Part 2: District Wide Matters

SUBDIVISION – WĀHIA TE WHENUA

SUB

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SUB

SUBDIVISION– WĀHIA TE WHENUA

Status: SUB is Operative and subject to Plan Change 9. Plan Change 9 proposed amendments, as notified for submissions, are shown in underline and ~~strikethrough~~. Further recommended changes in the Section 42A Report are shown in blue underline and ~~strikethrough.~~

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.

Esplanade reserves and strips are used to protect significant ecological areas, riparian habitats and outstanding natural features, and to secure public access alongside the lakes, rivers and streams. Esplanade reserves or esplanade strips are vested in the council, or registered in accordance with Sections 231 and 232 of the Resource Management Act 1991 (RMA). This supports council's role in giving effect to Part 6 of the RMA through maintaining and enhancing public access to the lakes, rivers and streams for the communities' future use.

ISSUES

There are eight key issues influencing the policy framework for subdivision. In addition, there is the issues of reverse sensitivity, which is a common issue throughout this plan; and the issue of public access to lakes, rivers and streams, which relates to the esplanade provisions.

SUB-I1 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.

SUB-I2 Natural and manmade 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:

1. Geothermal activity
2. Young soils that are highly erodible
3. Catchments with short duration, high intensity storm events
4. Ephemeral gully systems
5. Lake edge inundation
6. Surface water inundation
7. Fault lines
8. Liquefaction
9. 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.

SUB-I3 The 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 FC 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.

SUB-I4 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 shape factor requirements for vacant lot subdivision in the Residential 1 Medium Zone and Residential 2 High Density Zone, and minimum site sizes and useable open space standards for other zones, 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

~~SUB-I5 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.~~

SUB-I6 Natural features, cultural and 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.

This rules in this chapter contain a specific section on esplanade acquisition.

SUB-I7 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.

SUB-I8 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 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.

SUB-I9 Reverse sensitivity

The establishment of new activities within incompatible zones or in close proximity to existing activities that have a different level of amenity can create adverse reverse sensitivity effects. This has the ability to reduce the efficient operation of the existing activities or undermine the intended amenity of the zone. Examples include residential activities locating in rural working environments or industrial zones. These latter zones provide for the establishment and operation of a range of activities that play a significant role in the economy of Rotorua, align with the intended amenity of the zone and therefore have priority.

SUB-I10 Public Access to lakes, rivers and streams

The creation of esplanade reserves and strips is the most secure and effective mechanism to provide public access to these waterbodies, while they may not be appropriate in all areas. Their purpose under the RMA is to provide public access to and along these water bodies, to contribute to the protection of the natural character and water quality of lakes, rivers, streams, and enable recreational use of an esplanade reserve or strip where it is compatible with the conservation values attributed to it. Activities should be promoted which enhance and enable the public's ability to enjoy waterbodies and their margins. Activities that require exclusive use or impede other's use and enjoyment of the district's water bodies need to be managed to ensure that the purpose of

these reserves is maintained and provide for the public's ability to enjoy the district's water bodies, whilst respecting adjacent land owners.

OBJECTIVES

Subdivision and water quality

SUB-O1 *[13.3(1)(1)]*	Subdivision enables definitive land use change which results in significant reductions in nutrients losses, thereby contributing to water quality improvements in the lakes, rivers, streams, wetlands and other water bodies within the District. *Policies SUB-P1 to SUB-P4*
SUB-O2 *[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 SUB-P5*

Natural and manmade hazards

SUB-O3 *[13.3(3)]*	Subdivision where man-made and natural hazard risk does not exceed acceptable levels. *Policies SUB-P6 to SUB-P7*

Provision of adequate services to potential subdivisions

SUB-O4 *[13.3(4)]*	Sites and associated roads integrate safely and efficiently within the transport network *Policies SUB-P8 to SUB-P14*
SUB-O5 *[13.3(5)]*	Adequate infrastructure and services are provided to each site to accommodate the potential development. *Policies SUB-P15 to SUB-P25*
SUB-O6 *[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. *Policies SUB-P26 to SUB-P28*
SUB-O7 *[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 SUB-P29*

Sustainable design and development of land

SUB-O8 *[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. *Policies SUB-P30 to SUB-P35*
SUB-O9 *[13.3(9)]*	A compact urban area that provides for various transport options. *Policies SUB-P36 to SUB-P37*

Natural features and cultural historic heritage

SUB-O10 *[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. *Policies SUB-P38 to SUB-P39*
SUB-O11 *[13.3(11)]*	Identify and protect the district's cultural landscapes, built features and cultural and archaeological sites. *Policy SUB-P40*

Landscape of the Rotorua Caldera

SUB-O12 *[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 SUB-P41*

Strategic infrastructure

SUB-O13 *[13.3(15)]*	Subdivision occurs in a manner that integrates safely and efficiently with existing strategic infrastructure. *Policies SUB-P42 to SUB-P43*

Reverse sensitivity

SUB-O14 *[13.3(14)]*	Subdivision design that prevents reserve sensitivity effects on existing lawfully established activities. *Policy SUB-P45*
SUB-O15 *[1.3(10)]*	Subdivision, use and development that enables the continued efficient operation of existing development and activities. *Policy SUB-P45*

Advice Note

See also the objectives and policies of PA- Public Access under the Natural Environmental Values heading.

POLICIES

Subdivision and water quality

Objective SUB-O1

SUB-P1 *[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.
SUB-P2 *[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.
SUB-P3 *[13.3(1)(3)]*	Provide incentives for: 1. The long term protection of: a. Significant Natural Areas b. Gullies or margins of water bodies 2. Significant reductions in nutrient losses.

SUB-P4 *[13.3(1)(4)]*	Require indigenous revegetation and maintenance of land and riparian areas that are: 1. Susceptible to erosion 2. Along lakeshore and other riparian margins.

Objective SUB-O2

SUB-P5 *[13.3(2)(1)]*	Ensure subdivision design avoids, remedies or mitigates the adverse cumulative effects on water quality from stormwater and on site waste water treatment systems including through the use of low impact design.

Natural and manmade hazards

Objective SUB-O3

SUB-P6 *[13.3(3)(1)]*	Require that applications for subdivision demonstrate that man-made and natural hazard risk does not exceed acceptable levels.
SUB-P7 *[13.3(3)(2)]*	Restrict subdivision where land is subject to natural hazards, including: ~~1. Inundation~~ Flooding 2. High water tables 3. Geothermal activity 4. Subsidence (including liquefaction) 5. Slippage 6. Falling debris 7. Erosion 8. Soil instability 9. Fault lines 10. 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 SUB-O4

SUB-P8 *[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.
SUB-P9 *[13.3(4)(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.
SUB-P10 *[13.3(4)(3)]*	Require safe and practical, legal and physical access suitable for the proposed activities.
SUB-P11 *[13.3(4)(4)]*	Lot shape and size that is capable of accommodating permitted activity in the zone, including on-site parking and turning.

SUB-P12 *[13.3(4)(5)]*	Flexible road design that ensures: 1. Roads can perform their functions within the district's roading hierarchy 2. Sufficient width is provided for the laying of services within the road berm 3. Landscaping does not adversely affect the integrity of services 4. The context of the subdivision and requirement for on-site car parking are considered 5. Practical streetscape amenity is provided.
SUB-P13 *[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.
SUB-P14 *[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: 1. Providing on-site vehicle parking, loading, turning where necessary and site access, as well as pedestrian access 2. Considering the impact of increased traffic movement on the transport network, including the wider network intersections.

Objective SUB-O5

SUB-P15 *[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.
SUB-P16 *[13.3(5)(2)]*	Ensure applications for subdivisions demonstrate that the water supply capacity, including capacity for firefighting purposes, is sufficient for the development.
SUB-P17 *[13.3(5)(3)]*	Provide for potable water supply to a suitable standard to all lots or lease areas at time of subdivision.
SUB-P18 *[13.3(5)(4)]*	Ensure applications for subdivision demonstrate that the system for the disposal of sewage is adequate for the development
SUB-P19 *[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.
SUB-P20 *[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.
SUB-P21 *[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.
SUB-P22 *[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.
SUB-P23 *[13.3(5)(9)]*	Avoid subdivision which results in the uneconomic or inefficient expansion of existing infrastructure.

SUB-P24 *[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~~ residential units allowed for as a permitted or controlled activity.
SUB-P25 *[13.5(5)(11)]*	Require road access to adjoining sites to ensure: 1. Future potential development is not precluded by the layout of a subdivision 2. That communities are connected through an integrated road network.

Objective SUB-O6

SUB-P26 *[13.5(6)(1)]*	Provide public neighbourhood reserves on suitable land that improve community recreation opportunities.
SUB-P27 *[13.5(6)(2)]*	Ensure the principles of Crime Prevention Through Environmental Design (CPTED) are considered when incorporating public open spaces into a subdivision.
SUB-P28 *[13.5(6)(3)]*	Provide and enhance public open spaces where: 1. There are opportunities to strengthen connections with stream, river or lake margins 2. Visual connections with significant landforms, features or waterways can be achieved 3. There are opportunities to provide connection to, and to consolidate with, other public spaces 4. The reserves can be easily accessed by surrounding residents, are overlooked and can be used safely 5. There are appropriate opportunities to protect significant natural and cultural features included in the schedules to Historical and Cultural Values and Natural Environmental Values.

Objective SUB-O7

SUB-P29 *[13.5(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 to maintain and enhance natural character, water quality, aquatic habitats, public access and ecological connectivity.

Sustainable design and development of land

Objective SUB-O8

SUB-P30 *[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.
SUB-P31 *[13.3(8)(2)]*	Residential 1 and 2 Zones: Require subdivision to deliver sites that are of an appropriate size and shape for the form of development enabled by the zone. Other Zones: Require that subdivision maintains and enhances the character, landscape and amenity values of the zone ~~each zone in the district.~~
SUB-P32 *[13.3(8)(3)]*	Avoid subdivision that results in the fragmentation of rural land that results in: 1. The productive capacity of soil being reduced 2. Unplanned effects on infrastructure and a demand for public infrastructure 3. A potential increase in reverse sensitivity effects on adjacent rural activities.
SUB-P33 *[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.

