PART 13
SUBDIVISION

13.1 INTRODUCTION

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

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

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

Land to be subdivided should be appropriately located to ensure that activities on the subdivided land do not result in reverse sensitivity effects on the existing lawfully established activities.

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

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

Section 13.12 sets out site suitability standards that apply to all zones. The standards ensure that the effects of natural hazards result in new sites being suitable for subdivision.

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

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

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

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

Section 13.17 provides general method for assessment of applications for controlled activities.

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

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

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

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

13.2 KEY ENVIRONMENTAL ISSUES

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

13.2.1 Subdivision and Water Quality

Lake water quality is being adversely affected by high nutrient output activities within the lake catchments. There are a number of factors that influence water quality, including natural processes such as run off, sedimentation and volcanic activity, water fowl, industry and urban sewage. Primary agricultural production is a significant source of nutrient discharges that reach streams, rivers and wetlands and ultimately reach the lakes. While controlling discharge to water is primarily a regional council function the district plan controls land use and subdivision. Incentives to encourage land use change from high nutrient output agricultural production activities to lower nutrient output activities are encouraged by objectives and policies in this Plan. In order to ensure that land use change contributes to improved water quality and nutrient discharges are reduced, subdivision rights may be given where it can be demonstrated there will be land use change that will result in sustainable positive effects on Significant Natural Areas, the margins of water bodies and lake water quality. 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.

Subdivision design is determined by the rules which include minimum site areas for example. Compliance with the rules can become the key consideration for design rather than the natural characteristics of the site. Site specific design of subdivisions allows a better solution in some cases and therefore proposals should be assessed giving positive weight to good design solutions.

13.2.2 Natural and Man Made Constraints

The RMA 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 (including liquefaction), slippage, or inundation from any source. In the Rotorua district geothermal activity can be a factor in erosion, subsidence or inundation. Other significant site suitability issues for Rotorua include:

- Geothermal activity
- Young soils that are highly erodible

- Catchments with short duration, high intensity storm events
- Ephemeral gully systems
- Lake edge inundation
- Surface water inundation
- Fault lines
- Liquefaction
- Historic and present lake and stream margins

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

13.2.3 Provision of Adequate Services to Potential Subdivisions

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

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

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

13.2.4 Sustainable Design and Development of Land

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

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

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

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

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

Productive rural land (in particular versatile land) is a valuable finite resource on which rural production activities rely. Those activities are in turn significant contributors to the district's economy. Fragmentation of the rural land resource for purposes unrelated to rural production has the potential to constrain or compromise the ability to use such land for a range of productive purposes

13.2.5 Infill Residential Subdivision

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

There are challenges associated with sites that are marginal for infill subdivision. Some sites may be affected by restricted access, natural hazards, servicing limitations, geotechnical constraints, or may have limited practical outdoor living space. In addition, the location of existing buildings or structures may limit future development. Appropriate access, privacy, orientation for maximum solar access, practical outdoor space and on-site parking and turning may 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 disposal of stormwater. Careful consideration must be given to solutions for stormwater collection and disposal in infill situations to avoid negative effects on adjoining properties and existing infrastructure from more intense development.

13.2.6 Natural Features and Cultural Historic Heritage

Natural features and cultural and historic heritage values may be adversely affected by activities resulting from subdivision. These need to be identified and protected at the time of subdivision.

Sites that have potential for subdivision may have vegetation that contributes to the quality of the environment. This may be an individual tree, or a diverse range of specimens that together create a habitat that supports a particular rare plant, insect or animal species, for example. Works before and after subdivision can lead to biodiversity loss and the depletion of ecological functions, indigenous vegetation and habitat, or have an adverse impact on Outstanding Natural Features and Landscapes and Significant Geothermal Features. The existing natural character and features of a site, indigenous biodiversity and ecosystem functions need to be assessed and considered in the design of a subdivision.

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

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

The provisions in relation to esplanade area acquisition are stated in Part 2 Section 6 Matters.

13.2.7 Landscape of the Rotorua Caldera

The upper part of the caldera contributes significantly to the amenity values of the urban area. There is a strong community desire that the open rural character of the caldera is maintained to provide a natural setting to the Rotorua urban area.

