Appendix 1: Annotated Extracts of the District Plan Showing Proposed Changes to the Text

Note: Underlining indicates text added, ~~striking~~ indicates text deleted, … indicates text omitted and not amended.

Part 1: Introduction and General Provisions

HOW TO USE THE PLAN - GENERAL APPROACH

District Plan Structure

The District Plan should be read in full. It contains five interrelated parts as well as the Lakes A Zone document, as outlined below.

This structure described below is the result of a reorganisation, in 2021, of the existing District Plan (the majority of which was made operative in 2016). The reorganisation was undertaken as a major step towards implementation of the National Planning Standards 2019. The Lakes A Zone has yet to be integrated into the new structure, except in relation to natural hazards, as outlined below.

Part 1 Introduction and General Provisions
This part of the Plan contains the chapters that explain the District Plan's context, how it works and provides definitions and abbreviations to assist in its interpretation.
Part 2 District-Wide Matters

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This part of the Plan is in two parts; the Strategic Directions and District-Wide Matters:

1. Strategic Direction

The chapters under the Strategic Direction heading of the District Plan include issues and objectives that address key strategic or significant matters for the district and guide decision making at a strategic level. Some related policies are included.

Focussing as it does on high level strategic directions, this section leaves the articulation of activity-specific and location-specific objectives and policies to the subsequent chapters of this Plan.

The Natural Hazards chapter (SDNH) in the Strategic Direction section of Part 1, Introduction and General Provisions, applies to the Lakes A Zone.

2. District-Wide Matters

The remaining chapters of Part 2 contains objectives, policies and rules that apply across the district such as subdivision, transport, historic heritage and noise etc. Some of the District-Wide Matters chapters relate to values and risks such as outstanding natural landscapes and flood hazard areas, which are identified on the planning map as overlays. Other District-Wide Matters chapters address specific types of activities or effects such as papakāinga, earthworks and noise.

The Natural Hazards chapter (NH) in the Hazards and Risks section of Part 2, District-Wide Matters, applies to the Lakes A Zone.

Part 3 Area Specific Matters

Part 3 is in three parts: Zones, Development Areas and Designations.

1. Zones

A zone spatially identifies and manages an area with common qualities and characteristics and/or where particular environmental outcomes are sought. The entire district is zoned and all land is identified as part of a 'zone' on the planning maps, with rules which specifically address zone-based activities and effects. The zones generally seek to enable similar, compatible activities or effects to be located in appropriate areas together, while managing those activities or effects that are incompatible. All formed public roads are designated.

Some zone chapters include Precincts, which will have specific objectives, policies and/or rules that apply to them.

The zone chapters do not contain rules and standards that apply generally across the district - these are in Part 2.

2. Development Areas

A development area spatially identifies and manages areas that are provided for future development. Additional provisions apply to these areas to enable integrated and coordinated development.

3. Designations

Designations are used to show land that has been designated for a particular purpose by a Requiring Authority. Designations are generally associated with a public work, project, or a utility operation. Designations supersede District Plan provisions. However, if the designated land is used for a purpose other than the designated purpose, then the provisions of the District Plan do apply. Other people may not, without the prior written consent of the requiring authority, do anything in relation to the designated land that would impede the public work, project or work identified in the designation.

Part 4 Appendices

Appendices contain technical information and detailed standards. Most appendices are located with the specific chapter to which they relate. Part 4 contains only those appendices that apply to multiple chapters, that is, Appendix APP1 – Parking, Turning and Access.

It is noted that schedules of historic items, significant natural areas, etc. are located inside the District-Wide Matters chapters and not in Part 4.

Part 5 Maps
The planning maps spatially define zones, areas, overlays and features referred to within the District Plan chapters. Although most rules apply spatially and are associated with a spatial layer, there are some that do not. The planning maps are part of the District Plan unless expressly stated.
Lakes A Zone
The Lakes A Zone document forms part of the District Plan. These provisions operate independently to the rest of the District Plan. Parts 1 to 5 do not apply to the Lakes A Zone with the exception of this chapter, the Natural Hazards Chapter in Strategic Direction (SDNH) and the Natural Hazards chapter in District-Wide Matters (NH). The provisions of these specific chapters apply in addition to the provisions of the Lakes A Zone . The references to the 'District Plan' found in the Lakes A Zone document refer to the Rotorua District Plan 1996.

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DEFINITIONS

Status: Definitions is ~~Operative~~ proposed to be amended by Plan Change 8, Natural Hazards. Underlining shows text proposed to be added and ~~striking~~ shows text proposed to be deleted.