SUB-P34 *[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: 1. Retaining existing established trees and vegetation on sites, particularly where the vegetation: a. Is next to a stream, river, wetland or lake margin b. Adds positively to the environment c. Is an integral part of the wider landscape 2. The appropriate revegetation and enhancement with native species.
SUB-P35 *[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: 1. Enhancing stormwater control 2. Assisting in improving the quality of water by reducing nutrients that eventually enter the streams, rivers, wetlands and lakes 3. Retiring areas that are unsuitable for grazing 4. Aiding the stabilisation of land at risk of slippage 5. Providing links between existing areas of significant indigenous vegetation 6. Enhancing landscape and natural character 7. Restoration and enhancement of habitat for indigenous fauna 8. In areas adjoining already protected features 9. In areas where positive benefit can be made in improving biodiversity and ecological corridors.
SUB-P35A	Provide for subdivision around existing development, and where it enables creation of sites for uses that are in accordance with an approved land use resource consent and where there is compliance with District-wide and zone rules.

Objective SUB-O9

SUB-P36 *[13.3(9)(1)]*	Provide for subdivision that promotes cycling and pedestrian linkages through the urban area.
SUB-P37 *[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 SUB-O10

SUB-P38 *[13.3(10)(1)]*	Avoid subdivision of sites unless the features listed below are sensitively incorporated into the subdivision design and the values associated with these features are protected: 1. Streams, rivers, wetlands, lakes and their margins 2. Outstanding natural features and landscapes and landforms 3. Geothermal surface features 4. Cultural and historic heritage landscapes, sites and features 5. Significant indigenous vegetation and habitat of indigenous fauna.

SUB-P39 *[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 SUB-O11

SUB-P40 *[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 SUB-O12

SUB-P41 *[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

Objective SUB-O13

SUB-P42 *[13.3(15)(1)]*	Avoid subdivision which results in significant adverse effects on established strategic infrastructure.
SUB-P43 *[13.3(15)(2)]*	Facilitate good urban design outcomes by taking existing strategic infrastructure into account in subdivision design.

Reverse sensitivity

Objective SUB-O14 and Objective SUB-O15

SUB-P44 *[1.3(10)(1)], [13.3(14)(1)]*	Ensure that new subdivision and development will not have reverse sensitivity effects on lawfully established activities.

RULES

The subdivision rules in this chapter are divided into three categories:

1. The first are the Zone Specific Rules, which apply separately to each zone.
2. Following these are the All Zones Subdivision Rules, which address specific issues such as subdivision in areas with natural hazards or near key infrastructure (the national grid or Rotorua Regional Airport).
3. The third category are the Esplanade Reserve Requirements which apply to subdivision that adjoins or is within 20m of a stream, river or lake (see SUB-R44 and R45).

Additional subdivision rules are also contained in the following Development Area chapters:

1. Pukehāngi Heights Development Area;
2. Wharenui Development Area; and
3. Ōtaramarae Development Area

Financial contribution requirements are contained in a separate chapter in FC – Financial Contributions.

Subdivision will be assessed against all of these: the subdivision rules for the relevant zone, the rules for 'All Zones' (if relevant), any relevant Development Area rules, esplanade requirements and financial contribution

requirements. The relevant zone chapters in which the site is located and other chapters must also be referenced when preparing a subdivision application. For example, performance standards relating to yard setbacks need to be considered where there are existing buildings close to new boundaries.

The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (2011) will also need to be considered where the land is potentially affected by contaminants. Other national environmental standards may also be relevant to the subdivision and intended use of the land.

Links to the rule categories are provided below:

Residential Zones 15
General 15
Specific Activities 16
City Centre Zones 17
General 17
Specific Activities 18
Commercial Zones 19
General 19
Specific Activities 19
Industrial Zones 20
General 20
Specific Activities 21
Business and Innovation Zones 22
General 22
Specific Activities 23
Rural Zones 24
General 24
Specific Activities 24
Reserves Zones and Water Zone 28
General 28
Specific Activities 28
All Zones Subdivision Rules 31
National Grid 31
Rotorua Airport Noise Overlays 32
Historical and Cultural Values 34
Subdivision of Sites and Buildings Susceptible to Natural Hazards 34
Development Areas 35

Zone Specific Subdivision Rules

Residential Zones

General			
SUB-R1	**The subdivision of sites or buildings not otherwise stated below**		*[13.5(1)(2)]*
Applicable Spatial Layers All Residential Zones	**1. Activity Status:** Controlled **Performance Standards:** a. Residential zones, site design SUB-S1; b. Site suitability SUB-S8; c. Site serviceability SUB-S9; and d. Other SUB-S14. e. Relevant performance standards for the zone and other relevant provisions of the District Plan unless the subdivision is intended to accommodate a land use consent that has been granted for the site. **Matters of control:** a. General SUB-MC1.	**2.**	**Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R1(1) **Assessment Criteria:** a. General SUB-AC1.
	Notification Residential 1 and 2 Zones: a. An application for resource consent for subdivision of land in the Residential 1 or 2 Zones associated with the construction and use of residential units will be considered without public or limited notification or the need to obtain written approval from affected parties (unless the Council decides that special circumstances exist under the Resource Management Act 1991) in the following circumstances: i. The subdivision is associated with the construction and use of no more than 3 residential units on a site that do not comply with 1 or more of the following standards and provided other standards are met: 1. Height RESZ-S1: (1) or (1A) 2. Yards RESZ-S2: (1) 3. Site Coverage RESZ-S3: (1)(a) or (2)(a) 4. Design and Landscaping RESZ-S6: (2)(a)(i) to (ii); (3); (4)(a); and (6)(a) to (b). ii. The subdivision is associated with the construction and use of four or more residential units on a site that comply with the standards in (i)(1) to (4), provided that other performance standards are met. b. Any application for resource consent for an activity not captured by a) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.		

Specific Activities			
SUB-R2	**The subdivision of sites or buildings for the purpose of a boundary adjustment**		*[13.5(1)(4), 13.5(1)(5)]*
Applicable Spatial Layers All Residential Zones	**1. Activity Status:** Controlled **Performance Standards:** a. Site suitability SUB-S8; b. Site serviceability SUB-S9; and c. Boundary adjustments SUB-S11. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R2(1). **Assessment Criteria:** a. General SUB-AC1.	
SUB-R3	**The subdivision of sites or buildings for the purpose of creating a reserve**		*[13.5(1)(6), 13.6(1)(5)]*
Applicable Spatial Layers All Residential Zones	**1. Activity Status:** Controlled **Where:** The subdivision is for the sole purpose of creating a reserve in accordance with Reserves Act 1977, the Te Ture Whenua Māori Act 1993/Māori Land Act 1993 or Resource Management Act 1991. **Performance Standards:** a. Site suitability SUB-S8; b. Site serviceability SUB-S9; c. Subdivision for creating reserves SUB-S12; and d. Other SUB-S14. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R3(1). **Assessment Criteria:** a. General SUB-AC1.	
SUB-R4	**The subdivision of a cross lease title occupied by one or more existing ~~household~~ residential units to create freehold titles**		*[13.5(1)(11)]*
Applicable Spatial Layers All Residential Zones	**1. Activity Status:** Controlled **Performance Standards:** a. Other SUB-S14. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R4(1). **Assessment Criteria:** a. General SUB-AC1.	
	Notification Residential 1 and 2 Zones: a. An application for resource consent for subdivision of land in the Residential 1 or 2 Zones associated with the construction and use of residential units will be considered without public or limited notification or the need to obtain written approval from		

	affected parties (unless the Council decides that special circumstances exist under the Resource Management Act 1991) in the following circumstances: i. The subdivision is associated with the construction and use of no more than 3 residential units on a site that do not comply with 1 or more of the following standards and provided other standards are met: 1. Height RESZ-S1: (1) or (1A) 2. Yards RESZ-S2: (1) 3. Site Coverage RESZ-S3: (1)(a) or (2)(a) 4. Design and Landscaping RESZ-S6: (2)(a)(i) to (ii); (3); (4)(a); and (6)(a) to (b). ii. The subdivision is associated with the construction and use of four or more residential units on a site that comply with the standards in (i)(1) to (4), provided that other performance standards are met. b. Any application for resource consent for an activity not captured by a) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

SUB-R5	**The subdivision of sites or buildings for the purpose of network utility operation or a site for electricity generation and transmission activities**	*[13.5(1)(7)]]*
Applicable Spatial Layers All Residential zones	**1. Activity Status:** Controlled **Performance Standards:** a. Utility services or electricity generation SUB-S13. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R5(1). **Assessment Criteria:** a. General SUB-AC1.

City Centre Zones

General		
SUB-R6	**The subdivision of sites or buildings not otherwise stated below**	*[13.6(1)(1)]*
Applicable Spatial Layers All City Centre Zones	**1. Activity Status:** Controlled **Performance Standards:** a. City Centre Zones, site specific SUB-S2; b. Site suitability SUB-S8; c. Site serviceability SUB-S9; d. Other SUB-S14; and e. Relevant performance standards for the zone and other relevant provisions of the District Plan unless the subdivision is intended to accommodate a land use	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R6(1) **Assessment Criteria:** a. General SUB-AC1.

	consent that has been granted for the site. **Matters of control:** a. General SUB-MC1.	
Specific Activities		
SUB-R7	**The subdivision of sites or buildings for the purpose of a boundary adjustment**	*[13.6(1)(3), 13.6(1)(4)]*
Applicable Spatial Layers All City Centre Zones	**1. Activity Status:** Controlled **Performance Standards:** a. Site suitability SUB-S8; b. Site serviceability SUB-S9; and c. Boundary adjustments SUB-S11. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R7(1). **Assessment Criteria:** b. General SUB-AC1.
SUB-R8	**The subdivision of sites or buildings for the purpose of creating a reserve**	*[13.6(1)(5)]*
Applicable Spatial Layers All City Centre Zones	**1. Activity Status:** Controlled **Where:** The subdivision is for the sole purpose of creating a reserve in accordance with Reserves Act 1977, the Te Ture Whenua Māori Act 1993/Māori Land Act 1993 or Resource Management Act 1991. **Performance Standards:** a. Site suitability SUB-S8; b. Site serviceability SUB-S9; c. Subdivision for creating reserves SUB-S12; and d. Other SUB-S14. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R8(1). **Assessment Criteria:** a. General SUB-AC1.
SUB-R9	**The subdivision of a cross lease title occupied by one or more existing ~~household~~ residential units to create freehold titles**	*[13.6(1)(7)]*
Applicable Spatial Layers All City Centre Zones	**1. Activity Status:** Controlled **Performance Standards:** a. Other SUB-S14. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R9(1). **Assessment Criteria:** a. General SUB-AC1.

