

# PART SIXTEEN - SUBDIVISION AND DEVELOPMENT

## 1. INTRODUCTION

Council has the statutory responsibility to control subdivision of land and the effects of land use throughout the District. The activity of subdivision is addressed as a separate category to land use activities in Sections 11 and 31 of the *Resource Management Act 1991*, thus providing an important distinction between subdivision and land use. Land may only be subdivided if it is expressly provided for by a Rule in the Plan. In comparison, the *Resource Management Act 1991* provides an enabling status to land use activities such that any land use is allowed unless there are Rules in the Plan to control the effects of that land use or the activity.

The subdivision of land is closely associated to the anticipated land use. Therefore Council, in controlling subdivision, must consider the suitability of the lots or lease areas for the anticipated land uses, the servicing requirements, and the constraints of the underlying land resource.

Similarly, larger scale development may also have special requirements that need to be assessed in terms of their effects on natural and physical resources. This Part will therefore address the resource management issues relevant to subdivision and development in a joint fashion. Development is defined in **Part Nineteen** so that smaller scale land use activities are excluded from assessment under the Objectives, Policies and Rules of this Part.

Subdivision and development provide the framework for roading, infrastructure and utility services and therefore Council must ensure the integrated management of these physical resources when new subdivision and development is proposed. Financial contributions in the form of minimum engineering requirements are listed in this Part including Rules for upgrading contributions. In specified situations, service lanes and road widening will also be acquired.

It is also recognized that amenity and heritage values may be adversely affected by activities resulting from subdivision and development. Therefore, appropriate measures are provided to avoid, remedy or mitigate these effects. These include the use of zoning and prescribed minimum and maximum lot sizes, protection of natural features and heritage sites, and the requiring of a financial contribution for reserves and heritage purposes. Council also intends to acquire esplanade reserves and esplanade strips along water bodies at the time of subdivision and development for a variety of purposes, including protection of water quality and providing public access and recreational opportunities.

As well as adverse effects, the positive effects from subdivision and development should also be recognized. For example, lifestyle lots along waterways may reduce stock effluent running into rivers and lakes, eroding soils may be formally retired

from grazing and additional house sites may sustain the viability of rural communities and schools.

## 2. RESOURCE MANAGEMENT ISSUES

The following section discusses the resource management issues for subdivision and development. Five issues are identified with overlap and linkages existing between each of the individual issues. These issues are:

- Amenity and heritage values;
- Natural and human generated hazards;
- Infrastructure and services;
- Water quality and natural character of water bodies; and
- Rural land and agricultural production.

These issues closely relate to the Objectives and Policies of the Zones in which the subdivision or development is proposed, and to the Objectives and Policies contained in **Part Eleven** Reserves, Water Bodies and Heritage; **Part Twelve** Transportation; **Part Thirteen** Natural Hazards; **Part Fourteen** Hazardous Substances; and **Part Fifteen** Utility Services of this Plan. Applications for subdivision and resource consent will therefore be assessed in conjunction with the Objectives, Policies and Rules contained in these other parts of the Plan.

### 2.1 ISSUE ONE

**ACTIVITIES SUCH AS SUBDIVISION AND DEVELOPMENT  
MAY HAVE ADVERSE EFFECTS ON AMENITY AND  
HERITAGE VALUES IN THE DISTRICT**

#### 2.1.1 ISSUE STATEMENT

Amenity values are defined in the *Resource Management Act 1991* as, “..those natural and physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”. “Heritage values” is a generic term used to refer to a number of matters in Part II of the *Resource Management Act 1991* (as discussed in **Part Eleven** of this Plan). Each area in the District has its own amenity and heritage values and these values may be adversely affected by additional

subdivision and development. Adverse effects may include changing density and character of an area and loss of heritage or landscape features to inappropriate subdivision or development. Therefore, subdivision and development needs to be controlled in order that the adverse effects on amenity and heritage values may be avoided, remedied or mitigated.

It is recognised that some areas of the District will be more sensitive to subdivision and development than others. Through the consultation process it was identified that rural subdivision in particular was a sensitive issue. Rural communities were generally concerned that additional subdivision and development may adversely affect their amenity values. Therefore, subdivision and development in rural areas requires special consideration given particularly the subdivision consent process which is irreversible. Rural subdivision often leads to “ribbon development” along roads and may lead to an overall change in the rural character of an area. Council in assessing rural subdivision applications must therefore be concerned with the effects of the subdivision over the longer term and give due consideration to cumulative effects.

## 2.1.2 RESOURCE MANAGEMENT OBJECTIVE

***Subdivision and development in the District which maintains or promotes the amenity value of existing neighbourhoods and localities***

## 2.1.3 POLICIES

**Note:** Objectives of **Part Eleven (2.2.1.2, 3.2.1.2, 4.2.1.2 and 4.2.2.2)** are also directly relevant to subdivision and development.

One of the main factors influencing amenity is the density and type of activity that is contained in an area. Residential areas generally comprise built up neighbourhoods with high levels of services including footpaths, roads, and water and sewer reticulation. Alternatively, the amenity values of rural areas are characterised by larger separation distances between buildings, and reduced levels of roading and infrastructure services. Particular attention must also be given to the cumulative effects of subdivision and development in rural areas, which may affect the landscape and natural resources over the longer term.

In approving subdivision and development, Council will ensure that appropriate design and landscaping standards are maintained throughout the district. For example, in residential areas it is preferable to provide a range of lot sizes and layout to provide a range of residential opportunities, and in rural areas it is generally more appropriate to locate lifestyle lots in areas which will have the least effect on adjoining landowners. Trees and other natural features are important to the amenity of both residential and rural environments as well as their intrinsic values. Attempts will be made to protect trees where appropriate and it is also recognised that native bush provides natural, habitat and amenity values to the rural landscape.

The subdivision consent process provides an appropriate mechanism to create reserves as part of the survey and creation of new titles. Reserves will also be required as part of the approval process of development and land use activities. A full discussion on reserves is provided in **Part Eleven** of this Plan. Of particular relevance to subdivision and development are Policies **2.2.1.3.1, 2.2.1.3.2, 2.2.1.3.3, 3.2.1.3.3, 4.2.1.3.1** and **4.2.4.3.1** of **Part Eleven**.

It is recognised that reserves provide a number of users which contribute to the amenity and heritage values of the District. Reserves provide for a variety of recreational activities such as playgrounds, sports fields, picnics or simply walking and cycling routes. Reserves also add to the aesthetic and natural values of the environment often providing green space to the built-up environment, and provide a mechanism for protecting historic sites and buildings, trees and significant landscape features.

Esplanade reserves and strips are a specific category of reserves which are important in providing public access to and along water bodies. Section 230 of the *Resource Management Act 1991* places an onus on Council to acquire esplanade reserves and strips along water bodies with the provision of public access to these water bodies recognised as a matter of national importance in Section 6 of the *Resource Management Act 1991*.

- 2.1.3.1 **POLICY**  
*To avoid, remedy or mitigate the adverse effects of subdivision on the existing amenity values of existing neighbourhoods and localities.*
- 2.1.3.2 **POLICY**  
*To ensure that subdivision and development design maintains and promotes the amenity values of the existing neighbourhoods and localities.*
- 2.1.3.3 **POLICY**  
*To promote rural subdivision and development that does not lead to ribbon development along rural roads where this is not in keeping with the existing rural character of the locality.*
- 2.1.3.4 **POLICY**  
*To maintain and promote the rural character, landscape and amenity values of rural areas in the District.*
- 2.1.3.5 **POLICY**  
*To promote positive effects on the environment through the innovative design of subdivision and development.*
- 2.1.3.6. **POLICY**  
*To protect trees, groups of trees and other natural values which are important to the natural and cultural heritage and amenity of the District, where subdivision and development takes place.*
- 2.1.3.7 **POLICY**  
*To maintain and enhance the existing natural character of the District's lakes, wetlands, rivers and streams and their margins.*

2.1.3.8 **POLICY**  
*Within the Rural B1 Zone to promote subdivision and development that produces positive effects of a visual nature, including enhancement of both the landscape and the resulting built form, for both the adjoining rural and adjacent urban environments.*

2.1.3.9 **POLICY**  
*Within the Rural B1 Zone to promote the revegetation of areas where positive results can be achieved for the purpose of enhancing stormwater control, assist in improving the quality of stormwater by reducing nutrients that eventually enter the lakes, and for landscape and amenity purposes.*

## 2.1.4 METHODS OF IMPLEMENTATION

Minimum lot sizes are prescribed in each Zone which reflect the existing and desired amenity values and the general character of the area. These minimum lot sizes also coincide with the Objectives and Polices of other Parts of this Plan including **Part Four** and **Part Eleven**.

Council has deemed rural subdivision to be a Discretionary Activity which allows for an application to be declined when the effects of the application cannot be considered minor. This supports a cautionary approach to rural subdivision.

Although, the prescribed minimum and maximum lot sizes provide a framework for subdivision, the Rules will not always be appropriate to the diverse range of subdivision and development proposals which may be submitted to Council. Therefore, it is acknowledged that innovative design outside the Rules prescribed in the Plan may be appropriate in some situations. Such applications will be assessed on their merits as a Non-Complying Activity. Council will have regard to any positive environmental effect that a subdivision or development will have on the environment.

### 2.1.4.1 LOT SIZE RULES

Minimum and in some cases maximum lot sizes are provided within each of the Zones in order to promote the amenity values and character within the District.

For the Rural A Zone the minimum size for a general lot is 15 usable hectares. This ensures that a large separation distance and low density of house sites is maintained throughout the District and that the agricultural potential of the lots is maintained. Provision is also made for lifestyle lots ranging in area from 0.5 to 6 hectares with the ability to reduce the minimum lifestyle lot size to 2500 square metres for existing house sites.

A 0.5 hectare minimum lot size provides an appropriate area to prevent close groupings of houses which may adversely affect rural character. The ability to subdivide smaller lots around existing house sites recognises that sites may be currently developed with gardens, fences and landscaping which provide practical boundary locations around the existing site. A lot size of 2500 square metres is also the minimum requirement of Environment Waikato for properties requiring on-site effluent disposal as a Permitted Activity.

The Rural B Zone provides a minimum lot size of 8000 square metres and reflects the previously established rural residential zone. The 8000 square metre (two acre) minimum maintains a sufficient separation distance between house sites and promotes the amenity values expected by landowners in this area.

Rural C does not provide any minimum lot size as this will be dependent on the scale of the Kaingaroa Papakainga proposed.

The minimum lot size of 1500 square metres in the Rural D Zone reflects the established land use pattern in rural settlements. As many rural settlements are not serviced with public sewer reticulation, provision will have to be made for on-site effluent disposal. The minimum lot size of 1500 square metres is also designed to cover the general authorisation requirements which existed previous to the on-site effluent plan of Environment BOP.

The Rural E Zone requires a minimum lot size of 2000 square metres which is generally larger than the majority of lot sizes currently existing in the lakeside settlement areas. However, due to the sensitive nature of lake margin areas, both in terms of natural character, amenity values, and water quality, a 2000 square metre minimum lot size is specified.

The Rural F Zone is a spray irrigation zone and therefore subdivision will only be allowed where it is consistent with the Objectives and Policies for the Zone. No minimum lot size is justified.

The Residential a Zone requires a minimum net site area of 250 square metres. The relatively, (compared to Residential B) small lot size is designed to promote land use opportunities within the context of an urban Maori village.

For subdivision in the Residential B Zone a minimum net site area of 350 square metres is required with a average site area requirement of 450 square metres. The net site area is sufficient to minimise undue pressure from building activities on maximum height and yard requirements which may adversely affect adjoining neighbours. The average site area reflects the established density of residential activity in the Residential 2 Zone which existed under the previous Plan. It also allows for “infill development” to take place on existing lots of 900 square metres or larger in area.

The minimum net size area for the Residential C Zone is 150 square metres reflecting the Objectives and Policies for the Zone which is to provide for high density multi unit housing. Although the net site area provides for subdivision to 150 square metres, such a small lot would not normally provide a practical building site in its own right. It is therefore envisaged that subdivision will be approved in accordance with submitted plans for units on the lot.

