

## 13.4 OBJECTIVES & POLICIES

The specific objectives and policies for the subdivision are stated below. The objectives and policies related to natural hazards, infrastructure and matters of national importance that cover all the zones in the district plan are mentioned in part 2 national and district matters of strategic importance. The objectives and policies for Iwi matters are mentioned in part 3.

### The Results of Subdivision can Influence the Quality of Water in Lakes, Streams and Rivers

<b>Objective 13.4.1</b>	
Subdivision supports land use activities that create a significant reduction in nutrient losses and contribute to improving lake water quality.	
<b>Policy 13.4.1.1</b>	Provide for subdivision as an incentive in the special planning areas SP <sub>1</sub> and SP <sub>2</sub> to encourage sustainable land use change that will result in a significant nutrient reduction compared with those from existing activities undertaken on the land.
<b>Policy 13.4.1.2</b>	Ensure that subdivision is supporting land use change that improves lake water quality does not create significant adverse effects on the character and amenity of the zone.
<b>Policy 13.4.1.3</b>	Require the management of retirement areas so vegetation is established and well maintained and pest plants are well managed.
<b>Policy 13.4.1.4</b>	Require the revegetation of land and riparian areas that are: <ul style="list-style-type: none"> <li>▪ Susceptible to erosion</li> <li>▪ Along lakeshore and other riparian margins</li> <li>▪ In areas adjoining already protected features</li> <li>▪ In areas where positive benefit can be made in improving biodiversity and ecological corridors</li> </ul>

## 13.10 SUBDIVISION RULES: RURAL ZONES

The following rules classify subdivision in the rural zones of the district.

Rural 1 Working rural

Rural 2 Rural lifestyle

Rural 3 Rural village

The activity class codings in the zone columns refer to:

P = Permitted	C = Controlled
RD = Restricted discretionary	D = Discretionary
NC = Non-complying	Pro = Prohibited
NA = Non applicable to zone	

The activity types in Table 13.10 are explained in part 2.

Meanings for the terms in Table 13.10 can be found in part 17 definitions.

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

Table 13.10 Subdivision in Rural Zones

Rules	Zones		
	1	2	3
<b>General</b>			
1. Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant site design performance standards stated in 13.10.1	D	D	D
2. Unless otherwise stated below the subdivision of sites or buildings that do not comply or the proposal is not to comply with one or more of: a. any relevant performance standards in 9.6; b. any relevant site design performance standards stated in 13.10.1.	NC	NC	NC
<b>Specific Subdivision Activities</b>	<b>1</b>	<b>2</b>	<b>3</b>
3. The subdivision of land for the purposes of creating a lifestyle lot, in accordance with Rule 13.10.1.1	D	D	D
<b>Additional Subdivision Entitlement for Protection of Significant Natural Areas &amp; Reducing Nutrients From Land use Activities</b>	<b>1</b>	<b>2</b>	<b>3</b>
15. Subdivision of an additional lifestyle lot entitlement where a significant natural area identified in Appendix 2 is proposed to be legally protected.	C	NA	NA
16. Subdivision of land to create additional lifestyle lots within the special planning area SP <sub>1</sub> in excess of the number of lots that can be created under rules 13.10.1.1 (c) and 13.10.1.1(d) and that results in a reduction of nutrient losses.	RD	NA	NA

## 13.10.1 Site Design Performance Standards: Rural Zones

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

Table 13.10.1: Rural Site Design

Zone	Minimum Site Area	Site Design Factor
Rural 1 Working rural	Unless otherwise stated the minimum net site area is 15 hectares of useable land, except for lifestyle lots in accordance with 13.10.1.1 where the a minimum net site area of 2,500m <sup>2</sup> to a maximum net site area of 4 hectares.	Sites shall be capable of accommodating activities that can comply with Rule 13.10.1.1.
Rural 2 Rural lifestyle	The minimum net site area is 8,000 m <sup>2</sup> provided that where Rule 13.10.1.2 applies the site area of all new lots shall be at least 4,000m <sup>2</sup> .	Sites shall be capable of accommodating activities that can comply with Rule 13.10.1.2.
Rural 3 Rural village	1300m <sup>2</sup> minimum net site area, provided that where Rule 13.10.1.3 applies the site area of all new lots shall be at least 1000m <sup>2</sup>	The site shall be capable of providing an area of at least 20 metres x 15 metres, that is suitable for building and does not intrude into the yard buffers.