SUB-R10	The subdivision of sites or buildings for the purpose of network utility operation or a site for electricity generation and transmission activities	[13.6(1)(6)]
Applicable Spatial Layers All City Centre Zones	1. **Activity Status:** Controlled **Performance Standards:** a. Utility services or electricity generation SUB-S13. **Matters of Control:** a. General SUB-MC1.	2. **Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R10(1). **Assessment Criteria:** a. General SUB-AC1.

Commercial Zones

General		
SUB-R11	**The subdivision of sites or buildings not otherwise stated below**	[13.7(1)(1)]
Applicable Spatial Layers All Commercial Zones	1. **Activity Status:** Controlled **Performance Standards:** a. Commercial Zones, site design SUB-S3; b. Site suitability SUB-S8; c. Site serviceability SUB-S9; d. Other SUB-S14; and e. Relevant performance standards for the zone and other relevant provisions of the District Plan unless the subdivision is intended to accommodate a land use consent that has been granted for the site. **Matters of control:** a. General SUB-MC1.	2. **Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R11(1) **Assessment Criteria:** a. General SUB-AC1.
Specific Activities		
SUB-R12	**The subdivision of sites or buildings for the purpose of a boundary adjustment**	[13.7(1)(3), 13.7(1)(4)]
Applicable Spatial Layers All Commercial Zones	1. **Activity Status:** Controlled **Performance Standards:** a. Site suitability SUB-S8; b. Site serviceability SUB-S9; and c. Boundary adjustments SUB-S11. **Matters of Control:** a. General SUB-MC1.	2. **Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R12(1). **Assessment Criteria:** a. General SUB-AC1.

SUB-R13	The subdivision of sites or buildings for the purpose of creating a reserve		[13.7(1)(5)]
Applicable Spatial Layers All Commercial Zones	**1. Activity Status:** Controlled **Where:** The subdivision is for the sole purpose of creating a reserve in accordance with Reserves Act 1977, the Te Ture Whenua Māori Act 1993/Māori Land Act 1993 or Resource Management Act 1991. **Performance Standards:** a. Site suitability SUB-S8; b. Site serviceability SUB-S9; c. Subdivision for creating reserves SUB-S12; and d. Other SUB-S14. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R13(1). **Assessment Criteria:** a. General SUB-AC1.	

SUB-R14	The subdivision of sites or buildings for the purpose of network utility operation or a site for electricity generation and transmission activities		[13.7(1)(6)]
Applicable Spatial Layers All Commercial Zones	**1. Activity Status:** Controlled **Performance Standards:** a. Utility services or electricity generation SUB-S13. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R14(1). **Assessment Criteria:** a. General SUB-AC1.	

Industrial Zones

General			
SUB-R15	**The subdivision of sites or buildings not otherwise stated below**		[13.8(1)(1))]
Applicable Spatial Layers All Industrial Zones except Industrial T Zone	**1. Activity Status:** Controlled **Performance Standards:** a. Industrial Zones, site design SUB-S4; b. Site suitability SUB-S8; c. Site serviceability SUB-S9; d. Other SUB-S14; and e. Relevant performance standards for the zone and other relevant provisions of the District Plan unless the subdivision is intended to accommodate a	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R15(1) **Assessment Criteria:** a. General SUB-AC1.	

	land use consent that has been granted for the site. **Matters of control:** a. General SUB-MC1.	
Applicable Spatial Layers Industrial T Zone	**3. Activity Status:** Discretionary **Assessment Criteria:** a. General SUB-AC1.	

Specific Activities

SUB-R16	**The subdivision of sites or buildings for the purpose of a boundary adjustment**		*[13.8(1)(3), 13.8(1)(4)]*
Applicable Spatial Layers All Industrial Zones except Industrial T Zone	**1. Activity Status:** Controlled **Performance Standards:** a. Site suitability SUB-S8; b. Site serviceability SUB-S9; and c. Boundary adjustments SUB-S11. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R16(1). **Assessment Criteria:** a. General SUB-AC1.	

SUB-R17	**The subdivision of sites or buildings for the purpose of creating a reserve**		*[13.8(1)(5)]*
Applicable Spatial Layers All Zones except Industrial T Zone	**1. Activity Status:** Controlled **Where:** The subdivision is for the sole purpose of creating a reserve in accordance with Reserves Act 1977, the Te Ture Whenua Māori Act 1993/Māori Land Act 1993 or Resource Management Act 1991. **Performance Standards:** a. Site suitability SUB-S8; b. Site serviceability SUB-S9; c. Subdivision for creating reserves SUB-S12; and d. Other SUB-S14. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R17(1). **Assessment Criteria:** a. General SUB-AC1.	

SUB-R18	**The subdivision of sites containing more than one house in the Industrial T Zone**	*[13.8(1)(11)]*
Applicable Spatial Layers Industrial T Zone	**1. Activity Status:** Shall be the same activity status as if it were in Residential 1 Zone	

SUB-R19	**The subdivision of vacant site or the subdivision of a site containing one house that creates a vacant lot in the Industrial T Zone**	*[13.8(1)(12)]*
Applicable Spatial Layers Industrial T Zone	**1. Activity Status:** Non-Complying	

SUB-R20	**The subdivision of sites or buildings for the purpose of network utility operation or a site for electricity generation and transmission activities**		*[13.8(1)(6)]*
Applicable Spatial Layers All Industrial Zones except Industrial T Zone	**1. Activity Status:** Controlled **Performance Standards:** a. Utility services or electricity generation SUB-S13. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R20(1). **Assessment Criteria:** a. General SUB-AC1.	
Applicable Spatial Layers Industrial T Zone	**3. Activity Status:** Discretionary **Assessment Criteria:** a. General SUB-AC1.		

Business and Innovation Zones

General			
SUB-R21	**The subdivision of sites or buildings not otherwise stated below**		*[13.9(1)(1))]*
Applicable Spatial Layers All Business and Innovation Zones	**1. Activity Status:** Controlled **Performance Standards:** a. Business and Innovation Zones, site design SUB-S5; b. Site suitability SUB-S8; c. Site serviceability SUB-S9; d. Other SUB-S14; and e. Relevant performance standards for the zone and other relevant	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R21(1) **Assessment Criteria:** a. General SUB-AC1.	

	provisions of the District Plan unless the subdivision is intended to accommodate a land use consent that has been granted for the site. **Matters of control:** a. General SUB-MC1.	
Specific Activities		
SUB-R22	**The subdivision of sites or buildings for the purpose of a boundary adjustment**	*[13.9(1)(3), 13.9(1)(4)]*
Applicable Spatial Layers All Business and Innovation Zones	**1. Activity Status:** Controlled **Performance Standards:** a. Site suitability SUB-S8; b. Site serviceability SUB-S9; and c. Boundary adjustments SUB-S11. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R22(1). **Assessment Criteria:** a. General SUB-AC1.
SUB-R23	**The subdivision of sites or buildings for the purpose of creating a reserve**	*[13.9(1)(5)]*
Applicable Spatial Layers All Business and Innovation Zones	**1. Activity Status:** Controlled **Where:** The subdivision is for the sole purpose of creating a reserve in accordance with Reserves Act 1977, the Te Ture Whenua Māori Act 1993/Māori Land Act 1993 or Resource Management Act 1991. **Performance Standards:** a. Site suitability SUB-S8; b. Site serviceability SUB-S9; c. Subdivision for creating reserves SUB-S12; and d. Other SUB-S14. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R23(1). **Assessment Criteria:** a. General SUB-AC1.

SUB-R24	The subdivision of sites or buildings for the purpose of network utility operation or a site for electricity generation and transmission activities	[13.9(1)(6)]
Applicable Spatial Layers All Business and Innovation Zones	1. **Activity Status:** Controlled **Performance Standards:** a. Utility services or electricity generation SUB-S13. **Matters of Control:** a. General SUB-MC1.	2. **Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R24(1). **Assessment Criteria:** a. General SUB-AC1.

Rural Zones

General		
SUB-R25	**The subdivision of sites or buildings not otherwise stated below**	[13.10(1)(1)]
Applicable Spatial Layers All Rural Zones	1. **Activity Status:** Discretionary **Performance Standards:** a. Rural Zone site design SUB-S6; b. Site suitability SUB-S8; c. Site serviceability SUB-S9; d. Rural Zones general SUB-S10 ; e. Other SUB-S14; and f. Relevant performance standards for the zone and other relevant provisions of the District Plan unless the subdivision is intended to accommodate a land use consent that has been granted for the site. **Assessment Criteria:** a. General SUB-AC1.	2. **Activity Status:** Non-Complying **Where:** Compliance not achieved with the performance standards in SUB-R25(1).
Specific Activities		
SUB-R26	**The subdivision of sites or buildings for the purpose of a boundary adjustment**	[13.10(1)(6), 13.10(1)(7)]
Applicable Spatial Layers All Rural Zones	1. **Activity Status:** Controlled **Performance Standards:** a. Site suitability SUB-S8; b. Site serviceability SUB-S9; and c. Boundary adjustments SUB-S11. **Matters of Control:** a. General SUB-MC1.	2. **Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R26(1). **Assessment Criteria:** a. General SUB-AC1.