The Residential D Zone is a mixed use zone for offices and high density multi unit accommodation and provides a minimum net site area of 450 square metres. Although the household unit density is one unit for every 150 square metres, this would not be an appropriate size to accommodate office uses with greater car parking requirements. Accordingly, the net site area for subdivision is larger than the density requirements.

The minimum net site area in the Transitional Development Zone is 500 square metres which is compatible with its purpose as a transition zone between residential activities and industrial activities. The net site area recognises that anticipated land use activities may include industrial activities which will generally require greater areas for yards and building space, as well as areas for landscaping to buffer adjoining residential properties.

The Resort A and C Zone have a minimum net site area of 400 square metres and the Resort B Zone has a minimum net site area of 450 square metres. The Resort A and C Zones have less restrictive height and buffer requirements which will enable greater utilisation of the site than the Resort B Zone. The Resort B Zone requires a larger area as it is restricted in height and yard requirements to protect adjoining properties from the effects of land uses anticipated in the Zone.

Although the minimum lot sizes for each of the Resort Zones are small compared to many existing tourist accommodation sites, the lot sizes also provide opportunity for smaller tourist accommodation and related activities to become established.

The Resort D Zone does not specify a minimum lot size as any area would be dependent on the proposed land use activity which would require resource consent or a Plan change.

The Commercial A-D Zones have a minimum net site area of 300 square metres which provides flexibility for various land use opportunities in accordance with the performance standards of the Zones. The Commercial E Zone provides for service stations and specifies a minimum net site area of 600 square metres. The net site area recognises that service stations require large forecourt areas and landscaping to maintain amenity values. Commercial F Zone provides for commercial premises in Rural areas and no minimum net site area is listed as any area would be dependent upon the anticipated land use.

The Industrial A and B Zones require a minimum net site area of 500 square metres. This provides sufficient flexibility for a range of industrial land uses to be established in accordance with the performance standards in the Zone. The Industrial C Zone provides a minimum net site area of 5000 square metres for large scale industrial land uses.

Lots for reserves and utility lots may be subdivided in accordance with the purpose of the lot. No minimum lot size is required.

#### 2.1.4.2. **ACTIVITY STATUS**

Subdivision meeting specified criteria will be a Discretionary Activity in the Rural Zones and a Controlled Activity in all other Zones.

#### 2.1.4.3 **FINANCIAL CONTRIBUTIONS FOR RESERVES**

Financial contributions for reserves and heritage purposes will be required in accordance with **Part Eleven** and **Appendix U** of this Plan.

#### 2.1.4.4 **ESPANADE RESERVES, ESPLANADE STRIPS AND ACCESS STRIPS**

Esplanade reserves and strips will be acquired along water bodies in accordance with the Objectives, Policies and Rules contained in **Part Eleven**. Access strips may also be negotiated with landowners where appropriate.

#### 2.1.4.5 **HERITAGE AND CULTURAL VALUES**

Protection and management of heritage and cultural values will be implemented in accordance with the Objectives, Policies and Rules contained in **Part Eleven**.

#### 2.1.4.6 **OTHER METHODS**

**Part Eleven** of the Plan contains other Methods including the Annual Plan and Management Plans.

### 2.1.5 **ANTICIPATED ENVIRONMENTAL RESULTS**

The Objective, Policies and Methods will contribute towards the maintenance and enhancement of amenity and heritage values, and provision of public access to water bodies throughout the District.

## 2.2 **ISSUE TWO**

**SUBDIVISION AND DEVELOPMENT SUBJECT TO NATURAL OR HUMAN GENERATED HAZARDS MAY ENDANGER PUBLIC SAFETY AND/OR RISK DAMAGE TO OTHER PROPERTY, STRUCTURES AND/OR WORKS**

### 2.2.1 **ISSUE STATEMENT**

Certain areas of the District, and the physical characteristics of individual lots and lease areas, may contain limits in their ability to be subdivided and/or developed because of natural or human generated hazards. The common forms of natural hazards which exist in Rotorua are inundation, flooding, erosion, soil instability, and geothermal activity.

Contaminated sites are potentially the most significant form of human generated hazard. However, human generated hazards may also occur to other property and structures from buildings which do not comply with the *Building Act 1991*, or from works which are inappropriately designed and which may impose a risk of material damage to other property, structures or works. In some situations the risk from a natural or human generated hazard may be mitigated or avoided by appropriate conditions of consent. For example, on properties close to lakes with high water tables it may be necessary to ensure that the floor levels of any proposed buildings are above the minimum level of anticipated flood levels. However, Council must be satisfied that any mitigation measures will not in themselves cause additional adverse effects on the environment.

## 2.2.2 RESOURCE MANAGEMENT OBJECTIVE

- (a) No subdivision and development in areas subject to significant natural or human generated hazards, unless these hazards can be adequately mitigated without causing further adverse effects on the environment.**
- (b) Subdivision and development which does not endanger public safety or subject other property, structures and/or works to risk from human generated hazards.**

## 2.2.3 POLICIES

Subdivision and development should not take place in areas subject to natural or human generated hazards, where these activities may endanger public health and safety and/or risk damage to other property structures and/or works. Section 106 of the *Resource Management Act 1991* explicitly refers to natural hazards and prohibits Council from granting subdivision consent on land subject to, “*material damage by erosion, falling debris, subsidence, slippage, or inundation*”. Council may grant consent in terms of subsection 106(2) of the *Resource Management Act 1991* if the effects of the natural hazard will be avoided, remedied, or mitigated by Rules in the Plan, consent conditions or other matters including works.

Council has some records of known sites subject to natural hazard and data on flood levels and soil structures. Part of this information is collated in the Hazard Register which is a Council document not formally part of this Plan. This information cannot be regarded as comprehensive and therefore it is extremely important that information on site suitability for subdivision and development is provided with applications for resource consent. In some situations Council may require specialist engineering reports on soil stability or flood levels to establish whether or not a proposed subdivision or development is subject to natural hazards.

The main forms of natural hazard in the Rotorua District are inundation, flooding, soil instability and geothermal activity. Policies are therefore included in this Plan to ensure that subdivision and development are not subject to these natural hazards and also to the matters listed in the *Resource Management Act 1991*. Policies are also provided on subdivision and development subject to human generated hazards and the need to ensure that additional subdivision and development does not impose risk to other property, structures and works.

In considering an application for subdivision or development, it may be appropriate to apply conditions to the consent that mitigate the risk of natural or human generated hazards. However, in imposing conditions of this sort, Council must be satisfied that further adverse effects on the environment will not take place. For example, a stormwater flow path could be diverted to protect a new building site, however this should not adversely affect any other properties or result in accelerated soil erosion.

- 2.2.3.1 **POLICY**  
*To ensure that adequate information is supplied with applications for subdivision and development to identify any natural or human generated hazard affecting the proposed subdivision or development.*
- 2.2.3.2 **POLICY**  
*To ensure that subdivision and development is not potentially affected or subject to inundation, flooding, water courses, or high water tables.*
- 2.2.3.3 **POLICY**  
*To ensure that subdivision and development is not potentially affected or subject to erosion, soil instability, falling debris, subsidence or slippage.*
- 2.2.3.4 **POLICY**  
*To ensure that subdivision and development is not potentially affected or subject to geothermal activity.*
- 2.2.3.5 **POLICY**  
*To ensure that subdivision and development is not potentially affected or subject to human generated hazards.*
- 2.2.3.6 **POLICY**  
*To ensure that new subdivision and development does not create the potential to materially damage other property and that all buildings on or near lot or lease area boundaries comply with the relevant requirements of the District Plan and Building Act 1991.*
- 2.2.3.7 **POLICY**  
*To ensure that any mitigation measures in relation to natural or human generated hazards do not in themselves cause inappropriate adverse effects on the environment.*

## **2.2.4 METHODS OF IMPLEMENTATION**

- 2.2.4.1 **RULES**  
General Rules are included to prevent subdivision and development from being approved on lots or lease areas that are subject to natural or human generated hazards.
- 2.2.4.2 **HAZARD REGISTER**  
Council maintains a Hazard Register of known sites subject to natural hazards and restrictions on subdivision and development.
- 2.2.4.3 **INFORMATION REQUIREMENTS**  
Council will require appropriate information with applications for subdivision and development and may require specialist reports and investigation of lots or lease areas subject to risk from natural or human generated hazards.

## 2.2.5 ANTICIPATED ENVIRONMENTAL RESULTS

Subdivision and development approved which are not subject to natural or human generated hazards, thereby ensuring that public health and safety and the potential risk to property, structures and/or works are minimised.

## 2.3 ISSUE THREE

**SUBDIVISION AND DEVELOPMENT REQUIRE INFRASTRUCTURE AND SERVICES APPROPRIATE TO ANTICIPATED LAND USES, AND WHICH CAN BE INTEGRATED WITH EXISTING INFRASTRUCTURE AND SERVICES**

### 2.3.1 ISSUE STATEMENT

Additional subdivision and development generates further demand for services and provides the framework for roading networks, infrastructure and subsequent land use activities. In considering subdivision and development, Council must ensure that new services and infrastructure requirements do not adversely affect the capacity and functioning of existing physical resources. Any upgrading of existing services or infrastructure created as a result of new subdivision or development will have to be funded by the subdivider or developer. Overall, subdivision and development requires integrated management to provide for the efficient allocation and use of resources for communities and future generations.

Council must ensure that any subdivision or development is provided with infrastructure and services which will adequately meet the requirements of the anticipated land use activities. Infrastructure and services which are required for a subdivision or development will constitute a financial contribution in terms of Section 108 of the *Resource Management Act 1991*.

### 2.3.2 RESOURCE MANAGEMENT OBJECTIVE

***Integrated management of subdivision and development to ensure that adverse effects on existing and future public infrastructure, services, and private property are avoided, remedied or mitigated***

### 2.3.3 POLICIES

Any subdivision or development may have servicing requirements which need to be assessed in terms of their effects on existing and future service and infrastructure requirements. There are two considerations that need to be addressed. Firstly, an assessment of the existing infrastructure and services is needed to identify whether additional or upgraded infrastructure and services will be required to serve the proposed subdivision or development. For example, existing stormwater disposal systems may not be able to cope with additional stormwater from multiple building sites created by subdivision or the construction of extensive paved areas used for parking. Upgrading of the existing stormwater system may therefore be required as part of the subdivision or development approval.

As well as upgrading existing infrastructure and services, consideration must be given to the overall and integrated management of the system. For example, in terms of the State Highway network, consideration has to be made of the overall safety and efficiency of the network in relation to access points, road junctions and the speed values commensurate with national and regional transport links. Similarly, roading and infrastructure design in the urban area should consider future development and not prejudice the ability of adjoining land to develop to its full potential in accordance with Zone Rules. Consideration will also be given to the effects of the proposed subdivision or development on other private properties, including both land and structures.

#### 2.3.3.1 POLICY

*To minimise any adverse effect from new infrastructure and services resulting from subdivision and development on the operation and efficiency of existing infrastructure and services.*

#### 2.3.3.2 POLICY

*To integrate new roading from subdivision and development with the existing roading network to adequately and safely serve the expected level of traffic and pedestrian flows.*

#### 2.3.3.3 POLICY

*To ensure that subdivision or development along State Highways and public roads does not adversely effect the operation and safety of the State Highway network or public roads.*

#### 2.3.3.4 POLICY

*To require the cost associated with upgrading of any existing road or utility infrastructure or services, necessary as a result of subdivision or development, to be met by the subdivider or developer.*

#### 2.3.3.5 POLICY

*To ensure that large lot subdivision in the Residential Zones does not prejudice the design of future subdivision and land uses anticipated under the Rules of the Plan.*

#### 2.3.3.6 **POLICY**

*To acquire land for service lanes and road widening at the time of subdivision or development of lot or lease areas subject to identified service lane or road widening requirements.*

### 2.3.4 **RESOURCE MANAGEMENT OBJECTIVE**

***Provision of infrastructure and services in relation to subdivision and development in a safe and efficient manner and appropriate to anticipated land uses.***

### 2.3.5 **POLICIES**

Adequate provision for infrastructure and services must be provided to serve the anticipated land use activities. The level of servicing will be dependent to a degree on the existing provision of services available to the subdivision or development.