13.2.8 Strategic Infrastructure and Existing Lawfully Established Activities

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

13.3 OBJECTIVES AND POLICIES

The specific Objectives and Policies for subdivision are stated below.

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

Subdivision and Water Quality

Objective 13.3.1	
Subdivision enables definitive land use change which results in significant reductions in nutrient losses, thereby contributing to water quality improvements in the lakes, rivers, streams, wetlands and other water bodies within the District.	
Policy 13.3.1.1	Provide additional subdivision opportunities to incentivise definitive land use changes which result in significant reductions in nutrient losses in the Lake Rotorua groundwater catchment.
Policy 13.3.1.2	Ensure that subdivision for the purpose of providing an incentive to land use change to improve water quality remedies or mitigates adverse effects on versatile land and the character and amenity of the zone.

Policy 13.3.1.3	Provide incentives for a. the long term protection of i) significant natural areas ii) gullies or margins of water bodies. b. significant reductions in nutrients losses.
Policy 13.3.1.4	Require indigenous revegetation and maintenance of land and riparian areas that are: • Susceptible to erosion • Along lakeshore and other riparian margins.

Objective 13.3.2

Subdivision layout and design contributes to improvements in water quality through the management of riparian margins, stormwater treatment, and wastewater treatment.

Policy 13.3.2.1	Ensure subdivision design avoids remedies or mitigates the adverse cumulative effects on water quality from storm water and on site waste water treatment systems including through the use of low impact design.

Natural and Man Made Hazards

Objective 13.3.3

Subdivision where man-made and natural hazard risk does not exceed acceptable levels.

Policy 13.3.3.1	Require that applications for subdivision demonstrate that man-made and natural hazard risk does not exceed acceptable levels.
Policy 13.3.3.2	Restrict subdivision where land is subject to natural hazards, including: • Inundation • High water tables • Geothermal activity • Subsidence (including liquefaction) • Slippage • Falling debris • Erosion • Soil instability • Fault lines • Liquefaction Such that the site would be unusable or unsafe or that the natural hazard risk exceeds acceptable levels.

Provision of Adequate Services to Potential Subdivisions

Objective 13.3.4

Sites and associated roads integrate safely and efficiently with the transport network.	
Policy 13.3.4.1	Require that sites are provided with safe and efficient links for pedestrians, cyclists and vehicles providing connectivity to the existing transport network and to local services and facilities at the time of subdivision.
Policy 13.34.2	Require that sites are connected with the existing transport infrastructure in a manner that does not compromise connection with future subdivision or development of both the proposed and adjoining sites.
Policy 13.3.4.3	Require safe and practical, legal and physical access suitable for the proposed activities.
Policy 13.3.4.4	Lot shape and size that is capable of accommodating permitted activity in the zone, including on-site parking and turning.
Policy 13.3.4.5	Flexible road design that ensures: • Roads can perform their functions within the district's roading hierarchy • Sufficient width is provided for the laying of services within the road berm • Landscaping does not adversely affect the integrity of services • The context of the subdivision and requirement for on-site car parking are considered • Practical streetscape amenity is provided
Policy 13.3.4.6	The layout of subdivision and of subsequent development particularly dwellings is designed and maintained to avoid, remedy or mitigate reverse sensitivity from road or rail noise.
Policy 13.3.4.7	Avoid, remedy or mitigate the adverse effects of activities on the transport network within the road hierarchy and the safe and effective functioning of the wider transport network by: • Providing on-site vehicle parking, loading, turning where necessary and site access, as well as pedestrian access • Considering the impact of increased traffic movement on the transport network, including the wider network intersections
Objective 13.3.5 Adequate infrastructure and services are provided to each site to accommodate the potential development.	
Policy 13.3.5.1	Require that connections to the public reticulated water supply, stormwater and sanitary sewerage systems are made at time of subdivision wherever a reticulated system is available.
Policy 13.3.5.2	Ensure applications for subdivisions demonstrate that the water supply capacity, including capacity for firefighting purposes, is sufficient for the development.