INTRODUCTION

This part sets out the definitions of terms and expressions used within this District Plan. If a term is not defined in the table then the meaning should be taken to be the same as that found in section 2 of the Resource Management Act 1991 (referred to as 'the Act'), or failing that to be taken to have the same meaning as the common dictionary definition.

DEFINITIONS

Term	Definition
…	
acceptable risk	risk that is low, and the costs of further reducing risk are largely disproportionate to the benefits gained.
…	
Fault Rupture Hazard Area	the area around an active fault trace that includes the likely area of fault rupture plus an additional width of at least 20m on either side to allow for secondary ruptures and uncertainty in the location of future deformation.
…	
overland flowpath	The land overflown by a concentrated flow of water in an intense rainfall event, as it flows towards the stormwater network, streams, rivers, or lakes. Overland flowpath includes a secondary flowpath which is activated when the primary (often

Term	Definition
	piped) stormwater system gets blocked or when the capacity of the piped system is exceeded. For the purposes of this definition, an overland flowpath includes, but is not limited to, an artificially designed route using formed or hard surfaces. Overland flowpaths referred to in rules and performance standards shall be limited to those with a catchment of 4000m^2 or more.
…	
residual risk	the risk remaining after implementing measures to mitigate the risk. This includes those risks associated with hazard events that either exceed or differ from what is used as the basis of the risk mitigation measures, such as the risks associated with failure of a structural defence or that an event exceeds the design event for a structural defence.
…	
risk	the chance of something happening that will have an impact upon objectives. It may be an event, action, or lack of action. It is measured in terms of consequences and likelihood. In relation to contaminated land and hazardous substances: risk is the chance of something happening that will have an impact on the environment.
…	
wildfire	any natural-caused or unplanned human-caused fire that is burning in and consumes natural fuels: forest, brush, grass, for example.

Part 2: District Wide Matters

STRATEGIC DIRECTION

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SDNH

NATURAL HAZARDS AND CLIMATE CHANGE RESLIENCE

Status: **SDNH is** ~~Operative~~ proposed to be amended by Plan Change 8, Natural Hazards. Underlining shows text proposed to be added and ~~striking~~ shows text proposed to be deleted.

This chapter applies to the Lakes A Zone.

ISSUES

SDNH-I1 Natural hazards

~~A secure and safe community is a healthy community and will attract growth. Our district has learned to safely take advantage of natural hazards. The oldest settlements in our district are within active geothermal systems where surface and underground features present a potential hazard to building and living.~~

~~The district is subject to a number of natural hazards that can adversely affect life or property. The main natural hazards affecting the district are earthquakes (associated with fault lines), subsidence (including liquefaction), landslides, flooding, and volcanic and geothermal activity due to the district's location within the Taupō Volcanic Zone. A lesser known source of volcano hazard is 'Caldera Unrest'. There is uncertainty over when the activity increases from 'background' levels to 'volcanic unrest' and an eruption threat. The Bay of Plenty and Waikato Civil Defence Emergency Management Group Plans rank caldera unrest as the 4th and 3rd highest hazard respectively.~~

~~Some areas known to be at risk from actual or potential hazards such as subsidence, flooding and geothermal activity have already been developed for urban purposes. In addition some hazards such as volcanic activity and earthquakes are more difficult to identify and mitigate in advance and the potential effects of the hazards themselves are so widespread and devastating that avoidance or control through the District Plan is not always possible.~~

~~The District Plan specifically manages land use affected by natural hazard risks through fault line rules and performance standards relating to flooding, geothermal activity and fault lines where appropriate mitigation measures are available, and are not sufficiently managed under other national legislation such as the Building Act 2004. All natural hazards identified on the planning maps will be addressed when considering resource consent applications, guided by the natural hazard provisions of this part of the plan.~~

The Rotorua District is exposed to a range of natural hazards due to its location within the Taupō Volcanic Centre, and its unique geography, geology, and climate. These hazards include flooding, geothermal activity, slope stability hazards, ground condition hazards (including liquefaction and soft, compressible soils), fault rupture and volcanic hazards, such as caldera unrest. These events pose risks to people, property, infrastructure, and the natural environment.

Climate change is expected to increase the frequency and severity of some natural hazards, particularly flooding, slope stability and wildfire. Subdivision and land use activities influence the vulnerability and exposure of individuals and communities to these risks. Some areas known to be at high risk have already been intensively developed, resulting in expectations of continued development and increasing the potential consequences of hazard events.