SUB-R27	**The subdivision of sites or buildings for the purpose of creating a reserve**		*[13.10(1)(8))]*
Applicable Spatial Layers All Rural Zones	**1. Activity Status:** Controlled **Where:** The subdivision is for the sole purpose of creating a reserve in accordance with Reserves Act 1977, the Te Ture Whenua Māori Act 1993/Māori Land Act 1993 or Resource Management Act 1991. **Performance Standards:** a. Site suitability SUB-S8; b. Site serviceability SUB-S9; c. Subdivision for creating reserves SUB-S12; d. Other SUB-S14; and **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Non-Complying **Where:** Compliance not achieved with the performance standards in SUB-R27(1). **Assessment Criteria:** a. General SUB-AC1.	
SUB-R28	**The subdivision of a cross lease title occupied by one or more existing ~~household~~ residential units to create freehold titles**		*{13.10(12)]*
Applicable Spatial Layers All Rural Zones	**1. Activity Status:** Controlled **Performance Standards:** a. Other SUB-S14. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Non-complying **Where:** Compliance not achieved with the performance standards in SUB-R28(1). **Assessment Criteria:** a. General SUB-AC1.	
SUB-R29	**The subdivision of land for the purpose of creating a lifestyle lot**		*[13.10(1)(3)]*
Applicable Spatial Layers All Rural Zones	**1. Activity Status:** Discretionary **Performance Standards** a. Rural Zones site design and lifestyle lot entitlements SUB-S6; b. Site suitability SUB-S8; c. Site serviceability SUB-S9; d. Rural Zones general SUB-S10; e. Other SUB-S14; and f. Relevant performance standards for the zone and other relevant provisions of the District Plan unless the subdivision is intended to accommodate a land use	**2. Activity Status:** Non-complying **Where:** Compliance not achieved with the performance standards in SUB-R29(1). **Assessment Criteria:** a. General SUB-AC1.	

	consent that has been granted for the site. **Assessment Criteria:** a. General SUB-AC1; b. Applications for additional lifestyle lots: i. 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. ii. Restrictions on the type of activities that may occur on the site. iii. The location of the additional lifestyle lot taking into account the following: 1. Mitigation measures to ensure positive effects on the qualities and characteristics of the landscape and natural character of lakes, rivers, streams and wetlands; 2. 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; and 3. Measures employed to reduce cumulative effects of the additional lifestyle entitlement.	

Advice Note:

The performance standards for this rule applicable in the Rural 1 and 2 Zones (SUB-S6) provide for a lifestyle lot entitlements based on the size of the parent lot; as well as additional lifestyle lot entitlements for protection of SNAs, protection of gullies or margins of water bodies and nutrient reduction.

SUB-30	**The subdivision of sites that may be severed by a natural feature or road in Rural Zones**		*[13.10(1)(5)]*
Applicable Spatial Layers All Rural Zones	**1. Activity Status:** Discretionary **Where:** a. The subdivision will create new rural lots separated fully from the balance site by: i. A formed public road; ii. An unrestricted Māori roadway iii. A railway reserve; or iv. Topographical severance. b. This rule shall not apply in addition to any lifestyle lot allocation under SUB-S6. **Performance Standards:** a. Site suitability SUB-S8; b. Site serviceability SUB-S9; c. Rural Zones general SUB-S10; d. General SUB-S13; and e. Relevant performance standards for the zone and other relevant provisions of the District Plan unless the subdivision is intended to accommodate a land use consent that has been granted for the site. **Assessment Criteria:** a. General SUB-AC1. Advice note There is no minimum site area.	**2. Activity Status:** Non-Complying **Where:** Compliance not achieved with the performance standards in SUB-R30(1) **Assessment Criteria:** a. General SUB-AC1.	
SUB-R31	**The subdivision of sites or buildings for the purpose of network utility operation or a site for electricity generation and transmission activities**		*[13.5(1)(7), 13.6(1)(6), 13.7(1)(6), 13.8(1)(6), 13.9(1)(6), 13.10(1)(9), 13.11(1)(7)]*
Applicable Spatial Layer All Rural Zones	**1. Activity Status:** Controlled **Performance Standards:** a. Utility services or electricity generation SUB-S13. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Non-Complying **Where:** Compliance not achieved with the performance standards in SUB-R31(2).	

Reserves Zones and Water Zone

General			
SUB-R32	**The subdivision of sites or buildings not otherwise stated below**		*[13.11(1)(1)]*
Applicable Spatial Layers All Reserves Zones	**1. Activity Status:** Controlled **Performance Standards:** a. Reserves Zones site design SUB-S7; b. Site suitability SUB-S8; c. Site serviceability SUB-S9; d. Rural Zones general SUB-S10; e. Other SUB-S14; and f. Relevant performance standards for the zone and other relevant provisions of the District Plan unless the subdivision is intended to accommodate a land use consent that has been granted for the site. **Matters of control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R32(1) **Assessment Criteria:** a. General SUB-AC1.	
Applicable Spatial Layers Water Zone	**3. Activity Status:** Non-Complying		
Specific Activities			
SUB-R33	**The subdivision of sites or buildings for the purpose of a boundary adjustment**		*[13.11(1)(3), 13.11(1)(4)]*
Applicable Spatial Layers All Reserves Zones	**1. Activity Status:** Controlled **Performance Standards:** a. Site suitability SUB-S8; b. Site serviceability SUB-S9; and c. Boundary adjustments SUB-S11. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R33(1). **Assessment Criteria:** a. General SUB-AC1.	
SUB-R34	**The subdivision of sites or buildings for the purpose of creating a reserve**		*[13.11(1)(5)]*
Applicable Spatial Layers	**1. Activity Status:** Controlled	**2. Activity Status:** Discretionary	

All Reserves Zones	**Where:** The subdivision is for the sole purpose of creating a reserve in accordance with Reserves Act 1977, the Te Ture Whenua Māori Act 1993/Māori Land Act 1993 or Resource Management Act 1991. **Performance Standards:** a. Site suitability SUB-S8; b. Site serviceability SUB-S9; c. Subdivision for creating reserves SUB-S12; and d. Other SUB-S14. **Matters of Control:** a. General SUB-MC1.	**Where:** Compliance not achieved with the performance standards in SUB-R34(1). **Assessment Criteria:** a. General SUB-AC1.
Applicable Spatial Layers Water Zone	**3. Activity Status:** Non-Complying **Where:** The subdivision is for the sole purpose of creating a reserve in accordance with Reserves Act 1977, the Te Ture Whenua Māori Act 1993/Māori Land Act 1993 or Resource Management Act 1991.	
SUB-R35	**The subdivision of sites or buildings for the purpose of network utility operation**	*[13.11(1)(7)]*
Applicable Spatial Layers All Reserve Zones	**1. Activity Status:** Controlled **Performance Standards:** a. Utility services or electricity generation SUB-S13. **Matters of Control:** a. General SUB-MC1.	**2. Activity Status:** Discretionary **Where:** Compliance not achieved with the performance standards in SUB-R35(1). **Assessment Criteria:** a. General SUB-AC1.
Applicable Spatial Layers Water Zone	**3. Activity Status:** Non-Complying	
SUB-R36	**The subdivision of sites or buildings in Reserve Zones where sites are not being created for reasons other than for the purpose of creating a reserve**	*[13.11(1)(6)]*
Applicable Spatial Layers All Reserves Zones	**1. Activity Status:** Discretionary	
Applicable Spatial Layers Water zones	**2. Activity Status:** Non-Complying	

SUB-R37	**Reduction or waiver of the 20 metres width for esplanade reserves or esplanade strips**	*[13.11(1)(12)]*
Applicable Spatial Layers All Reserves Zones	**1. Activity Status:** Discretionary **Assessment Criteria:** a. Priorities for acquisition of an esplanade reserve are shown on the planning maps and in particular map 203. This will be considered in determining a reduction or waiver. i. The width requirements for esplanade instruments as stated in 13.16.1 may be reduced to a width of no less than 5 metres if the following instances apply: 1. Topographical constraints on or adjacent to, the area in question are such that the full 20 metres width will lead to conflict with no practical resolution. 2. Existing permanent buildings such as dwellings (but excluding boat sheds, garages and garden sheds) are sited within 25 metres of the water body. 3. Existing access to adjacent allotments is sited within 20 metres of the water body and cannot be readily re-sited. 4. Topography adjacent to or within the proposed reserve requires that services such as a road or access must be placed within 20 metres of the water body. 5. Identified Māori historic heritage sites are within 20 metres of the water body. ii. The requirements for esplanade instruments as stated in SUB-R17 may be waived if the following instances apply: 1. Topographical constraints on, or adjacent to, the area in question has the potential to adversely affect public safety. 2. Access to the water body is limited. 3. It would be more beneficial for the land to remain with the owner than to vest in council. 4. The land has little or no value in terms of enhancing public access; there are no conservation benefits to be gained; or for reasons of public safety or security. 5. There are no conservation benefits to be gained. 6. For reasons of public safety or security. 7. Where the land is already protected under a QEII Trust Covenant, protective covenant under the Reserves or Conservation Act, or marginal strip under the Conservation Act. 8. Land administered under the Te Ture Whenua Māori Act 1993. 9. Other exceptional circumstances that are sufficient to justify a restriction. iii. Before considering any waiver under SUB-R10(1)(a)(ii) Council will consider and, where practicable, seek the provision of alternative access routes that are available to the public.	
Applicable Spatial Layers Water 1 Zone	**2. Activity Status:** Non-Complying	

All Zones Subdivision Rules

National Grid			
SUB-R38	**The subdivision of sites or buildings within a national grid subdivision corridor**		*[13.5(1)(12), 13.5(1)(13), 13.6(1)(8), 13.6(1)(9), 13.7(1)(8), 13.7(1)(9), 13.8(1)(9), 13.8(1)(10), 13.9(1)(7), 13.9(1)(8), 13.10(1)(13), 13.10(1)(14), 13.11(1)(10), 13.11(1)(11)]*
Applicable Spatial Layers All Zones	**1. Activity Status:** Restricted Discretionary a. A building platform for the principal dwelling or building shall be identified for each allotment and shall be located wholly outside of the national grid yard. **Matters of Discretion:** a. General SUB-MD1; b. The risk to the structural integrity of the transmission asset. c. The extent to which the subdivision design avoids, remedies or mitigates conflicts with existing transmission assets, for example through the location and design of roads, reserves, landscaping and building platforms; d. The ability for operation, maintenance and planned upgrade of the transmission asset, including inspection of transmission lines; e. The extent to which the subdivision design and consequential development will minimise the risk or injury and/or property damage from such lines; f. The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity and nuisance effects of the transmission asset; g. The ability to provide a complying building platform; and	**2. Activity Status:** Non-Complying **Where:** Compliance not achieved with the performance standards in SUB-R38(1).	

	h. The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).	

Notification

Where an activity requires resource consent because it is within the National Grid Corridor or National Grid Yard then the application need not be publicly notified and need not be served on any affected party apart from Transpower New Zealand Limited who will be considered an affected party.

Advice Note:

Vegetation to be planted within the National Grid Corridor or in close proximity to any sub-transmission or distribution electricity line should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Vegetation to be planted within the transmission corridor should be selected and managed in accordance with technical advice from the network operator.

