complies in all respects with the relevant standards in Whangarei District Council's Environmental Engineering Standards 2010 and the relevant provisions in Appendix 9; and b) New roads or cycleways are formed along the general alignment of any indicative road or cycleways shown on the Planning Maps. <p>Control is reserved over:</p> <ul style="list-style-type: none"> i. The relevant provisions of the Whangarei District Council's Environmental Engineering Standards 2010; 	<p>Any activity that does not comply with a standard for a controlled activity is a discretionary activity.</p>
--	--

<ul style="list-style-type: none"> ii. The exact alignment of indicative roads; iii. The additional matters listed in Chapter 70.3. 	
---	--

74.3.8 Street Lighting

<p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) Street lighting is provided on all new roads created by the subdivision, and complies with the relevant standards in Whangarei District Council's Environmental Engineering Standards 2010 and the relevant provisions in Appendix 9. <p>Control is reserved over:</p> <ul style="list-style-type: none"> i. The safety of vehicle occupants and pedestrians; ii. Road safety and efficiency; iii. The relevant provisions of Appendix 9 and the Whangarei District Council's Environmental Engineering Standards 2010; iv. The additional matters listed in Chapter 70.3. 	<p>Any activity that does not comply with a standard for a controlled activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> i. The matters over which control is reserved; ii. The necessity for street lights; iii. The spacing of the lights; iv. The height of the lights.
---	---

74.3.9 Provision for Extension of Services

<p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) The design and layout of the subdivision provides for the efficient future extension of water supply, stormwater, sewerage and roads to any adjoining land. <p>Control is reserved over:</p> <ul style="list-style-type: none"> i. Financial Contributions under Chapter 80; ii. Without limiting Chapter 70.3: land required to be set aside; i.e. by way of easements, bonds, covenants, consent notices or segregation strips; iii. The relevant provisions of Appendix 9 and the Whangarei District Council's Environmental Engineering Standards 2010; iv. The additional matters listed in Chapter 70.3. 	<p>Any activity that does not comply with a standard for a controlled activity is a discretionary activity.</p>
---	--

74.3.10 Water Supply

<p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) All allotments are provided, within their net site area, with a connection to a Council-maintained water supply where available; or 	<p>Any activity that does not comply with a standard for a controlled activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p>
---	--

<p>b) Where no Council system is available, all allotments can be provided with a safe potable water supply; and</p> <p>c) The water supply is constructed to comply in all respects with the relevant standards in Whangarei District Council's Environmental Engineering Standards 2010 and the relevant provisions in Appendix 9.</p> <p>Control is reserved over:</p> <ul style="list-style-type: none"> i. The availability of water to each allotment sufficient for the likely land use; ii. Supplies of water for fire fighting purposes; iii. The existing water infrastructure within the subdivision, and linkage with existing supply systems outside the subdivision; iv. Where there is no Council-reticulated water supply, the safety and reliability of any proposed water supply; v. The need for land to be set aside and vested in the Council as a site for any public water supply; vi. The relevant provisions of Appendix 9 and the Whangarei District Council's Environmental Engineering Standards 2010; vii. The additional matters listed in Chapter 70.3. 	<ul style="list-style-type: none"> i. The matters over which control is reserved; ii. The need for a connection to a water supply for the allotment; iii. The proposed system's ability to ensure an adequate water supply for potable water and fire fighting requirements; iv. The proposed system's ability to accommodate anticipated flows, and withstand pressures and loads.
--	---

74.3.11 Stormwater

<p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) All allotments are provided, within their net site area with a means for the disposal of collected stormwater from the rooves of all potential or existing buildings and from all impervious surfaces; and b) The disposal is by way of a connection to a Council-maintained stormwater system where available; and c) The stormwater disposal system is constructed to comply in all respects with the relevant standards in Whangarei District Council's Environmental Engineering Standards 2010 and the relevant provisions in Appendix 9. <p>Control is reserved over:</p> <ul style="list-style-type: none"> i. Control of water-borne 	<p>Any activity that does not comply with a standard for a controlled activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> i. The matters over which control is reserved; ii. The need for a connection to a stormwater disposal system for the allotment; iii. The proposed system's ability to protect property and the environment from the adverse effects of surface water; iv. The proposed system's ability to accommodate the anticipated flows and withstand the anticipated loads.
--	---

<p>contaminants entering water bodies;</p> <p>ii. The capacity of the Council's stormwater system to cater for increased runoff from the proposed allotments;</p> <p>iii. Effects of the proposed subdivision on surface runoff and drainage to, or from, adjoining properties and mitigation measures proposed;</p> <p>iv. The existing stormwater infrastructure within the subdivision, and linkage with existing supply systems outside the subdivision;</p> <p>v. The need for land to be set aside and vested in the Council as a site for any public utility;</p> <p>vi. The relevant provisions of Appendix 9 and the Whangarei District Council's Environmental Engineering Standards 2010;</p> <p>vii. The additional matters listed Chapter 70.3.</p>	
--	--