Public services of water and sanitary sewer reticulation are available in most urban areas. It is appropriate to connect to existing reticulation for subdivision and development when publicly funded services are available. Stormwater disposal systems are available in some areas although soak holes are a common form of stormwater disposal in Rotorua.

On-site effluent treatment and disposal systems will be required in rural and other areas which do not have public sewer reticulation. Any such system will be subject to the Rules for discharge and consent from the relevant regional council. The District Council has been involved with administering private water supply schemes such as Hamurana and Kaharoa in rural areas. These water supply schemes have limited capacity which may be adversely affected by additional subdivision and development. If public or private water supply is not available, provision may be required for water supply from other sources, including bores.

Provision for electricity and telecommunications is an expectation of most land users and therefore it is appropriate to require the provision of these services at the time of subdivision and development. Rules for the installation of electricity and telecommunication services are included in **Part Fifteen** of this Plan.

Natural gas is not regarded as an essential service and therefore will not be required on all subdivision and development. Natural gas reticulation will only be required for new subdivision and development if a gas supply is available close to the site. Trade wastes discharges will need to be considered for any land use activity which produces trade waste as part of its operation. This will ensure that the trade waste can be safely disposed of without causing adverse effects on the environment and that appropriate infrastructure and services are available for the disposal.

#### 2.3.5.1 **POLICY**

*To require safe and effective vehicular access suitable for the anticipated land use on all lots and lease areas created by subdivision, and to all development.*

- 2.3.5.2     **POLICY**  
*To ensure that water supply of sufficient capacity and standard is available to lots and lease areas created by subdivision and to development.*
- 2.3.5.3     **POLICY**  
*To ensure that the disposal of sewage from lots and lease areas created by subdivision and from development is provided which minimises adverse effects on the environment and public health.*
- 2.3.5.4     **POLICY**  
*To promote connections to public reticulated water supply and sanitary sewerage systems wherever a reticulated system is available.*
- 2.3.5.5     **POLICY**  
*To ensure that every lot or lease area, road, private way, reserve or works created by subdivision and development provides a satisfactory system for the collection, treatment and disposal of stormwater.*
- 2.3.5.6     **POLICY**  
*To ensure that provision is made for electricity and telecommunications services to lots and lease areas created by subdivision and to development, in order to promote social and economic well-being and that are designed to minimise adverse visual effects on the environment.*
- 2.3.5.7     **POLICY**  
*To ensure that provision is made for natural gas to lots and lease areas created by subdivision and to development where existing gas reticulation is available in order to promote social and economic well-being.*
- 2.3.5.8     **POLICY**  
*That provision be made for trade waste discharges appropriate to anticipated land uses and development.*

## **2.3.6     METHODS OF IMPLEMENTATION**

- 2.3.6.1     **RULES**  
 Rules are contained in the Plan which provide the minimum engineering standards for all subdivision and development. The *Engineering Code of Practice* is one means of complying with these standards. All works and services required to comply with the minimum engineering standards will constitute financial contributions applied to the approved subdivision or development.

As part of new subdivision and development Council may require vesting of service lanes or road widening from sites identified in this Plan. Land will be acquired for service lanes in the Central Business District, or road widening when this will

benefit the provision of trade entrances to service commercial premises or to improve the efficiency and design of roading networks.

#### 2.3.6.2 **INFORMATION REQUIREMENTS**

Council will require appropriate information with applications for subdivision and development relating to all servicing and upgrading requirements.

### 2.3.7 **ANTICIPATED ENVIRONMENTAL RESULTS**

Integrated management of services and infrastructure throughout the District, with services and infrastructure provided to subdivision and development appropriate to the anticipated land uses.

## 2.4 **ISSUE FOUR**

**ACTIVITIES SUCH AS SUBDIVISION AND DEVELOPMENT MAY ADVERSELY AFFECT WATER QUALITY AND NATURAL VALUES OF WATER BODIES IN THE DISTRICT**

### 2.4.1 **ISSUE STATEMENT**

**Part Four, Part Ten and Part Eleven** of the Plan highlight the issues arising from certain land use practices around the lakes including:

- The degradation of water quality;
- Loss of amenity values;
- Changes in landscape character;
- Degradation or destruction of native vegetation and habitats; and
- Soil loss and siltation of water bodies.

Subdivision and development around water bodies should be considered in terms of the sensitive nature of the lakes environment and the effects that subdivision and development may have on water quality.

### 2.4.2 **RESOURCE MANAGEMENT OBJECTIVE**

***Protection and enhancement of water quality and the natural character of water bodies and their margins from the adverse effects of subdivision and development.***

## 2.4.3 POLICY

The lakes in Rotorua District share a special prominence within the District and our community, providing natural, amenity, recreational and cultural values. This is discussed more fully in **Part Four** Significant Resource Management Issues; **Part Ten** Rural; and **Part Eleven** Reserves, Water Bodies and Heritage. Generally, it is recognised that the lakes are under considerable pressure from pastoral activities and urban and rural-residential activities. The preservation and protection of the natural character of water bodies from inappropriate subdivision is recognised as a matter of national importance in Section 6 of the *Resource Management Act 1991*.

The primary responsibility for water quality lies with regional councils. However, the District Council, as the authority responsible for subdivision and development, has an important role to play in controlling the adverse effects that subdivision and development may subsequently have on water quality.

### 2.4.3.1 POLICY

*To preserve water quality and to protect the natural character of water bodies and their margins from inappropriate subdivision and development.*

## 2.4.4 METHODS OF IMPLEMENTATION

### 2.4.4.1 RULES

Minimum lot sizes are prescribed in the appropriate zones which recognise the potential for adverse effects on natural character values and on water quality from additional building sites and their need for on-site sewerage disposal. Rules are also contained in **Part Ten** addressing activities which may adversely affect water quality and discussing the suitability of land for the proposed uses in relation to erosion and siltation.

### 2.4.4.2 ESPLANADE STRIPS AND RESERVES

Provision is made for esplanade reserves and strips in Sections 229 to 237 of the *Resource Management Act 1991*. The purposes of esplanade reserves and strips are set out in Section 229 and have been discussed in **Part Eleven**. Objectives, Policies and Rules are also contained in **Part Eleven**.

### 2.4.4.3 OTHER METHODS

**Part Eleven** contains other Methods including *The Rotorua District Lake Waters Control By-law*, Management Plans, and education.

## 2.4.5 ANTICIPATED ENVIRONMENTAL RESULTS

- Public access to water bodies throughout the District;
- Protection of natural, cultural and amenity values associated with water bodies and their margins;
- Maintenance of water quality; and
- Recreational opportunities compatible with environmental objectives.

## 2.5 ISSUE FIVE

***SUBDIVISION AND DEVELOPMENT IN RURAL AREAS MAY LEAD TO INTENSIFICATION OF USES ON MARGINAL LAND AND MAY REDUCE THE POTENTIAL OF RURAL LAND TO PROVIDE FOR THE NEEDS OF FUTURE GENERATIONS***

### 2.5.1 ISSUE STATEMENT

When rural land is subdivided there is potential to create adverse effects on land which is unsuitable for intensive farming purposes. Smaller rural lots may force utilisation of land which is only marginally suitable for intensive farming. Therefore, land subject to grazing restraint will not be included in the minimum lot size for general rural lots, and land may also be retired or covenanted as part of the subdivision process.

It is recognised that through subdivision and the subsequent construction of household units, the use of rural land for agricultural production may be compromised. However, Council cannot determine the end use of a subdivided lot, which is largely dependent on the future landowner. Council, following extensive debate on this matter during the preparation of this Plan, considers that rural lots of fifteen or more usable hectares (as defined in **Part Nineteen**) will generally provide lots suitable for some form of farming use and will have the potential for agricultural production in a sustainable fashion. This will provide one mechanism of maintaining the potential of rural land to provide for the needs of future generations.

### 2.5.2 RESOURCE MANAGEMENT OBJECTIVES

- (a) Subdivision and development which avoids, remedies or mitigates the potential adverse effects from intensive uses of rural land***
- (b) Rural land with the potential for agricultural production and flexibility of land use to meet the reasonably foreseeable needs of future generations***

### 2.5.3 POLICIES

Applications for rural subdivision will be referred to the relevant regional council for their comment and consideration. Council will consider retirement or formal protection of areas which may suffer adverse effects from more intensive stocking as a result of the creation of smaller lots. The assistance of the regional council will also be sought if there is some question as to the area of land which may be considered usable. Areas that are steep, subject to erosion, contain swamps or have already been retired, will not be included in any sum of usable area.

Subdivision may limit the opportunity of land to be used sustainably for agricultural production by the fragmentation of larger blocks and capitalisation of the land by the erection of household units. Once a smaller lot is developed with a household unit it can become over capitalised to the point that it can no longer be bought back and returned to an agricultural use. The Objectives and Policies of this Part take a cautionary stance towards fragmentation of rural land which recognises that the potential of rural land to provide for agricultural production is reduced by subdivision and that the potential of rural land for agricultural production should be maintained to meet the reasonably foreseeable needs of future generations. This cautionary stance is supported by recognising that subdivision is an irreversible process.

#### 2.5.3.1 **POLICY**

*To avoid, remedy or mitigate the potential adverse effects from intensification of farming uses, resulting from subdivision of land subject to erosion, instability or grazing restraint.*

#### 2.5.3.2 **POLICY**

*To meet the reasonably foreseeable needs of future generations by ensuring that the potential of rural land for sustainable agricultural production is not compromised by subdivision.*

### **2.5.4 METHODS OF IMPLEMENTATION**

#### 2.5.4.1 **RULES**

Minimum lot sizes for general rural subdivision and density provisions are contained in this Plan. Rules are also included in **Part Two** and **Part Ten** of this Plan for the protection of land not suitable for grazing.

#### 2.5.4.2 **PROMOTION**

By informing and liaison with interest and professional groups, and landowners and on the issues relating to rural subdivision. **Part Ten** of the Plan discusses promotion in further detail.

#### 2.5.4.3 **REGIONAL COUNCIL LIAISON**

The District Council will liaise closely with regional councils on issues relating to land use and water quality.

### **2.5.5 ANTICIPATED ENVIRONMENTAL RESULTS**

Rural land which does not suffer from inappropriate use of marginal land and which maintains the potential for agricultural production from land to meet the reasonably foreseeable needs of future generations.

**R16 RULES**

## R16 ACTIVITY STATUS FOR SUBDIVISION AND DEVELOPMENT

The following Rules specify the status of subdivision within the specified Zones.  
In Table:

C	=	Controlled Activity
RD	=	Restricted Discretionary Activity
D	=	Discretionary Activity
NC	=	Non-Complying Activity

The users of this District Plan are advised that, notwithstanding any provision in this Plan, no activity shall contravene any Rule in any relevant regional plan, or proposed regional plan. The administration of these regional plans is the responsibility of Environment BOP and Environment Waikato.

### R16.1 SUBDIVISION AND DEVELOPMENT ACTIVITIES

ZONES	ACTIVITY STATUS
Resort	C
Residential (including Residential Lifestyle in the WRA)	C
Commercial	C
Industrial	C
Rural	D
Rural B1	C in accordance with an Approved Development Plan
Reserve	NC
Water	NC
Road	NC
Airport and Airport Protection Zone	Refer to <b>R16.4.5</b>

The activity status for development will be dependent on the status of the particular activity within the Zone within which it is to be located.

## **R16.2 GENERAL RULES**

### **R16.2.1 COMPLIANCE WITH THIS PLAN AND THE RESOURCE MANAGEMENT ACT 1991**

No person may subdivide any land unless the subdivision is expressly allowed by a Rule in this Plan and is in accordance with the provisions of Part X of the *Resource Management Act 1991*.