In some cases, occupation of hazard-prone areas may reflect important cultural values, social or economic values. For example, geothermal areas have traditionally been favoured by Māori for settlement and cultural use. Similarly, lakeside areas that are susceptible to flooding are often valued for recreation, tourism and residential living, contributing to community identity.

Effective management of natural hazard risk is often challenged by limitations in available information, including uncertainty around hazard extent, frequency, and potential impacts.

OBJECTIVES

SDNH-O1 *[1.3(9)]*	The risks from natural hazards to people, property and the environment associated with land use, subdivision and development are acceptable. ~~Minimise or reduce the level of risk to life, property and the environment from the subdivision, use and development of land in areas subject to a natural hazard.~~ *Policies SDNC-P1 to SDNC-P2*
SDNH-O2	Land use, subdivision and development are resilient to the current and future effects of climate change. *Policies SDNC-P1 to SDNC-P2*

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POLICIES

Objectives SDNC-O1 and SDNC-O2

SDNH-P1	When assessing whether the natural hazard risks associated with subdivision or land use are acceptable, and identifying risks that must be avoided or mitigated: 1. Assess the likelihood and potential consequences of natural hazards affecting the land and any potential to exacerbate risks beyond the site. 2. Use the best available information, including relevant national and regional guidance. 3. Take into account: a. The predicted effects of climate change, applying a precautionary approach where the extent of the impact is uncertain. b. Cumulative effects over time and across multiple activities. c. Residual risk, including the potential failure of structural hazard defences. d. For developments undertaken by tangata whenua, the cultural significance of the site or activity, which may justify acceptance of a higher level of natural hazard risk. 4. Promote opportunities to reduce existing natural hazard risks affecting established land uses. ~~Require the design and location of activities to avoid or mitigate natural hazards to an acceptable level of risk to life, property and the environment.~~
SDNH-P2	Strengthen, maintain and protect natural systems and features (such as wetlands and floodplains) that contribute to reducing the risks natural hazards and the effects of climate change.~~Recognise that the risk of natural hazards will continue to influence the nature and location of urban development.~~

Advice Note:

For the rules relating to Natural Hazards please refer to NH- Natural Hazards. The Introduction page of the planning maps outlines the hazard information.

ANTICIPATED ENVIRONMENTAL RESULTS

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

SDNH-AER1	~~Enhanced public safety in relation to natural hazards through~~ The design and management of land use activities and subdivision to an acceptable level of risk.

HAZARDS AND RISKS

...

NATURAL HAZARDS – MŌREAREA TŪTURU

Status: **NH** is ~~Operative~~ proposed to be amended by Plan Change 8, Natural Hazards. Underlining shows text proposed to be added and ~~striking~~ shows text proposed to be deleted.

This chapter applies to the Lakes A Zone.

ISSUES

Refer to Part 2, District Wide Matters, SD- Strategic Direction.

OBJECTIVES

Refer ~~also~~ to Part 2, District Wide Matters, SD- Strategic Direction.

~~**Flooding in the Waikato River catchment**~~

~~**NH-O1**~~ ~~*[9.3(7)]*~~	~~Manage subdivision, use and development in areas within the Waikato River catchment that are subject to high risk flood hazard to minimise risk to people and property.~~ ~~*Policies NH-P1*~~

POLICIES

Refer also to Part 2, District Wide Matters, SD- Strategic Direction.

Fault Rupture

NH-PAA	Manage the risks to people and property associated with fault rupture by requiring an assessment of fault rupture risk and mitigation options for: 1. Subdivision to facilitate building on land susceptible to fault rupture. 2. New buildings on land susceptible to fault rupture.

~~**Buildings in Areas Susceptible to**~~ **Flooding**

NH-PA	Manage the risks to people, property and the environment associated with development in areas susceptible to flooding by: 1. In areas where the anticipated flood depths are low and, therefore, the likely risks to people and property are less, requiring new buildings and larger additions to existing buildings to have floor levels above the flood level for the 1% AEP event with an allowance for climate change and freeboard. 2. In areas where anticipated flood depths are higher and, therefore the potential risks to people and property are greater, requiring a flood risk assessment for new buildings and larger additions to existing buildings and their associated site works

	and declining consent if the flood risks are not shown to be acceptable ~~to ensure the associated flood risks are acceptable.~~ The assessment shall correspond to the nature and scale of the anticipated flooding on site and shall include assessment of: a. The extent to which the flood risks (including residual risks) on site are managed to an acceptable level; b. Whether the development will increase risks (including residual risks) to other people, property, infrastructure or the environment; c. Safe evacuation routes and refuges; and d. Impacts on overland flowpaths and river corridors.