Policy 13.3.5.3	Provide for potable water supply to a suitable standard to all lots or lease areas at time of subdivision.
Policy 13.3.5.4	Ensure applications for subdivision demonstrate that the system for the disposal of sewage is adequate for the development
Policy 13.3.5.5	Provide for a system for the disposal of sewage in a manner that minimises adverse effects on water quality, the environment and public health to all lots or lease areas at time of subdivision.
Policy 13.3.5.6	Require that applications for subdivision demonstrate an effective system for the collection, treatment and disposal of stormwater suitable for the intended use, existing building, roads, shared access, reserves, or works created by subdivision.
Policy 13.3.5.7	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 13.3.5.8	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.
Policy 13.3.5.9	Avoid subdivision which results in the uneconomic or inefficient expansion of existing infrastructure.
Policy 13.3.5.10	Require adequate capacity at the time of subdivision to serve all lots and lease areas created with potable water supply, sewage disposal, power, telecommunications and stormwater disposal suitable for the maximum potential number of household units allowed for as a permitted or controlled activity.

Objective 13.3.6

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

Policy 13.3.6.1	Provide public neighbourhood reserves on suitable land that improve community recreation opportunities.
Policy 13.3.6.2	Ensure the principles of Crime Prevention Through Environmental Design (CPTED) are considered when incorporating public open spaces into a subdivision.
Policy 13.3.6.3	Provide and enhance public open spaces where: • There are opportunities to strengthen connections with stream, river or lake margins • Visual connections with significant landforms, features or waterways can be achieved • There are opportunities to provide connection to, and to consolidate with, other public spaces • The reserves can be easily accessed by surrounding residents, are overlooked and can be used safely • There are appropriate opportunities to protect significant natural

	and cultural features included in Appendices 1 and 2.

Objective 13.3.7

An esplanade reserve network adjoining the district's lakes and adjoining the rivers and streams for the purposes of protecting conservation values, enabling public access and improving water quality.

Policy 13.3.7.1	Require esplanade reserves and esplanade strips where appropriate, on sites that adjoin lakes, rivers and streams of the district including those shown on the urban and rural series planning maps and map 203 to maintain and enhance natural character, water quality, aquatic habitats, public access and ecological connectivity.

Sustainable Design and Development of Land

Objective 13.3.8

Maintain and enhance the district's productive capacity of rural land, amenity, biodiversity, landscape, ecological values and character through subdivision and development.

Policy 13.3.8.1	Subdivision layout and design retains natural landforms and processes on the site and surrounding land and avoids or mitigates alterations to landform, waterways and ecosystems.
Policy 13.3.8.2	Require that subdivision maintains and enhances the character, landscape and amenity values of each zone in the district.
Policy 13.3.8.3	Avoid subdivision that results in the fragmentation of rural land that results in: • The productive capacity of soil being reduced • Unplanned effects on infrastructure and a demand for public infrastructure • A potential increase in reverse sensitivity effects on adjacent rural activities.
Policy 13.3.8.4	Enable subdivision that provides an incentive to the long term protection of a Significant Natural Area, a gully or the margins of a waterbody.
Policy 13.3.8.5	Subdivision and development minimises adverse effects on existing vegetation that contributes to amenity and enhances the landscape of the surrounding area by: • Retaining existing established trees and vegetation on sites, particularly where the vegetation: i. Is next to a stream, river, wetland or lake margin ii. Adds positively to the environment iii Is an integral part of the wider landscape • the appropriate revegetation and enhancement with native species.
Policy 13.3.8.6	Subdivision and subsequent development minimises adverse effects on vegetation that contribute to amenity and enhance the landscape of the surrounding area by promoting the revegetation of areas with appropriate indigenous vegetation where positive

	benefits can be achieved for the purpose of: • Enhancing stormwater control • Assisting in improving the quality of water by reducing nutrients that eventually enter the streams, rivers, wetlands and lakes • Retiring areas that are unsuitable for grazing • Aiding the stabilisation of land at risk of slippage • Providing links between existing areas of significant indigenous vegetation • Enhancing landscape and natural character • Restoration and enhancement of habitat for indigenous fauna • In areas adjoining already protected features • In areas where positive benefit can be made in improving biodiversity and ecological corridors.
Objective 13.3.9 A compact urban area that provides for various transport options.	
Policy 13.3.9.1	Provide for subdivision that promotes cycling and pedestrian linkages through the urban area.
Policy 13.3.9.2	Require where appropriate the establishment and maintenance of indigenous vegetation within areas retired from existing rural land use, including the control and eradication of pest plants.