### **R16.2.2 GENERAL EXCLUSIONS FOR SUBDIVISION**

Council will not approve a survey plan under Section 223 of the *Resource Management Act 1991* unless a subdivision consent has been obtained for the subdivision to which the survey plan relates and the survey plan is in accordance with that consent.

Council will not approve a subdivision where:

- (a) any of the land which is the subject of the application or any structure on that land is likely to be subject to material damage by erosion, subsidence, slippage or inundation from any source; or any use subsequent to the subdivision is likely to accelerate, worsen, or result in material damage to that land or other land from these causes, or the land is or may be subject to human hazards such as pollutants from past or present activities, that are or may be hazardous to current or future occupiers of the land.

Provided however, this criterion may not apply where:

- (i) the application is for a boundary adjustment between lots that are already built on and will not create additional building sites, or change the use of the sites; or
- (ii) any proposed lot or lease area has an adequate building platform, whether constructed or not, that will not be affected by any erosion, subsidence, slippage or inundation. Use will be made of consent notices or other instruments to limit building to those parts of the site which are free from such effects; or
- (iii) adequate works, appropriate site management, or other innovative solutions can be undertaken to avoid, remedy or mitigate these hazardous effects.

In respect of land which may be subject to human hazards such as pollutants from past or present activities that may be hazardous to current or future occupiers of the land, “appropriate site management”, including remediation, will be required to demonstrate that the site is suitable for land use activities provided for within the applicable zone Council will require remediation to be undertaken in accordance with **Part Fourteen**.

Where specific limits for forms of construction may be required to ensure the continuing stability of any of the lots within a subdivision, consent notices in terms of Section 221 of the *Resource Management Act 1991* may be used to warn present and future owner(s) of the specific limits or forms of construction that may be required to ensure the continuing stability of those particular lots; or

- (b) safe and practical access is not available to the proposed lot or lease area, including access within the subdivision to any actual building site. Where a subdivision may affect a State Highway, the comments of Transit New Zealand will be sought as set out in the information requirements of Section 4.6 Environmental Effects Checklist of **Part Two**; or
- (c) the proposal is inappropriate in relation to the requirements of Sections 5, 6 and 7 of the *Resource Management Act 1991*, especially the protection of the natural character of the lake margins, environment and natural features and landscapes as required by Section 6 of the *Resource Management Act 1991*; or
- (d) the land, in Council's opinion, is not suitable to be subdivided in the manner proposed because of the potential adverse effects the proposal would have on the environment, or on public health and, safety and because of inadequate means of stormwater and sewage disposal.

Where Council is unable to provide reasonably accessible reticulation to which services may be connected, approval may be given providing:

- (i) The subdivision may be so serviced within five years; or
- (ii) Council resolves that the area in which the subdivision is located is not to be so serviced.

Approval of a subdivision in these circumstances may include a requirement to fully service the subdivision pending availability of public services within a period of five years.

### **R16.2.3 GENERAL EXCLUSIONS FOR DEVELOPMENT**

R16.2.3.1 Council will not approve a development where:

- (a) any of the land which is the subject of the application or any structure on that land is likely to be subject to material damage by erosion, subsidence, slippage or inundation from any source, or the land is or may be subject to human hazards such as pollutants from past or present activities, that are or may be hazardous to current or future occupiers of the land.

Provided however, this criterion may not apply where adequate works, appropriate site management, or other innovative solutions can be undertaken to avoid, remedy or mitigate these hazardous effects.

In respect of land which may be subject to human hazards such as pollutants from past or present activities that may be hazardous to current or future occupiers of the land, “appropriate site management”, including remediation, will be required to demonstrate that the site is suitable for the proposed development. Council will require remediation to be undertaken in accordance with **Part Fourteen**; or

- (b) safe and practical access is not available to the proposed development, including internal access within the development. Where a development may affect a State Highway, the comments of Transit New Zealand will be sought as set out in the information requirements of Section 4.6 Environmental Effects Checklist of **Part Two**; or
- (c) the proposal is inappropriate in relation to the requirements of Sections 5, 6 and 7 of the *Resource Management Act 1991* especially the protection of the natural character of the lake margins, environment and natural features and landscapes as required by Section 6 of the *Resource Management Act 1991*; or
- (d) the land, in Council’s opinion, is not suitable to be developed in the manner proposed because of the potential adverse effects the proposal would have on the environment, or on public health and safety, and because of inadequate means of stormwater and sewage disposal.

#### **R16.2.4 ESPLANADE RESERVE AND ESPLANADE STRIP RULES FOR SUBDIVISION**

Unless otherwise provided for in **Part Eleven**, Council will require the vesting of esplanade reserves and/or creation of esplanade strips upon subdivision of lots or lease areas adjoining a lake or river as defined in Section 2 of the *Resource Management Act 1991*. **Part Eleven** provides the Rules for esplanade reserves and esplanade strips, including where such requirements may be waived or reduced.

#### **R16.2.5 INFORMATION REQUIREMENTS**

Applications or subdivision and development must contain the appropriate information requirements as set out in **Appendix V**. Generally subdivision applications are required to identify any areas subject to natural hazards, establish the site suitability for the anticipated land use, show all servicing and upgrading requirements, provide a statement of environmental effects and discuss all relevant planning aspects of the application. Development will require a Development Plan with similar information requirements to subdivision.

Where applications for subdivision or development on lots or lease areas have direct access to a State Highway, the comments of Transit New Zealand will be sought as set out in the information requirements of Section 4.6 Environmental Effects Checklist of **Part Two**. Comments from the appropriate regional authority must also be obtained for all subdivision applications in the Rural Zones.

## **R16.3 FINANCIAL CONTRIBUTION RULES FOR SUBDIVISION AND DEVELOPMENT**

### **R16.3.1 INTRODUCTION**

Subdivision and development are subject to financial contributions in accordance with the following Rules and the provisions of **Appendix U** and **Appendix W**. Section 108(9) of the *Resource Management Act 1991* defines financial contribution as money, land, works or services. A number of categories of financial contribution apply to subdivision and development.

The first category, outlined in **R16.3.2**, comprises financial contributions for reserves and heritage purposes.

The second and third categories, outlined in **R16.3.3** and **R16.3.4**, comprise the minimum engineering requirements for subdivision and development respectively. Council considers that subdividers and developers should provide, those works and services necessary to ensure the efficient functioning of their subdivision and development. A contribution may include requirements relating to the formation of building sites, earthworks, roads, and landscaping, access ways, private ways, sanitary and stormwater drainage, water supply, and all ancillary works and services within or appurtenant to the subdivision and/or development.

The fourth category, outlined in **R16.3.5**, specifically relates to identified service lane and road widening requirements which will be imposed as a financial contribution on applications or subdivision or development.

The fifth category, outlined in **R16.3.6**, comprises upgrading contributions for subdivision and development and may include the formation of an unformed road, the upgrading of a formed road where the activity is likely to generate additional traffic, or the upgrading of an undersized sanitary sewer, water main or stormwater drain.

Rule **R16.3.7** lists miscellaneous matters regarding financial contributions for the engineering requirements, service lanes and road widening, and upgrading contributions.

### **R16.3.2 FINANCIAL CONTRIBUTIONS FOR RESERVES AND HERITAGE PURPOSES**

**Appendix U** provides the method of calculation for financial contributions for reserves and heritage purposes and also specifies the maximum value of the financial contribution.

### R16.3.2.1 GENERAL

All subdivision and development will be subject to the Rules for financial contributions for reserves and heritage purposes. The Objectives, Policies and Rules for requiring a financial contribution are contained in **Part Eleven**.

At Council's discretion and as outlined in **Part Eleven**, land may be required for esplanade reserves, heritage protection or local purpose reserves and in some situations works may also be required, for example for landscaping.

### R16.3.2.2 RULES APPLICABLE TO DEVELOPMENT FOR ESPLANADE RESERVES AND STRIPS

In accordance with **u1.3.5** of **Appendix U**, Council will require the vesting of esplanade reserves and/or creation of esplanade strips upon a development proposed on lots or lease areas adjoining a lake or river as defined in Section 2 of the *Resource Management Act 1991*.

## R16.3.3 FINANCIAL CONTRIBUTIONS – MINIMUM ENGINEERING REQUIREMENTS FOR SUBDIVISION

**Note:** The Performance Standards for the following Rules **R16.3.3.1** to **R16.3.3.9** are contained in **Appendix W**. Various methods may be used to satisfy these Performance Standards. However compliance with the *Rotorua District Council Engineering Code of Practice* is deemed to satisfy the particular Performance Standards listed.

The maximum level of the financial contribution for minimum engineering requirements is the total cost of providing these requirements in accordance with the Performance Standards outlined in **Appendix W**.

### R16.3.3.1 EARTHWORKS AND FOUNDATIONS

Every lot or lease area within the subdivision shall have a foundation suitable for any intended activity, which will be free from inundation, erosion, subsidence and slippage.

### R16.3.3.2 ROADING AND LANDSCAPING

Roads or other means of access approved by Council shall be provided to all lots and lease areas within a subdivision. Large lot subdivision (ie. Subdivision into lots or lease areas that may be further subdivided in accordance with the Rules of this Plan) within the Residential Zones, shall also make provision for satisfactory access to future potential residential lots.

Every lot that does not have frontage to an existing road or private road shall have a frontage to a road or private road to be provided by the owner(s) which will give vehicular access to that lot from an existing road or private road.

Notwithstanding the above, Council may approve an application for subdivision in any of the following situations:

- Where Council considers that vehicular access is unnecessary, it may approve access to any lot or lease area by foot only;
- Where Council considers that because of the topographical nature of the land vehicular access is impractical, it may approve access to a lot or lease area by foot only;
- Where council is satisfied that adequate access to the lot or lease area is provided over other land pursuant to an easement of right of way.

**Note:** The Memorandum of Transfer or Easement Certificate must provide for and detail maintenance standards, cost sharing provisions, and means of arbitration.

In addition:

- (a) The subdivider shall form and completely construct a proposed road as shown on the scheme plan to the required Council standard, and to enable the proposed road to carry the predicted traffic loadings. This may include providing pedestrian and cycle facilities, drainage, landscaping, and planting;
- (b) The subdivider shall form and construct a carriageway over every proposed private way and private road as shown on the scheme plan.
- (c)
  - (i) No private way or private road in the Rural A Zone which services more than four potential lots (based on the minimum lot size) shall exceed 500 metres in length.
  - (ii) No private way or private road in the Rural B, D or E Zone which services more than four potential lots (based on the minimum lot size) shall exceed 200 metres in length.
- (d) The subdivider shall set aside within the road reserve areas of land for the purpose of landscaping and street tree planting to the satisfaction of Council.

#### R16.3.3.3 **STORMWATER**

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

#### R16.3.3.4 **SANITARY SEWERAGE**

The subdivider shall provide for the satisfactory disposal of sewage from each lot, lease area and building site within the subdivision.

#### R16.3.3.5 **WATER SUPPLY**

The subdivider shall provide a satisfactory water supply to all lots, lease areas and building sites within the subdivision.

**R16.3.3.6 ELECTRICITY SUPPLY**

The subdivider shall make suitable arrangements for the reticulation of an electric power supply for every lot lease area and building site within the subdivision.

**R16.3.3.7 GAS SUPPLY**

The subdivider shall make suitable arrangements for the reticulation of a gas supply for every lot, lease area and building site within the subdivision, where existing gas reticulation is available within 100 metres of the subdivision.

**R16.3.3.8 TELEPHONE SERVICES**

The subdivider shall make suitable arrangements for the reticulation of a telephone service and other telecommunication services for every lot, lease area and building site within the subdivision.

**R16.3.3.9 ACCESS WAYS AND PRIVATE WAYS**

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

<b>NUMBER OF POTENTIAL HOUSEHOLD UNITS</b>	<b>ACCESS WIDTH</b>	<b>FORMATION WIDTH</b>
1	3.0m	2.5m
2	3.0m	3.0m
3 – 4	4.5m	4.0m
5 – 8	6.0m	5.0m
More than 8 household units may not share private access		

For other access ways and private ways, see **Appendix W**.