Rotorua Airport Noise Overlays

SUB-R39	The subdivision of sites or buildings within or dissected by the Airport Inner Control Area Overlay	*[13.5(1)(8), 13.7(1)(7), 13.8(1)(7), 13.10(1)(10), 13.11(1)(8), 13.11(1)(9)]*
Applicable Spatial Layers Airport Inner Control Area Overlay: Residential 1 Zone Business and Innovation Zones Industrial 1 and 1 E Zones Reserve 1 and 3 Zones	**1.** **Activity Status:** Discretionary **Where:** Reserve 1 Zone or Reserve 3 Zone: Sites are not for activities sensitive to aircraft noise. **Performance Standards:** a. Where the subdivision will create a vacant site that will require land use consent for future development by any rule in the plan, the necessary land use consent shall be lodged with the subdivision consent. This is in order to establish that the development of the site is possible without adverse effects from noise. **Assessment Criteria:** a. The assessment criteria contained within the Noise chapter shall be taken into account when considering both the subdivision and land use consents concurrently; and b. General SUB-AC1.	
Applicable Spatial Layers Airport Inner Control Area Overlay: Rural 1 Zone	**2.** **Activity Status:** Non-Complying	

Applicable Spatial Layers Airport Inner Control Area Overlay: Reserve 1 and 3 Zones	**3.**	**Activity Status:** Prohibited **Where:** Sites are for activities sensitive to aircraft noise. **Assessment Criteria:** a. General SUB-AC1.
Advice Note: Where the subdivision will create a vacant allotment that will require land use consent for the future development by any rule in the plan, the necessary land use consent shall be lodged concurrently with the subdivision consent. This is in order to establish that the development of the site is possible without adverse effects from noise.		
SUB-R40	**Subdivision of sites or buildings within or dissected by the Air Noise Area Overlay**	*[13.5(1)(9), 13.5(1)(9)(a), 13.5(1)(9)(b), 13.8(1)(8), 13.10(1)(11), 13.10(1)(11a), 13.11(1)(8)*
Applicable Spatial Layers Air Noise Area Overlay: Industrial 1 and 1E Zone Reserve 1 and 3 Zones	**1.**	**Activity Status:** Discretionary **Where:** Reserve 1 Zone or Reserve 3 Zone: Sites are not for activities sensitive to aircraft noise. **Assessment Criteria:** a. General SUB-AC1.
Applicable Spatial Layers Air Noise Area Overlay: Residential 1 Zone	**2.**	**Activity Status:** Non-Complying **Where:** a. The site contains existing ~~household~~ residential units and there will be not additional building platforms; or b. The subdivision is a boundary adjustment; or c. The subdivision is the conversion of cross lease sites or buildings.
Applicable Spatial Layers Air Noise Area Overlay: Rural 1 Zone	**3.**	**Activity Status:** Non-Complying **Where:** a. The subdivision is a boundary adjustment; or b. The subdivision is the conversion of cross lease sites or buildings.
Applicable Spatial Layers Air Noise Area Overlay: Residential 1 Zone Rural 1 Zone Reserve 1 and 2 Zones	**4.**	**Activity Status:** Prohibited **Where:** The activity is not stated above.

Historical and Cultural Values		
SUB-R41	**Subdivision activity, including that which otherwise be a controlled activity where the site includes or adjoins a site of cultural importance listed in the schedules for Historical and Cultural Values**	*[13.5(1)(10), 3.5(1)]*
Applicable Spatial Layers All Residential Zones	**1. Activity Status:** Discretionary **Assessment Criteria:** a. General SUB-AC1.	
Subdivision of Sites and Buildings Susceptible to Natural Hazards		
SUB-R42	**The subdivision of sites or buildings on land within the Rotorua Geothermal Systems Overlay or affected by a geothermal feature, geothermal activity or bore**	*[13.5(1)(15), 13.6(1)(10), 13.7(1)(11), 13.8(1)(14), 13.9(1)(10), 13.10(1)(16), 13.11(1)(15)*
Applicable Spatial Layers All Zones	**1. Activity Status:** Discretionary **Assessment Criteria:** a. General SUB-AC1.	
SUB-R43	**The subdivision of sites or buildings on land susceptible to ~~inundation~~ flooding**	*13.7(1)(10), 13.7(1)(12) 13.8(1)(13), 13.9(1)(9), 13.10(1)(15) 13.11(1)(14),*
Applicable Spatial Layers ~~All Reserve Zones~~ ~~All Rural Zones~~ All Zones	**1. Activity Status:** Restricted Discretionary **Where:** ~~a. For the purpose of this rule inundation is defined as being surface flooding affected by high risk flood hazard zones within the Waikato River Catchment, as defined in the definitions, or caused by a 2% Annual Exceedance Probability (AEP) storm event (1 in 50 year return period flood event) in all other areas.~~ b. ~~It includes land affected by the high risk flood zone, the 50 year ARI lake flooding overlay.~~ a. Residential and City Centre Zones: The maximum anticipated flood depth for land in the site is more than 300mm from: i. the 1% AEP flood level from rivers or overland flows and/or the 1% AEP lake flood level; and ii. Taking into account the effects of climate change, using RCP8.5 median scenario to the year 2130 (or most recent national or regional guidance). b. Other Zones: The building platform identified for the subdivision includes land anticipated to be flooded by: iii. the 1% AEP flood level from rivers or overland flows and/or the 1% AEP lake flood level; and iv. Taking into account the effects of climate change, using RCP8.5 median scenario ~~(or most recent national or regional guidance)~~, to the year 2130 (or most recent national or regional guidance).	

Commented [KS1]: BOPRC 56.36, 56.37

Commented [KS2]: L Nelson 26.13, WRC 64.12

	~~**Assessment Criteria:**~~ ~~a. General SUB-AC1.~~ **Matters of Discretion** a. Areas susceptible to flooding SUB-MD2.
~~**Applicable Spatial Layers**~~ ~~All Commercial Zones~~ ~~All Industrial Zones~~ ~~All Business and Innovation Zones~~	~~**2. Activity Status:** Non-Complying~~ ~~**Where:**~~ ~~a. For the purpose of this rule inundation is defined as being surface flooding affected by high risk flood hazard zones within the Waikato River Catchment, as defined in the definitions, or caused by a 2% Annual Exceedance Probability (AEP) storm event (1 in 50 year return period flood event) in all other areas.~~ ~~b. It includes the effects of lake level inundation in Commercial Zones.~~

Development Areas

Advice Note:

Additional subdivision rules are contained in the following chapters:

1. PHDA- Pukehangi Heights Development Area
2. WHDA- Wharenui Development Area
3. OMDA- Ōtomarae Development Area

Performance Standards

The following performance standards apply if relevant and listed in the rule table for the relevant activity.

SUB-S1 Residential Zones site design performance standards

[13.5(2), 13.5(2)(3)]

1. Minimum site area

a. Residential 1 Zone:

i. All areas ~~(except the Wharenui Road Development Area):~~ ~~350~~ 250m² net site area ~~provided that the average site area of all new sites shall be at least 450m².~~

~~ii. Wharenui Road Development Area: For residential housing the average net site area of all new sites shall be 450m².~~

iii. does not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings and development that do not increase the degree of any non-compliance with the density standards in the District Plan.

b. Residential 2 Zone:

i. ~~Within a comprehensive residential development plan, which will include the complementary land use consent application~~All Areas: ~~150~~ 250m² net site area.

ii. ~~Without a comprehensive residential development plan: 350m² net site area.~~ i) does not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings and development that

do not increase the degree of any non-compliance with the density standards in the District Plan.

c. Residential 3 Zone: 250m² net site area.

d. Residential 4 Zone – Sites without public sanitary sewer: The minimum net site area for any new site shall be 2,000m², provided that:

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

ii. It can be demonstrated that existing buildings located on sites can comply with the performance standards for the zone and/or development area.

e. Residential 4 – with operational public sanitary sewer reticulation system: Minimum net site area for any new site shall be 1,000m², provided that

i. It can be demonstrated that existing buildings located on-site can comply with the performance standards for the zone and/or development area.

f. Residential 5 Zone: 1,500m² minimum net site area, provided that the average net site area of all new lots shall be 2,000m².

2. Site design factor

a. Residential 1 Zone:

i. All areas ~~(except the Wharenui Road Development Area~~):

1. ~~Sites of 450m² site area and above - The site shall contain an area of 180m² that is suitable for building and does not intrude into the yard buffers.~~ All vacant sites must be able to contain a rectangle of 8m by 15m to accommodate a building that does not protrude into the yard buffers and must be capable of accommodating complying development.

~~2. Sites of less than 450m² site area - The site shall contain an area of 150m² that is suitable for building and does not intrude into the yard buffers.~~

~~ii. Within the Wharenui Road Development Area - Sites shall contain an area of 180m² that is suitable for building and does not intrude into the yard buffers.~~

b. Residential 2 Zone:

~~i. Within a comprehensive residential development plan, which will include the complementary land use consent application - Sites shall contain the proposed or existing buildings and activities so that the buildings do not intrude into the yard buffers unless approved as part of the comprehensive development plan.~~ All vacant sites must be able to contain a rectangle of 8m by 15m to accommodate a building that does not protrude into the yard buffers and must be capable of accommodating complying development:

~~ii. Without a comprehensive residential development plan - Sites shall contain the proposed or existing buildings and activities so that the buildings do not intrude into the yard buffers.~~

c. Residential 3 Zone: Sites shall contain the proposed or existing buildings and activities so that the buildings do not intrude into the yard buffers.

d. Residential 4 Zone: Sites shall contain an area of at least 300m² that is suitable for building and does not intrude into the yard buffers.

3. Provision for solar access

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

4. Access, on-site parking and turning areas

Any vehicle access, on-site parking and turning that is required in accordance with the Zone performance standards, site serviceability standards and Appendix APP1 – Parking Turning and Access shall be separate to the area provided for ~~access to front doors,~~ outdoor spaces and residential privacy.

Commented [B&A3]: Sigma 38.5, Nelson, L 26.27, Kilpatrick, J 96.11.

5. When esplanades required

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 dimensions and sit design factor requirements.

6. Wharenui Road Development Area

In addition to the provisions of this part, all subdivision undertaken within the Wharenui Road Development Area shall be undertaken in accordance with the development plan in WHDA-Wharenui Road Development Area.