Natural Features and Cultural Historic Heritage

Objective 13.3.10 Protect and enhance the district's natural environment by maintaining its natural character and functioning, cultural and historic heritage, Outstanding Natural Features and Landscapes, Significant Geothermal Features, Significant Natural Areas and indigenous biodiversity.	
Policy 13.3.10.1	Manage subdivision so that features and values such as: • Streams, rivers, wetlands, lakes and their margins • Outstanding natural features and landscapes and landforms • Geothermal surface features • Cultural and historic heritage landscapes, sites and features • Significant indigenous vegetation and habitat of indigenous fauna are excluded from subdivision or sensitively incorporated into subdivision design and protected from future land use activities.
Policy 13.3.10.2	Require where appropriate the establishment and maintenance of indigenous vegetation within areas retired from existing rural land use, including the control and eradication of pest plants.

Objective 13.3.11

Identify and protect the district's cultural landscapes, built features and cultural and archaeological sites.

Policy 13.3.11.1	**Ensure that subdivision of a site that includes a feature of cultural significance includes measures to protect it from potential adverse effects of the future development of the land.**

Landscape of the Rotorua Caldera

Objective 13.3.12

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

Policy 13.3.12.1	**Ensure that new subdivision and development within the Rotorua caldera rim is consistent with the design guidelines identified in the Boffa Miskell Ltd report 'Rotorua Caldera Rim - Caldera Rim Rural Character Design Guideline, September 2012', which seeks to avoid, remedy or mitigate the visual impact of new development.**

Strategic Infrastructure and Existing Lawfully Established Activities

Objective 13.3.14	
Subdivision design that prevents reverse sensitivity effects on existing lawfully established activities.	
Policy 13.3.14.1	Ensure that new subdivision and development will not have reverse sensitivity effects on lawfully established activities.
Objective 13.3.15	
Subdivision occurs in a manner that integrates safely and efficiently with existing strategic infrastructure.	
Policy 13.3.15.1	Avoid subdivision which results in significant adverse effects on established strategic infrastructure.
Policy 13.3.15.2	Facilitate good urban design outcomes by taking existing strategic infrastructure into account in subdivision design.

13.4 ENVIRONMENTAL OUTCOMES

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

1. An increase in sustainable subdivisions where new lots:
    a. Are connected to public utility services.
    b. Are connected to the road network.
    c. Have reasonable access to services and facilities.
    d. Have reasonable access to a reserve used for recreation or amenity purposes.
    e. Will not result in reverse sensitivity effects on existing lawfully established activities.
2. An increase in subdivisions that supports the improvement of water quality by:
    a. Decreasing the area of vegetation that is removed in association with subdivisions.
    b. Reducing nutrient losses from rural land.
    c. Increasing the area retired from grazing.
    d. Increasing the area of land that is revegetated.
3. An increase in the use of sustainable modes of transport including cycling and walking.
4. An increase of the area of land that has undergone a permanent definitive land use change to achieve significant reductions in nutrient losses.

13.10 SUBDIVISION RULES: RURAL ZONES

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

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

RR1 =	Rural 1	Working rural
RR2 =	Rural 2	Rural lifestyle
RR3 =	Rural 3	Rural village

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

P = Permitted	C = Controlled	RD = Restricted Discretionary
D = Discretionary	NC = Non-complying	Pro = Prohibited

The 'NA' abbreviation in the activity table refers to where an activity is not applicable to the zone.