**R16.3.3.10 WHARENUI ROAD AREA LIGHTING STANDARDS**

That in providing for the lighting of public spaces the following shall be taken into account:

- (a) Lighting will provide good visual guidance and orientation, and
- (b) Lighting will support visibility for pedestrians as well as motorists, and
- (c) Light will be considered for places that are well used at night (eg. car parks, major pedestrian and cycling routes, public spaces, building entrances, public toilets, access and egress routes) and for areas where safety risks have been identified, and
- (d) Lighting will ensure visibility for a reasonable distance to improve perceptions of safety, and

- (e) Lighting will be placed to ensure uniformity of lighting levels over an area, avoiding glare and reducing the contrast between shadows and illuminate areas, except when highlighting a specific area or feature, and
- (f) Lighting will be placed to ensure vegetation and other elements do not interfere with its effectiveness, and
- (g) Lighting will not be provided in areas not intended for night time use, therefore avoiding a false impression of safety.

#### **R16.3.4 FINANCIAL CONTRIBUTIONS – MINIMUM ENGINEERING REQUIREMENTS FOR DEVELOPMENT**

**Note:** The Performance Standards for the following Rules **R16.3.4.1** to **R16.3.4.8** are contained in **Appendix W**. Various methods may be used to satisfy these Performance Standards. However compliance with the *Rotorua District Council Engineering Code of Practice* is deemed to satisfy the particular Performance Standards listed.

The maximum level of the financial contribution for minimum engineering requirements is the total cost of providing these requirements in accordance with the Performance Standards outlined in **Appendix W**.

##### **R16.3.4.1 EARTHWORKS AND FOUNDATIONS**

Every building within the development shall have a foundation suitable for its intended use, free from inundation, erosion, subsidence and slippage.

##### **R16.3.4.2 ROADING**

Roads or other means of access approved by Council shall be provided to all buildings within the development. However, Council may approve the development where it is satisfied that adequate access to the development is provided over other land pursuant to an easement of right of way.

The developer shall:-

- (a) form and completely construct and drain all proposed roads, parking and turning areas; and
- (b) form and construct a carriageway over every proposed private way and private road.

**Note:** The Memorandum of Transfer or Easement Certificate must provide for and detail maintenance standards, cost sharing provisions and means of arbitration, in cases of easements of rights of way.

**R16.3.4.3 STORMWATER**

The developer shall provide a satisfactory system for the collection, treatment and disposal of stormwater from the development.

**R16.3.4.4 SANITARY SEWERAGE**

The developer shall provide for the satisfactory disposal of sewage from the development.

**R16.3.4.5 WATER SUPPLY**

The developer shall provide a satisfactory water supply to the development.

**R16.3.4.6 ELECTRICITY SUPPLY**

The developer shall make suitable arrangements for the reticulation of electric power to the development.

**R16.3.4.7 TELEPHONE SERVICES**

The developer shall make suitable arrangements for the reticulation of telephone and other telecommunication services to the development.

**R16.3.4.8 BONDS**

Council may require the developer or owner(s) to enter into a bond for the due compliance with the above requirements which would be arranged prior to the uplifting of a building consent, where the above requirements involve off-site works or affect the existing public road and service infrastructure.

**R16.3.5 FINANCIAL CONTRIBUTIONS – SERVICE LANES AND ROAD WIDENING**

In the case where land is vested for service lane or road widening the maximum level of the financial contribution will be in accordance with the identified service lane and road widening requirements listed or described in **Appendix N** and **Appendix D** respectively. In addition any costs associated with the vesting of the service lane or road widening will form part of the maximum financial contribution in accordance with the provisions of **Part Twelve**.

- R16.3.5.1 Subject to **R12.6** and **R12.7** of **Part Twelve**, Council will require the vesting of land for service lanes or road widening upon subdivision or development of lots or lease areas with identified service lane or road widening requirements listed or described in **Appendix N** and **Appendix D** respectively.

## **R16.3.6 FINANCIAL CONTRIBUTIONS – UPGRADING REQUIREMENTS FOR SUBDIVISION AND DEVELOPMENT**

The maximum level of the financial contribution for upgrading will be limited to the works necessary to meet the additional loading on the infrastructure caused by the subdivision or development, as determined by Council.

### **R16.3.6.1 ROADING**

For the purpose of forming, diverting, or upgrading any existing road or forming any new road because of new or increased traffic owing to the subdivision or development of any land, Council may, as a condition of approval of a scheme plan or development, require the owner(s) to:

- (a) pay, or enter into a binding contract to pay, to Council a fair and reasonable contribution towards the cost of forming or upgrading roads or parts of roads within or adjacent to the subdivision or development or of any other land in the same ownership. Such forming and upgrading shall be carried out to a state or standard as determined by Council. Alternatively Council may require the owner(s) to carry out, or enter into a binding contract to carry out, that work;

and/or

- (b) dedicate a strip of land in the same ownership for the widening of any road.

The above requirements shall be limited to the extent to which the road serves or is intended to serve the subdivision or development.

### **R16.3.6.2 UPGRADING PARAMETERS FOR ROADING**

- (a) Each household unit will be deemed to generate 6 vehicle movements per day (v.p.d.)
- (b) All existing roads directly serving the subdivision or development shall be formed and sealed when required to carry in excess of 70 v.p.d., except that metalled cul-de-sacs or cul-de-sac ends less than 300m in length shall also be formed and sealed even though assessed traffic volumes may be less than 70 v.p.d.
- (c) Where contributions towards footpath, kerb and channel and berm formation are required, the contribution shall be at the rate of 50% of the total estimated cost.

### **R16.3.6.3 WATER SUPPLY AND DRAINAGE**

Council may, as a condition of its approval of the scheme plan or development, require the owner(s):

- (a) where an existing public water supply system or drainage system is available, to service the subdivision (being a system within or contiguous to the land in the subdivision) -

to pay, or enter into a bond to pay, to Council such an amount as Council considers fair and reasonable for or towards the cost of upgrading the said system.

- (b) where any such system is not available, but is likely to be available within a period of five years, to pay, or enter into a bond to pay, Council such amount as Council considers fair and reasonable for or towards the cost of providing water, drainage, electricity or gas connections from that system to the subdivision or to any lots in the subdivision.

#### **R16.3.6.4 UPGRADING PARAMETERS FOR WATER SUPPLY AND DRAINAGE**

Unless otherwise provided for, the upgrading contribution required towards the cost of upgrading a service will be the total cost of upgrading such service to serve for the subdivision or development in accordance with the Performance Standards of **Appendix W**.

### **R16.3.7 MISCELLANEOUS FINANCIAL CONTRIBUTION REQUIREMENTS FOR SUBDIVISION AND DEVELOPMENT**

#### **R16.3.7.1 SHARING OF COST OTHER THAN UPGRADING CONTRIBUTIONS**

The provisions of **R16.3.6** with the exception of **R16.3.6.2(c)**, do not define a basis for the sharing of the cost of services between the subdivider or developer and Council. The share of the cost to be met by the subdivider or developer will be determined by Council at the time of scheme plan or development approval.

Council's share and upgrading costs are required to be included in the Annual Plan process which may delay provision of the appropriate service and implementation of the subdivision or development. The subdivider or developer may elect to proceed with such works at their cost.

#### **R16.3.7.2 ENGINEERING INSPECTION FEES**

To cover the cost of the inspection by Council of the Engineering Plans and Specifications, and the cost of inspection of construction, the subdivider or developer shall pay the following fees:

- (a) 1% + GST of the value of the works inspected and approved based on a schedule of quantities and estimated rates to be submitted by the subdivider or developer; or
- (b) A minimum fee as determined by Council.

All estimated rates must be fair and reasonable.

**R16.3.7.3 EASEMENTS FOR PUBLIC SERVICES**

All easements necessary for public services and batters, or where required by Council, are to be granted by the subdivider or developer.

**R16.3.7.4 DISCHARGE PERMITS**

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

**R16.3.7.5 WORKS IN RESERVES, DOMAINS OR PRIVATE LAND**

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

Drains laid on private property other than that owned by the subdivider, are subject to Section 445 of the *Local Government Act 1974* and only Council is empowered to serve the statutory notifications, etc, required. All costs involved in the serving of notices, hearing of objections and any other consequential expenditure shall be met by the subdivider or developer.

**R16.3.7.6 VARIATION OF REQUIREMENTS**

Any variation from the requirements which may be necessary to meet particular circumstances must be referred to Council for specific approval and will be assessed as a Non-Complying Activity. Any reduction in standards must receive the approval of Council prior to being incorporated in plans and specifications for subdivision or development.

**R16.3.7.7 COMMENCEMENT OF WORKS**

On no account shall any engineering works be commenced on any subdivision or development until after the engineering plans and specifications have been approved and satisfactory notice of the works has been given to Council.

Works carried out without satisfactory notification and works not inspected will not be accepted by Council.

**R16.3.7.8 TESTING**

Any works required to be tested by, or in the presence of, a Council officer shall be pre-tested and proved satisfactory by the subdivider's or developer's representative before any request is made for official testing. The costs of any re-testing required (should the particular section of work under test, fail to pass the test on the first occasion) and for all Benkelman Beam testing will be charged to the subdivider in addition to the fees payable under **R16.3.7.2**.

**R16.3.7.9 THERMAL GROUND**

Council may impose specific requirements applicable to any subdivision or development in thermal areas. Subdividers and developers are urged to have early consultation with Council officers before proposing any works in thermally active areas.

**R16.3.7.10 INSURANCE – THIRD PARTY LIABILITY**

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

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

**R16.4 LOT SIZE AND FRONTAGE RULES FOR SUBDIVISION****R16.4.1 LOT SIZES AND MINIMUM FRONTAGES IN ALL ZONES EXCEPT RURAL, AIRPORT, AIRPORT PROTECTION, ROAD AND RESERVE ZONES**

The following Table **R16.4.1** sets out the minimum site areas for lots for which a separate Certificate of Title is intended to be issued in all Zones, except in the Rural, Airport and Airport Protection, Road and Reserve zones. It also sets out the minimum frontages.

Table **R16.4.1** Minimum site areas and frontage for lots for which a separate Certificate of Title is intended to be issued.

<b>ZONE</b>	<b>MINIMUM NET SITE AREA</b>	<b>MINIMUM FRONTAGE</b>
Residential A	250m <sup>2</sup>	Minimum frontage must be sufficient to provide access for all the proposed lots in the subdivision
Residential B exclusive of the Wharenui Road Area	350m <sup>2</sup> provided that the average site area of all new lots shall be at least 450m <sup>2</sup>	See Residential A
Residential B within the Wharenui Road Area	For Residential Housing 350m <sup>2</sup> provided that the average site area of all new lots shall be at least 450m <sup>2</sup> .	See Residential A
Residential C	150m <sup>2</sup>	See Residential A
Residential D	450m <sup>2</sup>	See Residential A
Transitional Development	500m <sup>2</sup>	See Residential A
Residential Lifestyle Zone within the Wharenui Road Area	1,500m <sup>2</sup> minimum 2,000m <sup>2</sup> minimum average	See Residential A
Resort A	400m <sup>2</sup>	See Residential A
Resort B	450m <sup>2</sup>	See Residential A
Resort C	400m <sup>2</sup>	See Residential A
Resort D	No minimum net site area applies	No minimum frontage applies
Commercial A-D	300m <sup>2</sup>	5 metres
Commercial D1	No minimum net site area applies	See Residential A
Commercial E	600m <sup>2</sup>	15 metres
Commercial F and H	No minimum net site area applies	See Residential A
Commercial G	1000m <sup>2</sup>	See Residential A
Industrial A & B	500m <sup>2</sup>	7.5 metres
Industrial C	5000m <sup>2</sup>	20 metres
Lots to accommodate a utility service or reserve in all Zones	No minimum net site area applies but see <b>R16.4.7</b> for utility services	No minimum frontage applies

Notwithstanding anything to the contrary in this District Plan, non-compliance with Table **R16.4.1** for Wharenui Road Areas will result in activities being deemed to be Non-Complying activities.