SUB-S2 City Centre Zones site design performance standards

1. Minimum site area

There is no minimum site area for these zones.

2. Site design factor

The subdivision shall meet the performance standards in SUB-S8, SUB-S9, SUB-S14, esplanade requirements, financial contribution requirements, 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.

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

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

4. Vesting of service lanes

Council will require the vesting of land for service lanes upon subdivision of sites containing land identified as service lanes as shown on the planning maps - city centre service lanes, in accordance with FC Financial contributions. Survey and legal costs associated with the vesting of the service lane shall be met by the council. The costs of forming the service lane shall also be met by council.

SUB-S3 Commercial Zones site design performance standards

1. Minimum site area

a. Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone, Commercial 5 Zone and Commercial 6 Zone: There is no minimum site area for this zone.

b. Commercial 4 Zone: For sites that are for residential purposes: There shall be no minimum site area for this zone.

2. Site design factor

The subdivision shall meet the performance standards in SUB-S8, SUB-S9, SUB-S14, esplanade requirements, financial contribution requirements, 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.

3. Access, onsite parking and turning areas

Any vehicle access, on-site parking and turning that is required in accordance with the zone performance standards, site serviceability standards and Appendix APP1 – Parking Turning and Access shall be separate to the area provided for ~~access to front doors,~~ outdoor spaces and residential privacy.

Commented [B&A4]: Sigma 38.6, Nelson, L 26.27, Kilpatrick, J 96.12.

4. When Esplanades Required

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 dimensions and sit design factor requirements.

5. Wharenui Road Development Area

In addition to the provisions of this part, all subdivision undertaken within the Commercial 3 Zone of the Wharenui Road Development Area shall be undertaken in accordance with the development plan in WHDA- Wharenui Road Development Area.

SUB-S4 Industrial Zones site design performance standards

1. Minimum site area

There is no minimum net site area for these zones.

2. Site design factor

The subdivision shall meet the performance standards in SUB-S8, SUB-S9, SUB-S14, esplanade requirements, financial contribution requirements, 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.

SUB-S5 Business and Innovation Zones site design performance standards

1. Minimum site area

There is no minimum site area for this zone.

2. Site design factor

The subdivision shall meet the performance standards in SUB-S8, SUB-S9, SUB-S14, esplanade requirements, financial contribution requirements, 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.

3. Access, on-site parking and turning areas

Any vehicle access, on-site parking and turning shall be in accordance with the performance standards for the zone and Appendix APP1 – Parking, Access and Turning.

SUB-S6 Rural Zones site design performance standards and lifestyle lot entitlements

1. Minimum site area

a. Rural 1 Zone:

i. Minimum net site area (unless otherwise stated): 15 hectares of usable land

ii. Exceptions:

1. For lifestyle lots in accordance with SUB-R29 where the minimum net site area shall be 2,500m^2 to a maximum net site area of 4 hectares; or

2. For land with versatile land outside the Lake Rotorua catchment the minimum net site area is 40 hectares.

b. Rural 2 Zone:

i. The minimum net site area for any new lot for which a separate Computer Register (Certificate of Title) is intended to be issues shall be 8,000m^2;

ii. 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;

iii. All relevant performance standards associated with the location of buildings on site, as stated in the zone and/or development area, shall be met; and

iv. Where sites contain existing buildings, it shall be demonstrated that all relevant performance standards for the zone and/or development area are met.

v. Exception: Where

- a lot is within a service area programmed to be publicly reticulated for sanitary sewer but not in Brunswick Park; and
- the reticulation system is operational

the following shall apply:

1. The minimum net site area of any new lot shall be 4,000m^2.

2. All relevant performance standards associated with the location of buildings on a site, as stated in the zone and/or development area shall be met; and

3. Where sites contain existing buildings, it shall be demonstrated that the performance standards for the zone and/or development area are met.

c. Rural 3 Zone:

i. The minimum site area for any new lot for which a separate Computer Register (Certificate of Title) is intended to be issued shall be:

1. 1,500m^2 within the Bay of Plenty Region; and

2. 2,500m^2 within Waikato Region;

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

iii. All relevant performance standards associated with the location of buildings on site as stated in the performance standards for the zone and/or development area shall be met; and

iv. Where sites contain existing buildings, it shall be demonstrated that all relevant performance standards for the zone and/or development area are met.

v. Exception: Where

- a lot is within a service area programmed to be publicly reticulated for sanitary sewer; and
- and the reticulation system is operational

the following shall apply:

1. The minimum net site area for any new lot shall be 1,000m^2;
2. All relevant performance standards associated with the location of buildings on site as stated in the performance standards for the zone and/or development area shall be met; and
3. Where sites contain existing buildings, it shall be demonstrated that the performance standards for the zone and/or development area are met.

2. Site design factor

a. Rural 1 Zones and Rural 2 Zones: The subdivision shall meet the performance standards in SUB-S8, SUB-S9, SUB-S14, esplanade requirements, financial contribution requirements, the performance standards for the zone where relevant and other relevant provisions in the District Plan unless the subdivision is intended to accommodate a land use consent that has been granted for the site.

b. Rural 3 Zones: The site shall provide an area of 300m^2 that is suitable for building and does not intrude into the yard buffers.

3. Rural 1 Zone - usable 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.

4. Rural 1 Zone - allowance for lifestyle lots

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

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

ii. 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;

iii. The balance of the site from which the lifestyle lot is to be subdivided shall:

1. have a minimum net site area of 15 hectares of usable land;
2. except that that include versatile land outside the Lake Rotorua catchment the balance of the site shall have minimum net site area of 40 hectares of usable land; and

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

Table SUB-1 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

v. Any allowance for lifestyle lot subdivision for lots held in separate Certificates of Title created after 10 June 1994 shall not exceed the number of lifestyle lots allowed for in the parent title, as it existed at 10 June 1994 or as consented to by council.

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

5. Rural 1 Zone - Additional Lifestyle Lot for Protection of SNAs

a. Additional lifestyle lots over and above the number allowed for in Table SUB-1 may be created where a significant natural area (SNA) listed in the ECO-SCHED1 – Significant Natural Areas is to be legally protected and its on-going management provided for, subject to the following –

i. Where a significant natural area identified in ECO-SCHED1 – Significant Natural Areas 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 SUB-1. The additional lot shall comply with all other requirements of (3) and (4).

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

iii. Where more than one additional lot is being applied for under this performance standard (SUB-S6.5), the total area of SNA to be protected must be equivalent to ten times the total area of the proposed lifestyle lots or ten hectares, whichever is the greater.

iv. Land identified as being part of an SNA 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.

6. Rural 1 Zone – additional lifestyle lot for protection of gullies or margins of water bodies

a. Additional lifestyle lots over and above the number allowed for in Table SUB-1 may be created where a gully or stream margin is to be legally protected and a planting scheme has been carried out subject to the following –

i. Within the Lake Rotorua catchment:

1. Where an additional lot is applied for, 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.

2. Where more than one additional lot is applied for the total area of gully to be protected must be 10 hectares.

ii. Outside of the Lake Rotorua catchment where one or more additional lots is applied for 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.

iii. The planting scheme on the land 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.

iv. Land identified as 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.

7. Rural 1 Zone - additional lifestyle lots for nutrient reduction

a. Additional lifestyle lots beyond the number allowed for in Table SUB-1 may be created within the Lake Rotorua catchment 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 –

i. 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.

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

SUB- Table 2 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

iii. 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 the performance standards 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.

iv. 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.

8. Rural 2 Zone – additional lifestyle lot for protection of SNAs

a. Additional lifestyle lots over and above the number allowed for in Table SUB-1 may be created where a Significant Natural Area (SNA) listed in ECO-SCHED1 – Significant Natural Areas is to be legally protected and its on-going management provided for, subject to the following –

i. One lifestyle lot for each lifestyle lot allocation identified in Table SUB-1 may be created. The lot shall comply with all other requirements of the performance standards for minimum site area and site design factor.

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

iii. Where more than one additional lot is being applied for under this performance standard (SUB-S6.8), the total area of SNA to be protected must be equivalent to ten times the total area of the proposed lifestyle lots or ten hectares whichever is the greater.

iv. Land identified as being part of an SNA 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.

9. Rural 2 Zone – additional lifestyle lot entitlement for protection of gullies or margins of water bodies

a. Additional lifestyle lots over and above the number allowed for in Table SUB-1 may be created where a gully or stream margin has been legally protected and a planting scheme has been carried out, subject to the following –

i. Within the Lake Rotorua catchment where an additional lot is applied for 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.

ii. Outside of the Lake Rotorua catchment where one or more additional lots is applied for 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.

iii. The planting scheme on the land to be considered 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.

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

v. Land identified as 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.

10. When esplanades required

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 dimensions and sit design factor requirements.

SUB-S7 Reserves Zones

1. **Minimum site area**

There is no minimum net site area for these zones.

2. **Site design factor**

a. Sites shall be capable of meeting the performance standards in SUB-S8, SUB-S9, SUB-S14, esplanade requirements, financial contribution requirements, 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, or the site is in the Reserve 2 Zone and intended for a commercial or residential nature.

SUB-S8 Site suitability

~~[13.12]~~

~~**1. Subdivision of land or buildings susceptible to inundation from surface water**~~

~~a. For the purpose of this rule inundation is defined as being surface flooding affected by high risk flood hazard zones within the Waikato River Catchment, as defined in the definitions, or caused by a 2% Annual Exceedance Probability (AEP) storm event (1 in 50 year return period flood event) in all other areas.~~

~~b. For subdivision of any land or buildings susceptible to inundation from surface water the following shall apply:~~

~~i. No vacant lots shall be created on land susceptible to inundation if it cannot be filled above the inundation flood level.~~

~~ii. Subdivision of lots containing existing lawfully authorised buildings located on land susceptible to inundation may be undertaken:~~

~~1. Where future replacement or habitable additions to the buildings require building platforms to be filled to above the inundation flood level; and~~

~~2. 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.~~

2. Subdivision of land or buildings susceptible to high ground water

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

i. 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

ii. 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

iii. Filling to not less than 1m above mean water table level as established above ~~and also above the 2% AEP flood level~~ shall be required to provide a dry building platform to comply with relevant statutory requirements for the construction of buildings; and

iv. Failing to achieve (iii) above shall not result in displacement of surface ponding off the site onto other properties.

v. In reserve areas, or other areas excluded from the placement of buildings or services, lower standards that those required above may be accepted by council. The areas that will be covered by these provisions shall be shown on applications for the subdivision of any sites or buildings.

vi. 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.

vii. 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 Computer Register (Certificate of Title) for the site.

viii. 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 flow paths when the primary system is overloaded.