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

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

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

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

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

Table 13.10.1- Subdivision in Rural Zones

Rules		Zones		
		RR1	RR2	RR3
General				
1.	Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant site design performance standards stated in 13.10.2	D	D	D
2.	Unless otherwise stated below the subdivision of sites or buildings that do not comply with one or more of any relevant performance standards in 9.6 and the relevant site design performance standards stated in 13.10.2.	NC	NC	NC
Specific Subdivision Activities				
3.	The subdivision of land for the purposes of creating a lifestyle lot, in accordance with Rule 13.10.3	D	D	D
4.	Subdivision in accordance with Appendix A5.6 – Whangamoa Trust Ōtaramarae	D	NA	NA
5.	The subdivision of sites that may be severed by a natural feature or road as stated in Rule 13.10.6.2 and 13.10.6.3	D	D	D
6.	The subdivision of sites or buildings for the purpose of a boundary adjustment complying with Rule 13.14.3	C	C	C
7.	The subdivision of sites or buildings for the purpose of a boundary adjustment not complying with Rule 13.14.3	D	D	D
8.	The subdivision of sites or buildings for the purpose of creating a reserve in accordance with Rule 13.14.1	C	C	C
9.	The subdivision of sites or buildings for the purpose of a network utility operation, or a site for electricity generation and transmission activities, in accordance with Rule 13.14.2	C	C	C
10.	The subdivision of sites or buildings within or dissected by the airport inner control area, as defined in Part 17 and shown on the planning maps	NC	NA	NA
11.	The subdivision of sites or buildings within or dissected by the airport air noise area, as defined in Part 17 and shown on the planning maps	Pro	NA	NA
12.	The subdivision of a cross lease title occupied by one or more existing household units to create freehold titles	C	C	C

Rules		Zones		
		RR1	RR2	RR3
13.	The subdivision of sites or buildings within a national grid corridor subject to compliance with performance standard 13.12.5	RD	RD	RD
14.	The subdivision of sites or buildings within a national grid corridor that does not comply with performance standard 13.12.5	NC	NC	NC
Subdivision of Sites and Buildings Susceptible to Natural Hazards				
15.	The subdivision of sites or buildings on land susceptible to inundation, including within the Waikato River catchment, land affected by the high risk flood zone as defined in Part 17	D	D	D
16.	The subdivision of sites or buildings on land affected by a geothermal feature or bore	D	D	D
Additional Subdivision Entitlement for Protection of Significant Natural Areas and Reducing Nutrients From Land use Activities				
17.	Subdivision of an additional lifestyle lot entitlement where a Significant Natural Area identified in Appendix 2 – Natural Heritage Inventory is proposed to be legally protected	D	D	NA
18.	Subdivision of an additional lifestyle lot entitlement where it is proposed to provide permanent legal protection to a gully or margin of a water body that has been retired from agriculture and where a planting and maintenance scheme has been implemented	D	D	NA
19.	Subdivision of an additional lifestyle lot entitlement within the Lake Rotorua catchment where a permanent definitive land use change that results in a significant reduction in nutrient losses has been secured	D	NA	NA
20.	The subdivision of sites or buildings on land that has been identified as being either potentially contaminated, or is an identified contaminated site	Refer to Part 16	Refer to Part 16	Refer to Part 16

13.10.2 Site Design Performance Standards: Rural Zones

1. Site Dimension Requirements

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

Table 13.10.2 - Rural Site Design

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 i. for lifestyle lots in accordance with 13.10.3 where the minimum net site area shall be 2,500m^2 to a maximum net site area of 4 hectares, or ii. for land with versatile land outside the Lake Rotorua catchment the minimum net site area is 40 hectares.	Sites shall be capable of accommodating activities that comply with Rule 13.10.2.2.
Rural 2 Rural lifestyle	The minimum net site area is 8,000 m^2 provided that where Rule 13.10.4 applies the site area of all new lots shall be at least 4,000m^2.	Sites shall be capable of accommodating activities that comply with Rule 13.10.2.2
Rural 3 Rural village	1,500m^2 minimum net site area within the Bay of Plenty Region or 2,500m^2 minimum net site area within the Waikato Region, provided that where Rule 13.10.5.2 applies the site area of all new lots shall be at least 1,000m^2	The site shall provide an area of 300m^2 that is suitable for building and does not intrude into the yard buffers.

2. Subdivision Performance Standards

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

13.10.3 Rural 1 - Working Rural Zone

1. Useable Site Area

Unless otherwise stated a site, or an amalgamation of sites to be held in a separate Computer Register (Certificate of Title) shall have a minimum of 15 hectares of usable land except that sites that include versatile land outside the Lake Rotorua catchment shall have a minimum net site area of 40 hectares of usable land.

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

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

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

b. The lifestyle lot shall be of sufficient size 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 shall have a minimum net site area of 15 hectares of usable land; and except that sites that include versatile land outside the Lake Rotorua catchment the balance of the site shall have a minimum net site area of 40 hectares of usable land.