### R16.4.1.1 WHARENUI ROAD AREA STAGING AND MINIMUM YIELDS

- (a) With respect to the residential development of the Wharenui Road Area, development shall proceed in accordance with the staged development plan shown in **Appendix G3**.

Development of residential activities of a subsequent stage may proceed to a consent process when the following trigger level for development is reached:

DEVELOPMENT STAGES		TOTAL DEVELOPABLE AREA (HA)	YIELD	TRIGGER LEVEL FOR DEVELOPMENT OF SUBSEQUENT STAGES 60% SOLD ALLOTMENTS
A	Residential B	21.7	150	120
B	Residential B	17.2	105	84
C	Residential B	21.3	109	87
D	Residential Lifestyle	13.0	65	52
E	Residential Lifestyle	19.5	97	78
F	Residential Lifestyle	16.6	83	66
G	Residential B (Retirement Village)	7.3	219	175
H	Commercial D1 (Village)	2.5	100	80
I	Residential Lifestyle	7.1	71	57
J	Residential B (Truffle Farm)	10.0	100	80

**Notes:**

- (i) No more than two stages are to be developed to Section 224 certification at any one time.
- (ii) Notwithstanding anything to the contrary in this District Plan, non-compliance with **R16.4.1.1** for Wharenui Road Areas above will require resource consent for a Discretionary Activity.
- (iii) Yield in the Residential B and Commercial D1 zones equals the minimum number of new residential lots created and certified in accordance with Section 224 of the Resource Management Act 1991 or dwelling unit equivalents created in Medium Density Housing or Retirement Village land uses.
- (iv) Yield in the Residential Lifestyle Zone equals the maximum number of new residential lots created at a maximum density of 5 dwellings per hectare across the total zone area.
- (v) The letters attached to each stage do not represent the order of development.

- (b) Development of the Wharenui Road Area shall not exceed a total of 879 dwelling unit equivalents until the Rotorua Eastern Arterial has been completed and is in use.
- (c) Staged residential development shall not exceed the following limits unless the prescribed mitigation measures are implemented:

TRIGGER LEVEL (NEW LOTS CREATED)	MITIGATION
51	Brent Road Traffic Calming
151	Left In/Left Out turning restrictions at Coulter Road and Brent Road
301	Traffic signals at Wharenui Road, Basley Road and Iles Road Wharenui Road Traffic Calming

- (d) At the time each trigger level is reached a review shall be undertaken by a suitably qualified traffic engineer to determine the continued appropriateness of the subsequent trigger levels. Should the review determine that the subsequent trigger levels are not appropriate further applications shall be deemed to be a Restricted Discretionary Activity with discretion restricted to transportation effects on the surrounding transportation network.
- (e) In the event of a change to the trigger levels in the table above consultation will occur with affected road controlling authorities.

**R16.4.1.2 WHARENUI ROAD AREA - INTENSITY OF DEVELOPMENT FOR CONTROLLED ACTIVITIES**

CONTROLLED ACTIVITY	MAXIMUM INTENSITY OF DEVELOPMENT
1. Comprehensive Residential Development	Average of 1 unit/450m <sup>2</sup> net site area of the parent lot prior to subdivision
2. Medium Density Housing	Average of 1 unit/250m <sup>2</sup> net site area of the parent lot prior to subdivision.

**Note:**

- (i) There is no specified minimum lot size for subdivision of a Comprehensive Residential Development or a Medium Density Housing development.
- (ii) Notwithstanding anything to the contrary in this District Plan, non-compliance with **R16.4.1.2** for Wharenui Road Areas above will require resource consent for a Non-Complying Activity.

### R16.4.1.3 WHARENUI ROAD AREA - DEVELOPMENT CAPACITY

- (a) With respect to development of the Wharenui Road Area, development shall proceed in accordance with the following rule:
- (i) Development within the Wharenui Road Area shall not exceed a total of 879 dwelling unit equivalents until the Rotorua Eastern Arterial has been completed and is in use; and
  - (ii) The number of dwelling unit equivalents shall be calculated at the time of subdivision consent, or land use consent, or in the case of a permitted activity building consent, whichever is the latest, taking into account all such consents granted for the Wharenui Road Area after 7 February 2009.
  - (iii) At the time of any subdivision consent a Consent Notice shall be registered on the remaining parent lot stating the number of the remaining dwelling unit equivalents for that title at the time of the particular subdivision consent. The consent notice shall include the proviso that further building consents for Permitted Activities or land use consents prior to subdivision may alter the number of remaining lots available on the balance lots.
  - (iv) Where commercial development occurs an estimate of dwelling unit equivalents based on the potential traffic generation of the proposed development shall be undertaken and included in the revised number of dwelling unit equivalents to be registered on the residual parent title and available to that title in accordance with (ii) above when application is made for further subdivision consent.
- (b) At the conclusion of each stage of development stated above in **R16.4.1.1** the proponent shall undertake a review of the proposed traffic mitigation measures implemented, and shall incorporate the findings in the design of the subsequent stage.

### R16.4.2 MINIMUM FRONTAGES IN ALL RURAL ZONES

In all cases, the minimum frontage shall be such as is appropriate for the intended use of each lot and for the foreseeable use of each lot.

## R16.4.3 MINIMUM SITE AREAS IN RURAL ZONES

### R16.4.3.1 RURAL A ZONE

In the Rural A Zone the following minimum site areas apply:

(a) **General lots**

Except as provided for below any lot, a balance lot or an amalgamation of lots, to be held in a separate Certificate of Title shall, have a minimum area of 15 hectares of usable land. "Usable land" is defined in **Part Nineteen**.

(b) **Lifestyle lots**

Lifestyle lots may be created as a Discretionary Activity subject to the following conditions:

- (i) a lot to be held in a separate Certificate of Title may be created provided that the area of the lot is between 5,000 square metres (0.5 hectare) and 6 hectares, with the exception that the minimum lot size may be reduced to 2,500 square metres for existing house sites; and
- (ii) the balance of the lot from which the lifestyle lot is to be excised has a minimum area of 15 hectares of usable land; and
- (iii) The number of lots to be excised from the existing lot does not exceed the number specified in the following table.

NUMBER OF LIFESTYLE LOTS ALLOWED	AREA OF EXISTING LOT IN HECTARES
1	15.5 - 50
2	51 – 100
3	101 – 200
4	201 – 400
5	401 and over

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

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

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

Council will have the power to decline the nomination, or vary it. In exercising this power, Council will have regard to the Objectives and Policies of this Plan and the Provisions of the *Resource Management Act 1991*.

(c) **Site areas for Class II land or land suitable for intensive use**

Where the parent lot contains more than 75 percent of land that has a Class II classification in the Land Resource Inventory, or the suitability for the land has been demonstrated by recognised experts the minimum size of any lot to be held in a separate Certificate of Title shall be 5 hectares.

In cases where the whole parent lot cannot be subdivided into horticultural lots (because part of the parent lot is not appropriate according to the suitability criteria), a lot or lots may be excised, provided they meet the above suitability criteria and provided that after the lot(s) have been excised, at least 15 hectares of usable land remains in the parent lot.

(d) **Lots for the protection of historic or otherwise significant buildings, trees, objects and sites including archaeological sites**

(i) A lot may be created for the purpose of protecting any item identified in **Appendix A** or identified by suitably qualified experts, but no household units will be permitted on such lots.

(ii) The legal protection of the item shall be achieved by way of a condition imposed on the subdivision consent requiring a Memorandum of Encumbrance or similar legal instrument to be registered against the Certificate of Title of the land concerned. All costs associated with the preparation and registration of the document shall be met by the applicant.

(e) **Lots involving boundary adjustments, or transference of land where no additional Certificates of Titles are to be created**

There shall be a minimum lot area of 5,000m<sup>2</sup>, with the exception that the minimum lot size may be reduced to 2,500m<sup>2</sup> for existing house sites, for any separate Certificate of Title where a subdivision is an adjustment of boundaries or is to facilitate the transference of land to an adjoining property owner(s) and no additional lots are to be created.

(f) **Lots for severed areas**

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

- (i) a public road;
- (ii) an unrestricted Maori roadway;
- (iii) a railway reserve;
- (iv) a reserve under the *Reserves Act 1977*;
- (v) an area protected under the *Wildlife Act 1953*, the *Te Ture Whenua Maori Act 1991/Maori Land Act 1993* or the *Conservation Act 1987*;  
or
- (ii) topographical severance.

This Rule will not apply in addition to any lifestyle lot allocation under **R16.4.3.1(b)**.

R16.4.3.2 **RURAL B ZONE**

Except as provided for (a) and (b) below, the minimum site area for any new lot for which a separate Certificate of Title is intended to be issued shall be 8,000m<sup>2</sup>.

- (a) Lots involving boundary adjustments, or transference of land where no additional Certificates of Title are to be created

There shall be a minimum site area of 2,000m<sup>2</sup> for any lot for which a separate Certificate of Title is intended to be issued where a subdivision is an adjustment of boundaries or is to facilitate the transference of land to an adjoining property owner(s) and no additional lots are to be created.

- (b) Lots for severed areas

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

- (i) a public road;
- (ii) an unrestricted Maori roadway;
- (iii) a railway reserve;
- (iv) a reserve under the *Reserves Act 1977*;
- (v) an area protected under the *Wildlife Act 1953*, the *Te Ture Whenua Maori Act 1993/Maori Land Act 1993* or the *Conservation Act 1987*;  
or
- (vi) topographical severance.

**R16.4.3.2A RURAL B1 ZONE**

Subdivision within the Rural B1 Zone shall be assessed in terms of the following requirements and standards.

**R16.4.3.2A.1 Subdivision in Accordance with an Approved Development Plan**

- (a) Subdivision shall be in accordance with the Approved Development Plan for the Rural B1 Zone (Refer **Appendix G2**). At the time of an application for a subdivision consent a Revegetation Plan for the land shall also be submitted for Approval.
- (b) Further Subdivision. Once subdivision in accordance with that denoted on the Approved Development Plan has been completed, except as provided for in terms of the boundary adjustment provisions below, no additional lots for which a separate Certificate of Title shall issue shall be created. Any departure from this rule shall be a Prohibited Activity.

**R16.4.3.2A.2 Boundary Adjustment**

- (a) Lots involving boundary adjustments, or transference of land where no additional Certificates of Title are to be created, subject to (b) below.
- (b) In undertaking any boundary adjustment there shall be no change, alteration or modification to any part of the building platform that is nominated on any lot denoted on the Approved Development Plan. In terms of this rule, any such change, alteration or modification to the size, shape or dimensions, or to any other features of a building platform, shall be determined to be a Non-Complying Activity.

**R16.4.3.2A.3 Reverse Sensitivity**

In assessing subdivision for dwellings within the Rural B1 Zone and where the proposal is in a location where the land adjoins or is immediately adjacent to rural production activities, Council shall have regard to and may impose conditions in respect of the following matters:

The sensitivity of the proposed subdivision/residential development to any adjacent lawfully existing activities, or activities that are permitted in the Rural A Zone, including proposed mitigation measures relative to the existing lawfully established activities.

- (a) Whether the consideration of the adjacent lawfully established existing activity, or activities that are permitted in the Rural A Zone, includes an understanding of the nature of that operation in its particular environment. By way, only of illustration, noise of livestock and machinery, odour, hours of operation at certain times and seasons of the year, methods of spreading fertilisers and agricultural chemicals, harvesting of timber.

- (b) Whether the applicant has voluntarily offered to have a “No Complaints Covenant” registered against the title of each proposed lot to identify that adjacent lawfully established activities exist, or activities that are permitted in the Rural A Zone may establish in the future on adjacent land.
- (c) The extent to which it is desirable to restrict the number of household pets (cats and dogs) and the management and supervision of household pets when outside the boundaries of the individual owner’s lot.