3. Subdivision of land or buildings in areas within geothermal activity

a. For the subdivision of any land or buildings on land within the Rotorua Geothermal Systems Overlay or affected by a geothermal feature, geothermal activity or bore or known to be susceptible to geothermal activity, the following shall apply:

Commented [KS5]: BOPRC 56.36, 56.37

i. Those areas of the site with geothermal activity and that have visible geothermal surface 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.

ii. The assessment of effects on the environment (AEE) submitted with any subdivision application shall cover the effects of the geothermal activity 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 surface features. The assessment shall include an assessment of risk, cover relevant matters contained in section 106 RMA and recommend how the issue can be avoided, remedied or mitigated.

iii. 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.

4. Subdivision of land or buildings on ground subject to slippage and subsidence (including liquefaction)

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

Advice Note: Electricity Lines

The New Zealand Electrical Code of Practice for electrical safe distances (NZECP 34:2001) contains restrictions on the location of structures and activities around electricity lines. Compliance with this code is mandatory. Compliance with this plan does not ensure compliance with NZECP 34:2001. The electricity line operator can be contacted for advice for any activities around the electricity network.

SUB-S9 Site serviceability

[13.13]

1. Site development and earthworks

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

i. 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;

ii. All earthworks shall be carried out in a manner that does not disturb riparian margins, adversely affect Significant Natural Areas, indigenous vegetation or significant habitats or Significant Geothermal Features. Where the site is within a feature identified in the schedules for Historical and Cultural Values or Natural Environmental Values, or is a Significant Geothermal Feature, then the provisions of these chapters of the plan shall apply;

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

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

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

2. Roading and access

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

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

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

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

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

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

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

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

viii. Access shall not be directly to a State Highway that is defined as a strategic road as identified in EIT-SCHED1 – Road Hierarchy.

b. **Shared Private Access**

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

SUB- Table 3 Minimum access and formation widths

Access	Number of ~~household~~ residential units	Widths	
		Legal	Formation
Shared private access	1-2 ~~household~~ residential units 3-4 ~~household~~ residential units 5-8 ~~household~~ residential units ~~8~~9-20 residential units	3m 4m 6.5m 8m	2.7m 3m 5m

Commented [KS6]: minor error

			5.5m (plus separate 1.5m wide pedestrian path and 1m wide services berm)
Rural 1 zone shared private access		10m	3m

ii. Provided that, where an access exceeds 50m in length it must have a minimum legal width of 4m; or a hardstand in accordance with Fire and Emergency's 'Designer's Guide' to Firefighting Operations Emergency Vehicle Access' (December 2021) must be provided within 50m of the residential units served by the driveway.

Commented [KS7]: FENZ 51.7

iii. A maximum number of ~~8~~ 20 ~~household~~ residential units may share a private access. For the purpose of calculating the number of residential units accessing a shared access driveway vacant residential lots shall be considered to contain one residential unit unless a greater number of units has obtained a building or land use consent, in which case that number shall be used.

Commented [KS8]: RLC 61.3

iv. For shared access driveways for 9-20 residential units it shall be demonstrated that a legally binding arrangement is in place for ongoing maintenance.

Commented [KS9]: RLC 61.1, L Nelson 26.18, Cheal 79.21

c. **Provision of a design and access statement for roading design approval**

For any subdivision of land or building whhere roading is proposed the following shall apply:

i. A design and access statement shall be submitted with the subdivision consent application for design approval. The statement shall cover all aspects of purpose and design and shall specifically address:

a. Road dimensions and layout;

b. Link and place functions;

c. Connectivity;

d. The manner in which target operating speeds will be achieved; and

e. The manner in which low impact design principles have been considered for stormwater runoff from the roads.

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

d. **Road and access**

i. A Māori Roadway that is unrestricted to users will be considered to be a private road. A Māori Roadway that is restricted to users will be considered to be a private way.

ii. Private roads and private ways are as defined in Section 315 of the Local Government Act 1974;

iii. 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.

iv. Council may approve an application for subdivision in any of the following situations:

1. 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;

2. 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;

3. The subdivision of land and buildings shall be designed such that there is sufficient on-site turning to comply with Appendix APP1 – Parking, Turning and Access, so that reversing of vehicles along a right of way, access lot, or access leg will not be necessary

v. Road access to adjoining land shall be provided to ensure future potential development of adjoining sites and connected communities through an integrated road network;

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

3. Infrastructure Performance Standards

a. **Requirements for water services – sewage, stormwater and water supply**

i. The following services shall be required for new sites created by subdivision:

1. 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. Adequate disposal of sewage from each site and building within the subdivision;

3. 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;

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

5. Where one or more of the water services are not available, the application shall demonstrate that these services can be provided within the site, or is otherwise secured in perpetuity;

6. All easements for the identification and protection of private and public services shall be shown on the survey plan. Adequate provision must be made for access to and along the easements for maintenance and renewal purposes and in particular easements covering open stormwater drains; and

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

b. **Water services**

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

ii. New water services shall be provided for within road reserves;

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

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

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

vi. The water supply shall be adequate for fire-fighting purposes.

c. **Requirements for electricity, telecommunications and gas**

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

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

iii. The following shall be the minimum requirement for electricity servicing of new sites or lease areas created by subdivision:

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

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

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

4. All easements for the identification and protection of electricity, telecommunications and gas services shall be shown on the survey plan in favour of the service provider. Adequate provision must be made for access to and along the easements for maintenance and renewal purposes.

d. **Requirements for street lighting**

i. Adequate provision shall be made for the supply and installation of street lighting in accordance with the requirements for the roading authority; and

ii. Any required street lighting shall be provided in a manner to ensure safety of pedestrians, cyclists and vehicles using the roading network.

SUB-S10 Rural Zones general performance standards

1. Proposed lots shall not create new severed areas

a. 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 SUB-R30 (formed public roads, unrestricted Māori roadway, railway reserve, topographical severance) 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.

b. 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.

2. 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 in the zone chapter and/or development area;

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; and

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 the zone chapter and/or development area shall not be increased by the subdivision.

3. Vegetation, re-vegetation and retirement

a. 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.

b. 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:

ii. 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.

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

1. Controls on the siting, bulk, location and design of buildings, earthworks and vegetation removal;

2. Location and design of roading and supporting infrastructure;
3. Planting of landscape on public and private lands;
4. Protection of natural features of value;
5. Location and design of fencing.

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

SUB-S11 Boundary adjustments

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

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

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

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

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

SUB-S12 Subdivision for creating reserves

[13.14]

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 Māori Act 1993/Māori Land Act 1993 or Resource Management Act 1991 the following shall apply:

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

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

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

SUB-S13 Subdivision for utility services or electricity generation

1. For the subdivision of any site or building to create a lot to accommodate utility service or electricity generation and transmission activity sites the following shall apply:

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

   b. Site suitability (SUB-S8) and serviceability (SUB-S9) requirements for building and servicing of the utility service lot will only be required if relevant for the proposed utility service, and if required will be subject to the provisions of this part. A consent notice may be imposed if building platforms and services are not provided.

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

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

e. The site shall be of sufficient size to accommodate parking and turning requirements.

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

SUB-S14 Other performance standards

[13.14]

1. Subdivision registration of consent notices

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

2. Cross lease, unit title, company lease subdivision

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

a. Have existing use rights; or a land use consent has been granted; and

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

c. Will not increase the degree of any non-compliance with the density standards in the district plan after subdivision will be created unless there is an approved land use consent; and

d. Comply with other the relevant provisions of the District Plan for the zone in which the site is located; ~~or~~ and

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

~~f. A resource consent has been granted.~~

g. Where a building fails to comply, a subdivision consent will not be granted until the requirements under (a) to (d) above have been met.

3. Conversion of cross lease to freehold requirements

a. Where a lot to be created by the conversion of a cross lease to a freehold title is occupied by an existing ~~household~~ residential unit, or is for a residential unit for which land use consent has been granted, the proposed lot shall not increase the degree of any non-compliance with density standards in the district plan and shall comply with the other relevant performance standards for permitted activity for the zone. In any instance of an existing ~~household~~ residential unit failing to comply with a performance standard, the council may impose conditions regarding mitigation of the potential adverse effects.

b. Any proposed lot that is not occupied by an existing ~~household~~ residential unit shall comply with the relevant site dimension requirements set out for the relevant zone and the site suitability and site serviceability standards set out in SUB-S8 and SUB-S9..

c. The application will be subject to the requirements of the esplanade provisions at the end of this chapter.

4. Update of cross lease flats plan requirements

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

5. Unit title requirements

a. Unit title subdivision applications shall allocate accessory units to principal units to ensure compliance with parking requirements stated in the performance standards for the zone and APP1 – Parking Turning and Access where parking requirements are not provided for within the principal unit. Practical and physical access shall be provided to each unit in accordance with SUB-S9(2), or in accordance with an approved land use consent for the building, or buildings, to be subdivided.

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

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

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

6. Subdivision of sites (other than cross lease titles) with existing buildings

a. Where any proposed site to be subdivided has existing, lawfully established buildings or buildings approved in a land use consent, ~~on it~~, the new sites to be created by subdivision shall comply with the performance standards for yards for the zone or the subdivision shall not increase the degree of non-compliance.

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

Matters of Control

The following matters of control apply if listed in the rule table for the relevant activity.