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

Table 13.10.3: Lifestyle Lot Allowance

Number of Lifestyle Lots Allowed	Area of Existing Lot (Hectares)
1	15.25 – 50 Except sites that include versatile land outside the Lake Rotorua catchment where the minimum existing area shall be 40.25.
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 in 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 outstanding lifestyle lots per newly created lot. This nomination will be registered on the Computer Register (Certificate of Title) and form part of the subdivision consent as is appropriate.

3. Additional lifestyle lots over and above the number allowed for in Table 13.10.3 may be created where a significant natural area (SNA) listed in Appendix 2 – Natural Heritage Inventory is to be legally protected and its on-going management provided for, or where a gully or stream margin is to be legally protected and a planting scheme has been carried out subject to the following -

a. Where a significant natural area identified in Appendix 2 – Natural Heritage Inventory will be legally protected and provision is made for its management as part of the subdivision application, one additional lifestyle lot may be created for each lifestyle lot allocated in Table 13.10.3. The additional lot shall comply with all other requirements of 13.10.2.

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

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

d. Within the Lake Rotorua catchment where an additional lot is applied for under Rule 13.10.1.18, the total area of the gully to be protected and planted must be a minimum of seven hectares or for a riparian margin, a minimum length of 700m with a minimum width of 20m from the river margin

e. Outside of the Lake Rotorua catchment where one or more additional lots is applied for under rule 13.10.1.18 the total area of gully to be protected and planted must be 10 hectares or for a river margin a minimum area of 4ha with a minimum width of 20m and a maximum width of 30m from the river margin.

f. The planting scheme on the land to be considered under Rule 13.10.1.18 shall be beneficial to indigenous biodiversity and the improvement of water quality. This must be demonstrated through the report of a suitably qualified ecologist that provides an assessment in the context of the relevant ecological district, bioclimatic zone and landform type, and demonstrates the ecological viability and sustainability of the site – the likelihood of an area remaining ecologically viable and the management input necessary for long term sustainability.

g. Where more than one additional lot is applied for under Rule 13.10.1.18 within the Lake Rotorua catchment the total area of gully to be protected must be ten hectares.

h. Land identified as being part of an SNA, or being part of a protected gully or stream margin for the purpose of an application to create a lifestyle lot cannot be taken into account subsequently for an application to create a lifestyle lot under any other rule in the Plan.

4. Additional lifestyle lots beyond the number allowed for in Table 13.10.3 may be created within the Lake Rotorua catchment under Rule 13.10.1.19 where a significant reduction in nutrient losses has been secured through a consent notice or other legal mechanism and is in accordance with the following provisions –

a. A significant and permanent nutrient reduction through the definitive land use change below is secured by a covenant registered on the title or by some other legal mechanism with a similar permanent effect.

b The number of lifestyle lots to be excised from the existing lot shall be determined in accordance with the following Definitive Land Use Changes –

Change of 10 hectares from dairy use to drystock use	1 lifestyle lot
Change of 10 hectares from drystock use to a minimal nutrient leaching use (e.g. forestry)	1 lifestyle lot
Change of 10 hectares from dairy use to a minimal nutrient leaching use (e.g. forestry)	2 lifestyle lots

Information requirements at the time of lodgement of the resource consent application include providing evidence from a suitably qualified and experienced person of how the above requirements will be achieved demonstrating reduction of nitrogen discharge allowance based on existing land use and the proposed land use that will be in place and that evidence of

compliance with 13.10.3.4 is provided prior to the issue of a Certificate under section 224 of the Act. The information provided shall be in accordance with the Regional Rules.

c. Land identified as having undergone land use change for the purpose of an application to create a lifestyle lot cannot be taken into account subsequently for an application to create a lifestyle lot under any other rule in the Plan.

e. The matters over which council may impose conditions include, but are not limited to:

a Legal mechanisms that provide for the on-going protection and management of the SNA retired area or the site where a definitive land use change has been implemented.

b. Restrictions on the type of activities that may occur on the site.