- a. In addition to the site dimension requirements in the table above the following performance standards shall also be met where relevant:
- i. Rural zone, Rules 9.6
  - ii. Site suitability, Rules 13.12
  - iii. Site serviceability, Rules 13.13
  - iv. Subdivision performance standards applicable to all zones, Rules 13.14
  - v. Financial contributions, Rules 13.15
  - vi. Esplanade reserve requirements, Rules 13.16
  - vii. Other district plan provisions, Rules 13.21
  - viii. Historical, cultural, and natural values of sites, part 2 and part 3.

### 13.10.1.1 Rural 1 - Working Rural Zone

- a. Site design useable dimensions
- Unless otherwise stated a site, or an amalgamation of sites to be held in a separate certificate of title, shall have a minimum of 15 hectares of usable land as defined by part 17.
- b. Design requirements for lifestyle lots in the rural 1 zone
- The subdivision of a site to create a lifestyle lot shall be subject to the following conditions:
- i. A lifestyle lot to be held in a separate Certificate of Title may be created provided that the net site area of the lot is between 2,500m<sup>2</sup> and 4 hectares.

- ii. The lifestyle lot shall be of sufficient size in order to meet the regional council requirements for the treatment and management of sanitary sewerage and associated disposal field within the boundary of the site to be created.
- iii. The balance of the site from which the lifestyle lot is to be subdivided has a minimum net site area of 15 hectares of usable land; and
- iv. The number of lifestyle lots to be excised from the existing lot does not exceed the number specified in the following table:

Table 13.10.3: Lifestyle Lot Allotments

Number of Lifestyle Lots Allowed	Area of Existing Lot (Hectares)
1	15.25 – 50
2	51 – 100
3	101 – 200
4	201 – 400
5	401 and over

- v. Any allowance for lifestyle lot subdivision for lots held in separate Certificates of Title created after 10 June 1994 shall not exceed the number of lifestyle lots allowed for the parent title, as it existed at 10 June 1994 or as consented to by council.
  - vi. For Certificates of Title created after 10 June 1994, the subdivider may nominate an appropriate allocation of 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.
- c. Additional lifestyle lots may be created where a significant natural area listed in appendix 2 is to be legally protected and its on-going management provided for
- i. Where a significant natural area identified in Appendix 2 is proposed to be legally protected and provision is made for its future management as part of the subdivision application, an additional lifestyle lot over and above that allowed by the table in 13.10.1.1(b)(iv) may be created. The additional lot shall comply with all other requirements of 13.10.1.1.
  - ii. The matters over which council will reserve its control are:
    - Legal mechanisms that provide for the on-going protection and management of the feature.
    - Restrictions on the type of activities that are likely to occur on the site.
    - The location of the additional lifestyle lot entitlement taking into account the following:
      - Mitigation measures to ensure positive effects on the qualities and characteristics of the landscape and natural character of lakes, rivers, streams, and wetlands,
      - Measures employed to ensure mitigation of adverse effects on impacts on rural character, including the effects of the

intensification of lifestyle lots and separation distances of residential dwellings

- Measures employed to reduce the cumulative effect of the additional lifestyle lot entitlement

d. Subdivision of land to create additional lifestyle lots within area SP 1 (planning map 215)

In cases where, as a result of subdivision, the change to the use of land will result in a reduction of nutrient losses, an application that creates more lifestyle lots than otherwise provided for in the plan can be considered as an exception as a restricted discretionary activity. Where the proposed number of lots exceeds that which can be created under rule 13.10.1.1(b)(iv), the extra lots must be purchased as “Transferrable Development Rights” (TDR).

*The Council resolves, in terms of section 86B(1)(c) of the Resource Management Act 1991 that rule 13.10.1.1(e) will have legal effect only once the Proposed District Plan becomes operative in accordance with clause 20 of Schedule 1 of the Act.*

e. Subdivision of land in conjunction with land use change

i. Within special planning area SP1 (planning map 215), subdivision under this rule is a restricted discretionary activity subject to:

- the subdivision being undertaken in conjunction with a change in the use of land within either of special planning areas SP1 and SP2, and
- compliance with all other clauses of this rule set out below.

ii. The property within which the land use change is proposed to occur shall be deemed “the donor holding” and the property proposed to be subdivided within area SP1 shall be deemed “the recipient holding”.