SUB-MC1 General matters of control

[13.17(1), 13.15]

1. The level of compliance with the performance standards in this chapter. The application shall also be assessed against the general controlled assessment criteria for controlled activities for the relevant underlying zone.
2. The following matters:
   a. The degree of connectivity to open space, services and facilities.
   b. Accessibility by all modes of transport, including for cyclists and pedestrians.
   c. The degree of accordance with the principles of CPTED.
   d. The extent to which the design and layout of lots enable siting of a ~~household~~ residential unit with good solar access.
   e. The extent to which existing landform and landscape features are retained and enhanced.
   f. The extent to which existing vegetation is retained or enhanced.
   g. The extent to which the character and amenity values are consistent with the planned character of the zone ~~maintained and enhanced~~.
   h. The extent to which adverse reverse sensitivity effects can be avoided, remedied or mitigated.
   i. Potential for the activity to adversely affect the safe and efficient operation of strategic infrastructure.
   ~~j. Where subdivision will result in an existing dwelling failing to meet performance standards, the council shall consider and may impose conditions regarding the potential adverse effects of non-compliance with a performance standard and the objectives and policies for the relevant zones.~~
   k. Whether a financial contribution is required under the provisions of FC – Financial Contributions
   l. Wharenui Road Precinct: WHPR-MC1 to WHPR-MC6.

Matters of Discretion

The following matters of discretion apply where listed in the rule table for the relevant activity.

SUB-MD1 General assessment criteria

[13.18(1), 13.5]

1. The level of compliance with the performance standards in this chapter. The application shall also be assessed against the general matters of discretion for restricted discretionary activities for the relevant underlying zone.
2. The following matters:
   a. How the activity achieves the objectives and policies of this part, the relevant zone and/or development area, and the district wide chapters.
   b. The degree of connectivity to open space, services and facilities.
   c. Accessibility by all modes of transport, including for cyclists and pedestrians.
   d. The degree of accordance with the principles of CPTED.
   e. The design and layout of lots to enable siting of a ~~household~~ residential unit with good solar access.

f. The retention and enhancement of existing landform and landscape features.

g. The retention and enhancement of vegetation.

h. Whether opportunities for re-vegetation have been taken.

i. Whether opportunities for retirement of pasture from grazing have been taken.

j. The extent to which the character and amenity values are maintained and enhanced.

k. Whether a financial contribution is required under the provisions of FC – Financial Contributions

l. Wharenui Road Precinct: WHPR-MD1 to WHPR-MD6.

SUB-MD2 Areas susceptible to ~~inundation~~flooding

Commented [KS10]: BOPRC 56.29, WRC 64.12, Kainga Ora 86.43

1. The appropriateness of the proposed building locations and the ~~extent to which the proposal minimises~~ the risks (including residual risks) to people, ~~and~~ property and the environment on the site from flooding;

~~2.~~ The extent to which development of the site will increase risks (including residual risks) from flooding to people and property on other sites, ~~or~~ infrastructure or the environment; ~~and the extent to which the proposal mitigates this effect;~~

3. Whether the development of the site will reduce the carrying capacity and storage capacity of any river corridor or major overland flowpath; and

4. Where overland flowpaths affect the site:

   a. the extent to which the development of the site, including siteworks such as fences or walls, will provide for the continued conveyance of water;

   b. whether the development of the site will change the entry and/or exit points of the overland flowpaths and the impact on other sites and infrastructure;

   c. management of any potential erosion caused by any overland flowpaths; and

   d. provision for access and maintenance to the overland flowpaths.

Assessment Criteria

Whilst not limiting the exercise of its discretion, Council may consider the particular matters below where indicated in the table above.

SUB-AC1 General assessment criteria

[13.19(1), 13.5]

1. Council may impose conditions in relation to:

   a. The degree of connectivity to open space, services and facilities.

   b. Accessibility by all modes of transport, including for cyclists and pedestrians.

   c. The degree of accordance with the principles of CPTED.

   d. The design and layout of lots to enable siting of a ~~household~~ residential unit with good solar access.

   e. The retention and enhancement of existing landform and landscape features.

   f. The retention and enhancement of vegetation.

   g. Whether opportunities for re-vegetation have been taken.

h. Whether opportunities for retirement of pasture from grazing have been taken.

i. The extent to which provision is made for the protection and enhancement of indigenous biodiversity.

j. The extent to which the character and amenity values are consistent with the planned character of the zones ~~maintained and enhanced~~.

k. The extent to which adverse reverse sensitivity effects can be avoided, remedied or mitigated.

l. Potential for the activity to adversely affect the safe and efficient operation of strategic infrastructure. Regard should be had to the outcome of any consultation with the infrastructure operator.

m. The assessment criteria for development and activities that affect a Significant Geothermal Feature, as set out in NFL - Natural Features and Landscapes.

n. Whether a financial contributions is required under the provisions of FC- Financial Contributions.

2. Applications for subdivision within the Sensitive Rural Area of the Rotorua Caldera Rim will be assessed against the following criteria:

a. The extent of compliance with performance standards for subdivision.

b. The location of buildings, works and structures.

c. The height of buildings taking into account the surrounding landscape and the ridgeline of the caldera.

d. Whether proposed roads and access ways cut across a hillside or into a prominent slope.

e. The extent of earthworks and modification of the landform and the extent to which the finished landform appears natural and maintains the character and amenity of the rural area.

f. The extent of vegetation removal.

g. The mitigating effects of the proposed landscape scheme.

h. The guidelines in the Boffa Miskell Ltd report 'Rotorua Caldera Rim- Caldera Rim Rural Character Design Guideline, September 2012', that manages built change in the rural landscape.

i. The ability to service the subdivision without adverse effects from necessary infrastructure located on the caldera ridgeline or prominent upper slopes of the caldera.

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

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

3. Subdivision of sites containing Significant Natural Areas, Outstanding Natural Features and Landscapes, or Significant Geothermal Features:

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

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

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

d. The extent to which future development would affect Significant Natural Areas and Significant Geothermal Features that have been identified as requiring protection.

4. The extent to which new activities will avoid, remedy or mitigate effects on the appearance and integrity of a heritage site or item, with particular regard to the:

a. Visual impact of buildings, structures, signs, and exterior lighting.

b. Visual connectivity of sites, including Marae to other sites, landmarks, landscapes or wāhi tapu, that contributes to its cultural importance.

c. Cumulative effects of built form and human presence.

d. Appropriate separation distance from the cultural site, archaeological site or wāhi tapu, from the proposed activity.

5. Wharenui Road Precinct: WHDA-AC1 to WHDA-AC6.

Esplanade Requirements

In addition, to the above subdivision rules, Council will require the vesting of esplanade reserves or the creation of esplanade strips or access strips upon subdivision of sites, lease areas, or cross lease updates, where the subdivision site adjoins or is within 20m of a stream, river, or lake as defined in the Act, and in accordance with the Natural Environmental Values chapter of this plan.

SUB-R44 Esplanade Reserve and Esplanade Strip Provision

1. Where the subdivision of land occurs and new sites are created the following shall apply;

a. An esplanade reserve or strip of 20m in width (unless otherwise waived in accordance with the provisions of SUB-R45) along the banks of the following water bodies shall be vested in council:

i. Lakes over 8 hectares; or

ii. Rivers with an average width of 3m or more

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

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

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

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

d. Other situations where the subdividing owner offers a wider reserve or strip and particular features of the site make this desirable.

SUB-R45 Reduction or waiver of a 20m width for esplanade reserves or strips

1. Applications to reduce or waive a 20m width for esplanade reserves or strips shall be assessed as a discretionary activity

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

3. The width requirements for esplanade instruments as stated in SUB-R44 may be reduced to a width of no less than 5m if the following instances apply:

   a. Topographical constraints on or adjacent to, the area in question are such that the full 20m width will lead to conflict with no practical resolution.

   b. Existing permanent buildings such as dwellings (but excluding boat sheds, garages and garden sheds) are sited within 25m of the water body.

   c. Existing access to adjacent allotments is sited within 20m of the water body and cannot be readily re-sited.

   d. Topography adjacent to or within the proposed reserve requires that services such as a road or access must be placed within 20m of the water body.

   e. Identified Māori historic heritage sites are within 20m of the water body.

   f. If there is an existing esplanade reserve or strip depth that is adequate to achieve the purposes of the esplanade.

   g. Whether a financial contribution is required in addition to an esplanade or reserve strip.

4. The requirements for esplanade instruments as stated in SUB-R44 may be waived if the following instances apply:

   a. Topographical constraints on, or adjacent to, the area in question has the potential to adversely affect public safety.

   b. Access to the water body is limited.

   c. It would be more beneficial for the land to remain with the owner than to vest in council.

   d. The land has little or no value in terms of enhancing public access; there are no conservation benefits to be gained; or for reasons of public safety or security.

   e. There are no conservation benefits to be gained.

   f. For reasons of public safety or security.

   g. Where the land is already protected under a QEII Trust Covenant, protective covenant under the Reserves or Conservation Act, or marginal strip under the Conservation Act.

   h. Land administered under the Te Ture Whenua Māori Act 1993.

   i. Other exceptional circumstances that are sufficient to justify a restriction.

5. Before considering any waiver under Council will consider and, where practicable, seek the provision of alternative access routes that are available to the public.

Financial contributions

Advice Note:

Financial Contributions for Reserve Purposes

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

Financial Contributions for Transport Network and Servicing Works

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

Financial Contributions for Vesting of Service Lanes

Council will require the vesting of land for service lanes upon subdivision of land containing service lanes as shown on the planning maps - city centre service lanes and in accordance with CCZ – City Centre Zones and FC – Financial Contributions. Where council requires land to be vested for service lane provision the maximum extent of land will be the financial contribution required. Survey and legal costs associated with the vesting of the service lane shall be met by the council. The costs of forming the service lane shall be met by council.

ANTICIPATED ENVIRONMENTAL RESULTS

The efficiency and effectiveness of the policy framework of this part will be the focus of on-going 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:

SUB-AER1	An increase in sustainable subdivisions where new lots: 1. Are connected to public utility services; 2. Are connected to the road network; 3. Have reasonable access to services and facilities; 4. Have reasonable access to a reserve used for recreation or amenity purposes; and 5. Will not result in reverse sensitivity effects on existing lawfully established activities.
SUB-AER2	An increase in subdivision that supports the improvement of water quality by: 1. Decreasing the area of vegetation that is removed in association with subdivisions; 2. Reducing nutrient losses from rural land; 3. Increasing the area retired from grazing; and 4. Increasing the areas of land that is revegetated.
SUB-AER3	An increase in the use of sustainable modes of transport including cycling and walking.
SUB-AER4	An increase of the area of land that has undergone a permanent definitive land use change to achieve significant reductions in nutrient losses.

SUB-AER5	Avoidance of reverse sensitivity effects.
SUB-AER6	An increase in the density and diversity of housing in the Residential 1 Zone and Residential 2 Zones.