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

- Mitigation measures to ensure positive effects on the qualities and characteristics of the landscape and natural character of lakes, rivers, streams, and wetlands
- Measures employed to ensure mitigation of adverse effects on impacts on rural character, including the effects of the intensification of lifestyle lots and separation distances of between residential dwellings
- Measures employed to reduce the cumulative effect of the additional lifestyle lot entitlement

6 Ability to acquire esplanade reserves

Where acquisition of an esplanade reserve or strip is required by the provisions of the Act or any rule in the plan, the sites created by subdivision shall be of sufficient size after acquisition to comply with the site dimension requirements of 13.10.2.

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

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

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

13.10.4 Rural 2 - Rural Lifestyle Zone

1. Minimum lot design requirements

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

a The minimum site area for any new lot for which a separate Computer Register (Certificate of Title) is intended to be issued shall be 8,000m², provided that:

- The lot shall be of sufficient size to meet the Regional Council requirements for the treatment and management of sanitary sewer, including any associated disposal field; and

- all relevant performance standards associated with the location of buildings on site as stated in 9.6 shall be met; and
- where sites contain existing buildings, it shall be demonstrated that 9.6 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 4,000m^2; and

   b. All relevant performance standards associated with the location of buildings on a site, as stated in 9.6, shall be met; and

   c. Where sites contain existing buildings, it shall be demonstrated that 9.6 is met.

3. Additional lifestyle lots over and above the number allowed for in Table 13.10.3 may be created where a Significant Natural Area (SNA) listed in Appendix 2 – Natural Heritage Inventory is to be legally protected and its on-going management provided for, or where a gully or stream margin has been legally protected and a planting scheme has been carried out subject to the following -

   a One lifestyle lot for each lifestyle lot allocation identified in Table 13.10.3 may be created. The lot shall comply with all other requirements of 13.10.2

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

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

   d. Within the Lake Rotorua catchment where an additional lot is applied for under Rule 13.10.1.18 the total area of the gully to be protected and planted must be a minimum of seven hectares or for a riparian margin a minimum length of 700m with a minimum width of 20m from the river margin.

   e. Outside of the Lake Rotorua catchment where one or more additional lots is applied for under Rule 13.101.1.18 the total area of gully to be protected and planted must be 10 hectares or for a river margin a minimum area of 4ha with a minimum width of 20m and a maximum width of 30m from the river margin.

   f. The planting scheme on the land to be considered under Rule 13.10.1.18 shall be beneficial to indigenous biodiversity and the improvement of water quality This must be demonstrated through the report of a suitably qualified ecologist that provides an assessment in the context of the relevant ecological district, bioclimatic zone and landform type, and demonstrates the ecological viability and sustainability of the site – the likelihood of an area remaining ecologically viable and the management input necessary for long term sustainability.

   g. Where more than one additional lot is applied for under Rule 13.10.1.18 within the Lake Rotorua catchment the total area of gully to be protected must be equivalent to ten hectares.

   h. Land identified as being part of an SNA, or being part of a protected gully or

stream margin for the purpose of an application to create a lifestyle lot cannot be taken into account subsequently for an application to create a lifestyle lot under any other rule in the Plan.

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

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

13.10.5 Rural 3 - Rural Village Zone

1. Minimum lot design requirements

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

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

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

2. Where a lot zoned 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 9.6, shall be met; and

c. Where sites contain existing buildings, it shall be demonstrated that 9.6 is met.

13.10.6 Subdivision Provisions Applicable to all Rural Zones

1. Subdivision of Rural Sites with Existing Buildings

a. Where any proposed site to be subdivided has existing buildings on the site, new sites to be created by subdivision shall not result in the activity failing to comply with the performance standards for yards stated in 9.6.

b. A proposed site with an existing building and accessory septic tank shall contain the tank and any associated drainage field within the site and without intruding within the site yards.

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

2. Severed Lots

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

   i. A formed public road;

   ii. An unrestricted Māori roadway;

   iii. A railway reserve;

   iv. Topographical severance.

b. Subdivision undertaken in accordance with the provisions of this rule shall be a discretionary activity. This rule will not apply in addition to any lifestyle lot allocation under 13.10.3.2.d

3. Proposed Lots shall not create new Severed Areas

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

Where a proposed lot 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.

4. Vegetation, Re-vegetation and Retirement

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

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

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

b. Recommended conditions necessary to mitigate adverse effects or provide positive effects on the landscape including;