#### R16.4.3.2A.4 **Drinking Water Quality**

In assessing subdivision within the Rural B1 Zone Council shall consider how the quality of domestic drinking water in terms of the *Drinking Water Standards for New Zealand 2000* has been addressed. Council shall have regard to and may impose conditions, including the imposition of covenants on Certificates of Title, in respect of the following matters:

- (a) The specification of a sampling programme that may be audited by Council’s Senior Environmental Health Officer.
- (b) The requirement that there be a Public Health Risk Management Plan in place submitted to the Senior Environmental Health Officer.

#### R16.4.3.2A.5 **Revegetation in Areas specified on the Development Plan**

Revegetation with indigenous plants shall be undertaken in all areas so specified in the Development Plan (**Appendix G2**) in accordance with a Revegetation Plan prepared in compliance with the following standards:

- (a) 80% of the indigenous plants used in the Revegetation Plan shall be capable of a mature height of no less than 5 metres;
- (b) Any steep slope, gullies, riparian and damp areas shall be revegetated with indigenous species;
- (c) The plants shall only include indigenous species that occur naturally within the Rotorua Lakes Ecological District (including only naturally occurring variants of these indigenous species, as commonly found in natural vegetation communities);
- (d) Prior to the issue of a certificate pursuant to Section 224(c) of the Resource Management Act:
  - (i) An independent revegetation audit shall be carried out by a suitably qualified person appointed by Council to certify that the planting required by the Revegetation Plan has met the following standards:
    - That the plantings have an average spacing between plants no greater than 2.1 metres; and

- That there is a general absence of invasive environmental weeds that could inhibit the establishment and growth of indigenous plants (examples of invasive environmental weeds include tradescantia, Japanese honeysuckle, pampas, blackberry), and
  - That a weed monitoring and control plan has been approved by the Council to control weeds until canopy closure has been achieved, and
  - Confirmation that the plantings undertaken in accordance with the Revegetation Plan shall meet within a period of 5 years the following two standards:
    - Canopy closure of 90%; and
    - 90 percent of the plantings are taller than 1.5 metres.
- (ii) Protection management shall be put in place for any planted indigenous vegetation, including a maintenance programme, protection from disturbance and grazing, and management of pest plants and pest animals; and
- (iii) a monitoring programme shall be put in place by the Applicant for a minimum of 5 years (or longer if required), in order to ensure that any planted indigenous vegetation is properly maintained and protected.

R16.4.3.2A.6 In addition to the matters addressed in the above Rules **R16.4.3.2A.1** to **R16.4.3.2A.5**, in assessing subdivision within the Rural B1 Zone Council shall have regard to and may impose conditions in respect of the following matters:

- (a) Compliance with the Development Plan
- (b) Reverse Sensitivity
- (c) Drinking Water Quality
- (d) Revegetation proposals for the land, particularly:
- (i) The extent and composition (ie species mix) of indigenous vegetation in specified locations on the site or within the Zone;
  - (ii) The location of indigenous vegetation in relation to building locations on the site or within the Zone;
  - (iii) Whether alternative measures are required to address any adverse effects on indigenous vegetation, habitats and species on the site or within the Zone;
  - (iv) Further, the Council may impose conditions specifying the:
    - Site preparation techniques
    - The timing and staging of planting
    - Location of buildings within the building platform
    - Location and extent of the indigenous revegetation on the site or within the Zone including additional plantings to be undertaken close to buildings

- Species composition including the numbers, density, grade and species of plant per hectare
  - Inter-planting with later species after canopy closure or completion of construction
  - Planting and ongoing maintenance specifications including the term and type of maintenance
  - Formal protection by way of legal covenants
  - Weed and pest control measures
  - Requirement for fences and exclusion of grazing
  - Monitoring and review requirements for revegetation planting and maintenance.
- (e) Council may require the applicant to enter into securities of such form and content and with such further security as may be decided upon to ensure due compliance with any of the Council's conditions of consent, including by way of bond, covenants, guarantee, and consent notice. Such securities shall be prepared to the Council's satisfaction by its solicitors at the cost in all things of the developer.

To the extent that any development includes required works, including but not limited to revegetation, that remain to be undertaken after release of the subdivision consent, then such security shall be provided by the developer. Only continuing obligations of maintenance of revegetation shall be required of the succeeding landowners by Consent Notice conditions.

- (f) To the extent that any development includes proposals for common ownership or management of any infrastructure for the development, or of any future use of the land, then the Council may further require in terms to any consent, a Community Owned Management Structure (COMS) involving participation of the owners of every Lot in the development for the purpose of providing effective and efficient management for such purposes. The approval of a particular COMS by the Council will require legal structures and covenants between such parties and with such security in perpetuity and registration as the Council may reasonably require.

#### R16.4.3.3 **RURAL C ZONE**

There are no minimum site areas for this zone.

#### R16.4.3.4 **RURAL D ZONE**

The minimum site area in this zone for any lot for which a separate Certificate of Title is intended to be issued shall be 1,500m<sup>2</sup> unless otherwise provided for in (a) and (b) below.

**Note:** Any proposed lot with an area less than 2,500m<sup>2</sup> and located in the Waikato region may require resource consent from Environment Waikato for on-site sewage disposal.

- (a) Lots involving boundary adjustments, or transference of land where no additional lots are created.

There shall be no minimum site area where a subdivision is an adjustment of boundaries and no additional lots are created.

- (b) Lots for severed areas

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

- (i) A public road
- (ii) An unrestricted Maori roadway;
- (iii) A railway reserve;
- (iv) A reserve under the *Reserves Act 1977*;
- (v) An area protected under the *Wildlife Act 1953*, the *Te Ture Whenua Maori Act 1993/Maori Land Act 1993* or the *Conservation Act 1987*;  
or
- (vi) Topographical severance.

#### R16.4.3.5 **RURAL E ZONE**

The minimum site area in this zone for which a separate Certificate of Title is intended to be issued shall be 2,000m<sup>2</sup> unless otherwise provided for in (a) and (b) below:

- (a) Lots involving boundary adjustments, or where no additional lots are created

There shall be no minimum site areas where a subdivision is an adjustment of boundaries and no additional lots are created.

- (b) Lots for severed areas

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

- (i) A public road and unrestricted Maori roadway;
- (ii) A railway reserve;
- (iii) A reserve under the *Reserves Act 1977*;
- (v) An area protected under the *Wildlife Act 1953*, the *Te Ture Whenua Maori Act 1993/Maori Land Act 1993* or the *Conservation Act 1987*;  
or
- (vi) Topographical severance.

#### R16.4.3.6 **RURAL F ZONE**

Council will allow subdivision only where it is satisfied that the subdivision is consistent with the Objectives and Policies for the zone and will facilitate appropriate activities on the land concerned.

## **R16.4.4 RULES FOR CROSS-LEASE SUBDIVISION**

### **R16.4.4.1 SUNSET CLAUSE FOR EXISTING CROSS-LEASE APPROVALS**

For the purpose of allowing landowners the opportunity to complete a staged cross-lease in terms of their approved consent, the minimum net site areas listed in Table **R16.4.1** will not apply to existing cross-leased sites with approval from Council in terms of Section 314(1) of the *Local Government Act 1974* or Section 224 of the *Resource Management Act 1991*.

The completion of a staged cross-lease in terms of the approved consent is deemed to be a Controlled Activity notwithstanding that it may not comply with the Rules for density and minimum net site area/site area applying to the Zone concerned.

Activity status of subdivision, and this Rule will cease to have effect on 31 December 1999, at which time any proposed household unit or building on a staged cross-lease will be subject to the Rules for density and minimum net site area/site area of this Plan.

### **R16.4.4.2 CROSS-LEASE TO FEE-SIMPLE SUBDIVISION**

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

- (a) The cross-lease has been approved by Council in terms of Section 314(1) of the *Local Government Act 1974* or Section 224 of the *Resource Management Act 1991*, and
- (b) The proposed lots comply with the minimum net site area specified in the zone, or

Council is satisfied that the creation of the fee-simple lots will not provide for any additional potential for any building over and above that which existed for the parent lot in accordance with the Performance Standards of the zone.

## **R16.4.5 SUBDIVISION IN THE AIRPORT AND AIRPORT PROTECTION ZONES**

As provided for in **Part Twelve**, subdivision in the Airport and Airport Protection Zones is a Non-Complying Activity. However, boundary adjustment subdivision will be provided for in the Airport and Airport Protection Zones as a Controlled Activity.

#### **R16.4.6 SUBDIVISION FOR RESERVES IN ALL ZONES**

Notwithstanding table **R16.4.1**, subdivision for reserves is a Controlled Activity. There shall be no minimum site area where a subdivision creates a lot to accommodate a reserve in terms of the *Reserves Act 1977*, the *Te Ture Whenua Maori Act 1993/Maori Land Act 1993* or *Resource Management Act 1991*.

Servicing of the lot will only be required in accordance with the proposed use of the site, and will be subject to the provisions of this Part and **Appendix W** of this Plan.

#### **R16.4.7 SUBDIVISION FOR UTILITY SERVICE SITES IN ALL ZONES**

Notwithstanding Table **R16.4.1**, subdivision for utility service sites in any zone is a Controlled Activity. Council must be satisfied that the lot size will be sufficient to:

- (a) accommodate the activity and associated buildings and structures; and
- (b) accommodate sufficient landscaping to mitigate the adverse effects of the utility service in an appropriate manner; and
- (c) accommodate parking and other requirements as set out in **Part Fifteen**.

Servicing of the lot will only be required in accordance with the proposed use of the site, and will be subject to the provisions of this Part and **Appendix W** of this Plan.

#### **R16.4.8 LOTS TO ACCOMMODATE DISCRETIONARY OR NON-COMPLYING ACTIVITIES IN ALL ZONES**

Notwithstanding any other provision in **R16.4** a new lot or lots may be created, as a Discretionary Activity, where it does not comply with the subdivision standards specified in this Plan, but only to accommodate an activity that has been granted a resource consent as a Discretionary or Non-Complying Activity.

#### **R16.4.9 WHARENUI ROAD AREA, CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) ASSESSMENT**

That prior to the lodgement of a subdivision consent application at any stage of development within the Wharenui Road Area a comprehensive Crime Prevention Through Environmental Design (CPTED) assessment shall be undertaken. The outcomes and findings of the assessment shall assist in determining the layout and

design of the subdivision. The CPTED assessment undertaken, and an explanation of how the outcomes of the assessment have been reflected in subdivision design, shall be provided with each application for subdivision associated with the stages of development.

### **R16.4.10 WHARENUI ROAD AREA, REVEGETATION PLAN REQUIREMENTS**

That at the time of any subdivision application within the WRA, a revegetation plan shall be submitted to Council for approval, with detail of the following:

- (a) Identification of the areas of land within the Wharenui Road Area that will be set aside for planting, including riparian areas to be planted;
- (b) Identification of all existing areas of native and exotic vegetation;
- (c) Species, grade (size when planted), mature height, and density of planting (planting should include native trees and shrubs that attract native flora and fauna and be appropriately linked to existing native planting to create ecological corridors);
- (d) Details of pest plant, weed, and pest animal control;
- (e) Details of timing of planting and staging of planting;
- (f) Details of any fencing or alternative methods to exclude stock from the planting area;
- (g) Proposed means of ownership, maintenance (at least 3 years by the subdivider, and ongoing management.
- (h) The revegetation shall be undertaken in accordance with the approved revegetation plan and **G3.1.8**.

## **R16.5 SUBDIVISION APPLICATIONS FOR CONTROLLED ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS**

### **R16.5.1 INTRODUCTION**

An application for subdivision as a Controlled Activity will be assessed in terms of the criteria set out in **R16.5.2**, and the general criteria for assessing applications for Controlled Activities applicable to the zone in which the subdivision is to take place.

The provisions of 4, 5, 6 and 7 of Part Two also apply.

## **R16.5.2 GENERAL CRITERIA FOR ASSESSING SUBDIVISION APPLICATIONS FOR CONTROLLED ACTIVITIES**

### **R16.5.2.1 RULES**

Subdivision shall comply with the rules outlined in **R16.3** and **R16.4**. Non-compliance with the rules for subdivision within the Residential Lifestyle Zone in the Wharenui Road Area is deemed to be a Non Complying Activity, otherwise in the Residential B and Commercial D1 zones in the Wharenui Road Area shall be a Discretionary Activity.