74.3.12 Sewage

<p>Subdivision is a controlled activity if:</p> <p>a) All allotments are provided, within their net site area with a connection to a Council-maintained sewerage system, where available; or</p> <p>b) Where no Council system is available, all allotments are capable of being provided with a safe and effective means for the disposal of sewage within the net site area; and</p> <p>c) The connection and sewage disposal system is constructed to comply in all respects with the relevant standards in Whangarei District Council's Environmental Engineering Standards 2010 and the relevant provisions in Appendix 9.</p> <p>Control is reserved over:</p> <p>i. The effectiveness and efficiency of the proposed system;</p> <p>ii. The effects of the disposal system on health, safety and amenities;</p> <p>iii. Effects of the proposed system on adjoining properties;</p> <p>iv. Control and monitoring of contaminants discharged to land or water;</p>	<p>Any activity that does not comply with a standard for a controlled activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>i. The matters over which control is reserved;</p> <p>ii. The need for a connection to a sewage disposal system for the allotment;</p> <p>iii. The capacity, availability and accessibility of any Council system to serve the proposed subdivision;</p> <p>iv. The proposed system's ability to treat sewage;</p> <p>v. The proposed system's ability to accommodate anticipated flows and withstand the anticipated loads.</p>
---	--

<ul style="list-style-type: none"> v. Where a Council system is not available, the effects of temporary systems pending availability of the Council system; vi. The need for land to be set aside and vested in the Council as a site for any public sewage utility; vii. The relevant provisions of Appendix 9 and the Whangarei District Council's Environmental Engineering Standards 2010; viii. The additional matters listed in Chapter 70.3. 	
---	--

74.3.13 Electricity

<p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) All allotments are provided with a connection to an electrical supply system at the boundary of the net site area; and b) The electrical supply is underground, where: <ul style="list-style-type: none"> i) New roads are to be formed in the subdivision, or ii) The existing electrical supply is underground in the vicinity of the land being subdivided. <p>Control is reserved over:</p> <ul style="list-style-type: none"> i. The capacity of the proposed electrical supply system; ii. The effect of the proposed systems upon landscape and ecological values; iii. The additional matters listed in Chapter 70.3. 	<p>Any activity that does not comply with a standard for a controlled activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> i. The matters over which control is reserved; ii. The need for an electrical supply system on the allotment.
---	---

74.3.14 Telecommunications

<p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) All allotments are provided with the ability to connect to a telecommunications system; and b) Where : <ul style="list-style-type: none"> i) There are no existing telecommunications lines and service leads/lines/connections; or ii) The existing telecommunications and service leads/lines/ connections are underground or wireless; all new lines, including service leads/lines/connections shall be underground or wireless. <p>Control is reserved over:</p>	<p>Any activity that does not comply with a standard for a controlled activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> i. The matters over which control is reserved; ii. The need for a telecommunications system on the allotment.
--	---

<ul style="list-style-type: none"> i. The capacity of the proposed telecommunication system; ii. The effect of the proposed systems upon landscape and ecological values; iii. The additional matters listed in Chapter 70.3. 	
--	--

74.3.15 Earthworks

<p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) All earthworks comply with the relevant standards in Whangarei District Council's Environmental Engineering Standards 2010 and the relevant provisions in Appendix 9; and b) There are no changes to the natural range of water levels or the natural eco-system of flora and fauna in any indigenous wetland as a result of the earthworks. <p>Control is reserved over:</p> <ul style="list-style-type: none"> i. Machinery to be used and hours of operation; ii. Effects on the locality; iii. Effects on ecological, heritage and landscape values; iv. Effects on water bodies, including indigenous wetlands; v. The relevant provisions of Appendix 9 and the Whangarei District Council's Environmental Engineering Standards 2010; vi. The additional matters listed in Chapter 70.3. 	<p>Any activity that does not comply with a standard for a controlled activity is a discretionary activity.</p>
---	--

74.3.16 Other Significant Features

<p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) The boundaries of all allotments are drawn relative to a significant or notable feature identified in Appendices 2, 3 and 13, to ensure that the whole feature is entirely within one of the allotments produced by the subdivision; and b) Any identified building areas avoid the significant feature; c) Permanent protection of the feature is achieved. <p>Control is reserved over:</p> <ul style="list-style-type: none"> i. Effects on allotment boundaries and/or identified building areas on the integrity of the significant 	<p>Any activity that does not comply with a standard for a controlled activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> i. The matters over which control is reserved; ii. Alternative location of allotment boundaries; iii. Alternative location of identified building areas; iv. Alternatives to the permanent protection of the significant feature.
--	---

features;	
ii. Methods of permanent protection of significant features;	
iii. The additional matters listed in sec Chapter 70.3.	