[Note: A property which lies within area SP1 may be proposed as both the “donor” and the “recipient” holding i.e. such property may be subject to both the land use change and the subdivision.]

iii. Additional requirements applying to donor and recipient holdings:

Table 13.10.1.1: Land Use Change Requirements

Donor Holding	Recipient Holding
1. Location To be within either area SP1 or SP2.	1. Location to be within area SP1.
2. Minimum nutrient loss reduction The land use change shall achieve a nutrient loss reduction of at least 500kg below the donor property’s current “nutrient benchmark” or “discharge allowance” as determined by a suitably qualified and experienced independent person in	2. Minimum subdivision lot size 2,500m <sup>2</sup>

<p>consultation with relevant BOPRC staff or consultants.</p>	
<p>3. Land use change</p> <p>The proposal shall be the subject of an implementation and on-going management plan prepared by a suitably qualified and experienced independent person and submitted with the application for subdivision consent. Such plan shall detail how the proposed nutrient loss reduction is to be achieved and shall be subject to independent expert audit commissioned by the district council, such audit to confirm the plan's achievability.</p>	<p>3 Minimum subdivision average lot size (including any balance lot or area) 4 hectares.</p>
<p>4. Implementation</p> <p>Prior to the issue of a section 224 certificate for the subdivision, successful implementation of the plan approved under (3) land use change above shall be certified by a suitably qualified and experienced independent person and shall be subject to independent expert audit commissioned by the district council. Such audit shall confirm the plan's successful implementation.</p>	<p>4. Nutrient losses</p> <p>In conjunction with the application for subdivision, a nutrient loss assessment report relating to the recipient holding prepared by a suitably qualified and experienced independent person shall be submitted to council for approval. The report shall demonstrate that the use and development of all proposed lots within the subdivision will not result in an increase in current nutrient losses created by existing land uses. Council shall commission an independent expert audit of the report, such audit to confirm the report's findings. Where applicable, any recommendations contained in the approved report may be the subject of consent conditions, including those required to be complied with on a continuing basis</p>
<p>5. On-going management</p> <p>A binding legal instrument shall be registered against the title of the donor holding requiring the new land use to be maintained on an on-going basis, with reports confirming the continued successful operation of the land use submitted annually to council for the first 5 years and every 5 years thereafter. The legal</p>	<p>5. Information requirements</p> <p>In order to demonstrate that the application for subdivision can be carried out without adverse effects, the following level of information prepared by suitably qualified and experienced professionals is likely to be required:</p> <p>a. Comprehensive landscape and ecological assessments.</p>

<p>instrument shall be registered on the title of the donor holding prior to issue of the section 224 certificate for the subdivision of the recipient holding.</p>	<ul style="list-style-type: none"> <li>b. Identification of the retirement and enhancement of riparian areas.</li> <li>c. Demonstration that the proposal will comply with the relevant site suitability, site serviceability, and financial contributions performance standards stated in 13.12 to 13.16.</li> <li>d. Information regarding the estimated reduction of nutrient losses as a result of the subdivision.</li> <li>e. Building design and site layout matters stated in 9.6 with particular emphasis on the maintenance of rural character.</li> <li>f. Details of the protection of matters of national importance such as outstanding natural features and landscapes, wetlands, or sites of historical or cultural importance.</li> <li>g. Restrictions on the type of activities that can occur on the site in future.</li> <li>h. Measures to avoid, remedy or mitigate the effects on infrastructure, including the transport network.</li> </ul>
	<p>6. Subdivision consent conditions</p> <p>Prior to issue of the RMA section 224 certificate for the subdivision, the successful implementation of all recommended measures contained in the report referred to in (3) land use change above the shall be confirmed and certified by suitably qualified and experienced independent resource management professionals, <u>provided that</u> in the case of any measures deemed impracticable or inappropriate for immediate implementation, a consent notice condition shall be imposed and registered on the title(s) of the relevant lot(s).</p> <p>All relevant general subdivision rules applying to subdivision in the rural 1</p>

	<p>zone, including those relating to development suitability and the like, shall be complied with and where appropriate made the subject of consent conditions.</p>
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- f. Ability to acquire esplanade reserves

Where acquisition of an esplanade reserve or strip is required by the provisions of the Act or any rule in the plan, the sites created by subdivision shall be of sufficient size after acquisition to comply with the site dimension requirements of 13.10.1.