### **R16.5.2.2 PROVISION FOR ACCESS**

Council must be satisfied that adequate provision is made for vehicular and pedestrian access to the site, and that no significant adverse effect on traffic safety will result from the subdivision.

### **R16.5.2.3 PROVISION FOR THE DISPOSAL OF STORMWATER AND SEWAGE**

Council must be satisfied that adequate provision for the disposal of stormwater and sewage has been provided for.

### **R16.5.2.4 INCREASES IN TRAFFIC VOLUME AND DETRACTION FROM TRAFFIC SAFETY**

Council must be satisfied that adequate provision is made to attend to any increase in traffic volumes and any detraction from traffic safety.

### **R16.5.2.5 ADVERSE EFFECTS ON PUBLIC HEALTH AND SAFETY**

Council must be satisfied that any adverse effects on public health and safety are adequately addressed.

### **R16.5.2.6 COMMERCIAL H PERFORMANCE STANDARD FOR MANAGEMENT OF JOINTLY OWNED ASSETS WITHIN THE ZONE**

There shall be an effective mechanism for the ongoing management of jointly owned assets associated with each allotment within the zone.

### **R16.5.2.7 CRITERIA FOR SUBDIVISION APPLICATIONS IN THE WHARENUI ROAD AREA**

All subdivision within the Wharenui Road Area will be assessed with regard to the following criteria:

- (a) Criteria and Controls in **R7.3.3.10** and **Appendix G3** insofar as they relate to the use and development of the land.
- (b) Applying a covenant or Consent Notice to the Certificate of Title of the subject lot to restrict the ability to further subdivide.
- (c) Assessment Criteria Regarding Movement and Open Space Network:
  - (i) Subdivision design should achieve connectivity within and between neighbourhoods.
  - (ii) Street patterns should maximise convenient access to arterial and collector roads, passenger transport stops, reserves, community facilities and any neighbourhood/village centre.
  - (iii) Street patterns should be logical, should respect and reflect contour, and contribute to the legibility of the area.
  - (iv) Subdivision design should help achieve an interconnected open space and movement network.
  - (v) Safe pedestrian and cycle routes should be generally integrated with road and reserve design and comply with Crime Prevention Through Environmental Design (CPTED) principles to achieve safe connections.
  - (vi) The need for and approved traffic control facility to be established at the intersection of Morey Street or Porikapa Road where any development within the Wharenui Road Area provides a connecting access to these roads.
- (d) Assessment Criteria Regarding Block Size and Lot Type
  - (i) Blocks should be of a scale and shape to achieve a permeable street layout.
  - (ii) Blocks and lots should be designed and located to enable dwellings with good solar access.
  - (iii) As many lots as possible should front onto and be accessed directly from a legal road. Rear lots should generally be avoided.
  - (iv) Good block design allowing lots to front roads and public spaces should comply with CPTED principles to enhance passive surveillance.
  - (v) Through lots (lots with dual road frontage) should be generally avoided where possible. If through lots are unavoidable then an indicative lot layout incorporating house footprint should be provided to demonstrate how good urban design can be achieved.
  - (vi) Corner lots should be designed to maximise opportunities to create private outdoor space on site without the need for high front fences.
  - (vii) A variety of lot sizes should be provided.
  - (viii) Blocks and lots should be designed to minimise secondary earthworks.
  - (ix) Urban design measures to offset any adverse effects of less than average lot sizes shall be demonstrated where at least 450m<sup>2</sup> net site area for Comprehensive Residential Development and 250m<sup>2</sup> for Medium Density Housing is not able to be achieved.

## (e) Assessment Criteria Regarding Design of Reserves

Reserves shall be located and sized in accordance with Council's criteria. The following assessment criteria shall be taken into account:

- (i) Reserves should be located adjacent to public roads. Clear sight lines into all areas of reserves should be available from public roads and nearby dwellings and along cycle and pedestrian routes for passive surveillance.
- (ii) The design for reserves should comply with Crime Prevention Through Environmental Design (CPTED) principles.
- (iii) Reserves of different sizes should be distributed throughout the subdivision to provide a variety of recreation opportunities connected to a broader open space network.
- (iv) Reserves should be designed to serve a range of recreational purposes, including cycle and pedestrian links, and be located such that as many lots as possible have a direct physical or visual connection with the reserve.
- (v) Trees and any structures should be positioned for winter shelter and summer shade, to maximise the focal qualities of any reserve, and to reinforce any linkages from the reserve to other areas.
- (vi) Recreational reserves should compliment the stormwater reserves within the subdivision to expand recreational choices for the community alongside the benefits of habitat creation and stormwater management.

## (f) Assessment Criteria for Site Suitability

An assessment shall be undertaken to determine the suitability of the site for development with regard to the following:

- (i) The potential for the presence of contaminated soils.
- (ii) The potential for the presence of archaeological sites.
- (ii) The geotechnical suitability of the site for the form of development proposed.

## R16.5.3 CONDITIONS

Council may impose any conditions to give effect to the criteria listed above.

### R16.5.3.1 ADDITIONAL MATTERS OF CONTROL AND CONDITIONS FOR WHARENUI ROAD AREA

Additional Matters of Control and Conditions for the Wharenui Road Area are as follows:

- (a) General requirements for development of land (see **R7.3.3.10** and **Appendix G3**).
- (b) Development intensity and scale, traffic management, safety and convenience standards to be applied to the site development.

- (c) The imposition of financial contributions in accordance with **R16.3**.
- (d) The imposition of any conditions in accordance with Section 108 of the Resource Management Act 1991.
- (e) Management of the quantity and quality of stormwater to be discharged from the site.
- (f) The design objectives and design standards and terms covering:
  - (i) Streetscape.
  - (ii) Outlook and Outdoor Spaces.
  - (iii) Landscaping.
  - (iv) Traffic, Parking, Access, Pedestrian Accessibility and Safety.

## **R16.5A SUBDIVISION APPLICATIONS FOR RESTRICTED DISCRETIONARY ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS**

### **R16.5A.1 INTRODUCTION**

The activities listed as Restricted Discretionary Activities are those which are appropriate on some sites within the Residential B, Commercial D1 and Residential Lifestyle Zones in the Wharenui Road Area. These activities can, however, have effects which require particular assessment. Council may decline an application for such an activity or grant resource consent subject to conditions. Council has restricted discretion to matters related to stormwater collection, treatment and disposal.

### **R16.5A.2 RULES**

Within any subdivision and within Stormwater Management Reserves in the Wharenui Road Area, stormwater disposal and treatment facilities are Restricted Discretionary Activities.

There are to be no building or structures in floodway areas.

### **R16.5A.3 STORMWATER MANAGEMENT ASSESSMENT CRITERIA AND CONDITIONS FOR RESTRICTED DISCRETIONARY ACTIVITIES**

- (a) The stormwater disposal system shall be a combination of reticulated pipework, swales or open channels in the subdivision areas and off-line and on-line dams within the Stormwater Management Reserves. Dams shall be designed to only retain peak stormwater flows during and following rainfall events and shall be dry when not in use.

- (b) Stormwater treatment shall generally be provided within the identified Stormwater Management Reserves. Pipework may be provided to connect to a stormwater treatment device within the Stormwater Management Reserve.
- (c) Stormwater Management Reserves are areas identified for the retention of existing swales, gullies, watercourses, trees and vegetation that provide a means of collection, disposal and natural treatment of stormwater. Where provided Stormwater Management Reserves shall consider the landscape setting they are located within and, where possible, be designed to follow existing contours.
- (d) All new subdivisions shall be designed for attenuation of the 2% AEP flood peak flows from individual subcatchments to less than or equal to pre-development peaks. This may be achieved by a combination of subdivision design, land use restrictions, drainage design features (eg low impact design) and end of pipe solutions. Pre-development levels are defined as those relating to the existing rural land use.
- (e) Stormwater Management Reserves shall be provided in accordance with the Ngati Whakaue Plan Change Appendices, Appendix C, Stormwater Attenuation Plan and Report (BECA, January 2009) to ensure an integrated stormwater system is maintained.
- (f) All developments shall be required to demonstrate how they will address on, or adjacent to, the site:
  - (i) Passage of surface flows from upstream such that flows are able to be managed to reduce effects downstream while not causing inappropriate flood risk or water levels within the gullies or upstream.
  - (ii) Passage of surface flows from the site itself to avoid risk of eroding the beds or banks of stormwater gullies, or on stormwater and flood risk management assets within those gullies.
  - (iii) Protection of houses from flooding in a 2% AEP event.
  - (iv) Management of runoff peaks from each subcatchment to downstream so they are less than or equal to flow peaks prior to development, or are fully managed through to the receiving environment (eg Lake Rotorua).
  - (v) Council shall assess the flood plain based on the design flow rates given in the Ngati Whakaue Tribal Lands Stormwater Management Plan (November 2008).
  - (vi) Risk of discharge of contaminants such as sewage into the stormwater gullies.
  - (vii) Reasonable and safe access for maintenance purposes shall be provided within the Stormwater Management Reserve. The Stormwater Management Reserve shall be vested in Council.
  - (viii) The construction plans for any instream works identified in the Ngati Whakaue Tribal Lands Stormwater Management Plan (August 2008) shall be provided to Environment Bay of Plenty prior to construction commencing in order to obtain confirmation that they comply with the provisions of the Stormwater Discharge consent for the land.

- (iv) An Erosion and Sedimentation Control Plan for any instream capital works required by the Ngati Whakaue Tribal Lands Stormwater Management Plan (August 2008) and Stormwater Discharge consent shall be provided to Environment Bay of Plenty prior to construction commencing in order to obtain confirmation that it complies with the provisions of the latest Guidelines for Erosion and Sediment Control for Earthworks.
- (g) All works within the Stormwater Management Reserves shall be required to demonstrate how they will address:
  - (i) The safe passage of flood flows from upstream.
  - (ii) The avoidance of erosion or gulying of the bed of the reserve;.
  - (iii) The provision of vegetation to slow and attenuate flood flows from upstream.
  - (iv) Appropriate design to facilitate attenuated upstream flood flows where practicable for road crossings of the Reserve.
  - (v) Avoidance of the risk of discharge of contaminants to the gully.
  - (vi) Access for maintenance.

## **R16.6 SUBDIVISION APPLICATIONS FOR DISCRETIONARY ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS**

### **R16.6.1 INTRODUCTION**

Subdivision allowed as a Discretionary Activity may have effects that require particular assessment.

Council may decline an application for such an activity or grant a resource consent subject to particular conditions that will ensure that the activity does not have any significant adverse effects on the environment, and that the Objectives and Policies for the zone in which the subdivision is to occur are not compromised.

The provisions of **4, 5, 6** and **7** of **Part Two** also apply.

### **R16.6.2 CRITERIA FOR ASSESSING SUBDIVISION APPLICATIONS FOR DISCRETIONARY ACTIVITIES**

The criteria for assessing applications for subdivision as a Discretionary Activity are set out below.

**R16.6.2.1 CONTROLLED ACTIVITY CRITERIA LISTED IN R16.5.2**

The criteria listed under **R16.5.2** for subdivision applications as a Controlled Activity shall also be deemed to be criteria for assessment of the application as a Discretionary Activity.

**R16.6.2.2 DISCRETIONARY ACTIVITY CRITERIA FOR THE ZONE**

General criteria for assessing Discretionary Activities applicable to the zone in which the subdivision is to take place will also apply. These criteria are listed in the Rules for the zone in which the subdivision is to occur.

**R16.6.3 CONDITIONS**

Council may impose any conditions to give effect to the criteria listed above.

**R16.7 SUBDIVISION APPLICATIONS FOR NON-COMPLYING ACTIVITIES IN THE WHARENUI ROAD AREA**

Subdivision in the Wharenui Road Area that does not comply with rules, standards or criteria contained in **R16.3**, **R16.4** and **R16.6A** and are not listed as a Prohibited Activity are Non Complying activities.