74.4 Principal Reasons for Rules / Explanations

General

The rules are based on the premise that there is a strong interrelationship between subdivision and future land use. Subdivision of land can have marked effects on land use expectations. Adequate provision of access, water, sewerage, open space and other requirements is essential to ensure development following subdivision does not have adverse impacts on the environment. The financial contributions provisions also contribute to these outcomes.

Allotment Area

The minimum net site area protects the amenity values of each Environment and ensures that there is adequate area for the operation of a septic tank where reticulated sewerage systems are not available. In the case of the Town Basin Open Space Environment, subdivision is most likely to arise where there are boundary adjustments with neighbouring land, and where land is leased for longer time periods. In this sub-environment, the subdivision standards of the wider Town Basin Environment allow for subdivision to occur as a discretionary activity, where this is considered appropriate.

Allotment Shape

The shape requirements are intended to maximise the range and efficiency of potential uses of the land, and to allow for a range of buildings that comply with the bulk and location rules for the Environment. In the Business 2, 4 and Marsden Point Port Environments, specific shapes are required to be accommodated in the allotments. This is not practicable in Business 1 and 3 and the Town Basin, where the minimum allotment size is too small for this approach.

Allotment Frontage

Minimum frontage requirements also ensure that reasonable allotment widths are presented to the road to improve amenity values and traffic safety.

Existing Buildings

This rule ensures that new allotment boundaries are placed so as to provide adequate on-site and off-site amenity for existing buildings. Existing lawful non-compliance with bulk and location rules can be retained, but parking and access standards, required under the Plan, need to be upgraded through the subdivision design.

Sites of Significance to Maori

This rule prevents the splitting up of mapped sites by subdivision. Sites must be entirely within one of the lots produced by the subdivision. This is to protect the cultural values and the integrity of Sites of Significance to Maori.

Property Access

Vehicular access onto properties is an essential adjunct to business activities in these Environments.

Road Formation

Where roads are to be provided, these should be of a legal width and formation standard sufficient to serve the type of road. Indicative roads have been shown on the Planning Maps.

Street Lighting

Street lighting is necessary for traffic safety and efficiency and the well-being of people and communities.

Provision for Extension of Services

Subdivision acts as the framework for subsequent land use activities and, more importantly, is often the framework for the provision of services to subsequent land uses. Subdivision presents an opportunity to provide for the efficient servicing of adjoining land.

Water Supply

In business areas, water supply for drinking and fire fighting is essential to ensure the health and safety of communities. Water supply is also necessary to support a number of business activities.

Stormwater and Sewage

These rules ensure that stormwater and sewerage services are available to all allotments. These are important to preserve health and safety, as well as amenity values.

Electricity

An electricity supply connection is required in the Business, Airport and Marsden Point Port Environments because it is an essential adjunct to business activities within these Environments. Undergrounding of electricity connections is desirable for amenity and traffic safety reasons.

Telecommunications

The rule requires access to telecommunications (which may include wireless connection rather than physical connection). This is because of the differing and changing technologies.

Earthworks

Earthworks must be engineered to ensure long-term land stability and suitability for the intended purpose, and for health and safety reasons. During the period when earthworks are carried out, there may be substantial effects on the locality and on environmental values, which need to be managed.

Revision and Sign-off Sheet

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
5 July 2007	FP	74.3.3	Correction type of word in Allotment Frontage a) Frontage;		PW
5 November 2007	FP	74.3.6 and 74.4	Insertion of hyperlinks to Plan Change 52.		PW
20 October 2008	FP		Part of Plan Change 52 Property Access - WITHDRAWN	EC 8 October 2008	PW
21 September 2010	FP	Reference to Chapter 2.3.3	Plan Change 106 consequential changes, this provision no longer exist.	Record 10/96471	NW
5 November 2010	FP		PC 78, Port Nikau consequential changes, operative 16 November 2010	Council decision 27 October 2010	NW
	FP	74.3.6 to 74.3.15	Approved Plan Change 76 Environmental Engineering Standards	12 October 2011 Operative 26 October 2011	NW
7 March 2016	TB	74.3.16	Correction of drafting error.	7 March 2016 TRIM: 16/24268	MM

Editor **France Prévost (FP)**
Taya Baxter (TB)

Editor Position Team Administrator Policy Division

Approved By **Paul Waanders (PW)**
Nick Williamson (NW)
Melissa McGrath (MM)

Approver Position Policy and Monitoring Manager (PW)
District Plan Team Leader (NW and MM)