#### 4. Vegetation, re-vegetation and retirement

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

Any subdivision of land adjoining a lake, stream or wetland must include measures to retain, enhance and manage the landscaping of that land.

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

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

- a. Controls on the siting, bulk, location and design of buildings, earthworks and vegetation removal;
- b. Location and design of roading and supporting infrastructure;
- c. Planting of landscape on public and private lands;
- d. Protection of natural features of value;
- e. Location and design of fencing.

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



## Activities Carried out on the Land Have an Effect on Water Quality

Objective 9.4.1	
Rural land use that leads to a reduction in nutrient losses and contributes to improving stream, river, wetland and lake water quality	
Policy 9.4.1.1	Avoid new land use activities within the lake catchments that have the potential to significantly increase nutrient losses into streams, rivers, wetlands and lakes.
Policy 9.4.1.2	Provide incentives in targeted areas to make land use and land management changes that achieve a significant reduction of nutrient losses.
Policy 9.4.1.3	Consider favourably re-vegetation, retirement and legal protection of land and riparian areas that contribute to improving water quality, in particular on land that is: <ul style="list-style-type: none"> <li>▪ Susceptible to erosion.</li> <li>▪ Along lakeshore and other riparian margins</li> <li>▪ Adjoining already protected features.</li> <li>▪ In an area where biodiversity and ecological corridors can be improved.</li> </ul>
Policy 9.4.1.4	Require the re-vegetation of gullies and wetland areas to assist both in filtering runoff and in reducing the nutrient level of stormwater before it enters the lakes.
Policy 9.4.1.5	Require the on-going management of retirement areas so that vegetation is established, well maintained, and pest plants are controlled.
Policy 9.4.1.6	Promote the change from animal grazing to indigenous vegetation so as to offset the adverse effects on lake water quality in areas where additional rural-residential development is contemplated.
Policy 9.4.1.7	Ensure that land use change intending to improve lake water quality does not create significant adverse effects on rural amenity, particularly development within the sensitive rural area in the Rotorua caldera.

## 9.5 RULES

Activities undertaken within each rural zone are classified in table 9.5.

For ease of reference the zone coding in the residential zone columns refer to:

Rural 1 = Working Rural	Rural 2= Rural Lifestyle	Rural 3 =Rural Village
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The activity class codings in the rural zone columns refer to:

P = Permitted	C = Controlled	RD = Restricted discretionary
D = Discretionary	NC = Non Complying	Pro = Prohibited
NA = Non Applicable to zone	STA = Stricter status applies	

The activity types in Table 9.5 are explained in the User Guide at the front of the district plan.

Meanings for the terms in Table 9.5 can be found in part 17 Definitions.

Table 9.5: Activities in the Rural Zones

Rules	Zones		
	1	2	3
<b>General</b>			
1. Any activity listed as permitted in 9.5 that meets all performance standards in 9.6	P	P	P
2. Any activity stated as a permitted or controlled activity that does not meet all of the performance standards stated in 9.6	RD	RD	RD
3. An activity not expressly stated in 9.5	NC	NC	NC
<b>Activities Resulting in Nutrient Reductions</b>	<b>1</b>	<b>2</b>	<b>3</b>
4. Any land use activity within areas SP1 or SP2 that would otherwise be discretionary or non-complying that contributes to a reduction of nutrient losses as specified in section 9.8.5	RD	RD	NA
5. Accessory farm buildings not exceeding 500m <sup>2</sup> in floor area, including animal housing with a built-in and sustainable effluent treatment system that results in a reduction of nutrient losses	P	NA	NA
<b>Primary Rural Industry</b>	<b>1</b>	<b>2</b>	<b>3</b>
6. Agricultural production activities	P	P	P

7.	Replacement of existing dairy sheds not within 20 metres of a lake, river, or stream	P	NA	NA
8.	Enclosure of livestock other than provided for by 9.5.5	D	NC	NC
9.	Plantation forestry including harvesting	P	NA	NA

5. Activity Within Area SP1 or SP2 That Would Otherwise be Discretionary or Non-Complying That Contributes to a Reduction of Nutrient Losses

Council shall restrict its discretion to the following matters:

- a. Discretion shall be restricted to consideration of the positive effects on water quality.
- b. How the activity complies with the objectives of the zone and parts 2 and 3.
- c. The land use change shall result in a minimum reduction of nutrient losses on the site at 500kg of Nitrogen per annum.