~~**Overland flowpaths and river corridors**~~

NH-PB	Maintain the function of overland flowpaths and river corridors to safely convey flood water and reduce risk to life, property and infrastructure by: 1. Maintaining the water carrying capacity of overland flowpaths and river corridors; 2. Maintaining the water storage capacity of major overland flowpaths and river corridors; 3. Restricting activities that may obstruct an overland flowpath; and 4. Assessing the impact of any changes to the entry or exit points of overland flowpaths on a site and the impact on other sites and infrastructure. 5. Considering legal protection of overland flowpaths at the time of subdivision through methods such as consent notices, easements or vesting of land in Council.

~~**Impervious surfaces**~~

NH-PC	Restrict impervious surfaces to reduce the cumulative effect of stormwater run-off on flooding.

~~**Flooding in the Waikato River catchment**~~

~~*Objective NH-O1*~~

~~**NH-P1**~~ ~~*[9.3(7)(1)].*~~	~~Manage land use and development in areas subject to high risk flood hazard within the Waikato River catchment, including avoiding the placement of habitable structures which would be vulnerable to flood events and mitigating risks for non-habitable structures through design and location measures.~~

~~**Land instability in Rural Zones**~~ **Land Stability**

NH-P2 *[9.3(2)(1)]*	~~Ensure buildings and activities do not increase land instability by requiring stabilisation measures where necessary.~~ Require an assessment of slope stability and ground condition hazards (including landsides, liquefaction and soft, compressible soils), associated risks and mitigation options for sites proposed to be subdivided for development. The assessment shall be undertaken by a suitably qualified and experienced person and appropriate to the site's hazard susceptibility and risks.

Geothermal Hazards

NH-P3 *[4.3.4.1]*	~~Enable the continued co-existence of residential activities in the Te Arawa villages of Ōhinemutu and Whakarewarewa with the geothermal features throughout each village, whilst ensuring future development is undertaken with an acknowledgement of risks.~~ Take into account the cultural significance of co-existing with geothermal activity in any assessment of geothermal hazard risk associated with development in papakāinga and traditional Māori settlements, such as the Te Arawa villages of Ōhinemutu and Whakarewarewa.
NH-P4	Manage the risks to people and property from geothermal hazards, including by: 1. Requiring building setbacks from geothermal surface features and bores; 2. Requiring site-specific geothermal assessments to be submitted for subdivision detailing the effects of the geothermal activity on the subdivision and subsequent use of the land or buildings, the effects on surface geothermal surface features, risks and proposed mitigation measures to ensure the suitability of the land for subdivision and the intended use; 3. Requiring site-specific geothermal assessments to be submitted at the time of application for building consent to identify the hazards and how risks are being mitigated; and 4. Assessing the impact on geothermal hazards and risk when zone standards for impervious surfaces are exceeded within geothermal systems.

Wildfire

NH-P5	Mitigate the risks of wildfire associated with development by: 1. Requiring firefighting water supply for activities in more densely populated zones and papakāinga to reduce the risk of wildfire occurring. 2. Encouraging subdivision design in rural areas and at the rural-urban fringe to consider the potential risks of wildfire and, where appropriate, include measures that may help reduce the risks. Such measures may include: a. identifying suitable locations for building platforms and accessways that reduce exposure to wildfire hazards and facilitate egress; b. facilitating access for emergency services; and c. choice of plant species to reduce the risk of fire.

RULES

The rules in the table below apply in addition to:

- the rules in Part 3 – Area Specific Matters (zone chapters and development area chapters); and
- the rules in the other chapters in Part 2 – District-wide Matters.

For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated that a rule overrides another rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, How the Plan Works.

For natural hazard rules relating to subdivision refer to SUB – Subdivision.

Links to the rule categories can be found below:

Fault RuptureLines.....11

Flooding.....12

Geothermal.....14

Fault RuptureLines		
NH-R1	**Additions to existing buildings or replacement buildings in the Fault Avoidance Area OverlayFault Rupture Hazard Area**	
Applicable Spatial Layers Fault Avoidance Area OverlayFault Rupture Hazard Area in: Residential Zones Industrial Zones Business and Innovation 1 Zone All Rural Zones Reserve 1 Zone	**1. Activity Status:** Permitted **Performance Standards:** a. Replacement buildings within the fault avoidance areaFault Rupture Hazard Area shall be within the existing building footprint.	**2. Activity Status:** Restricted Discretionary **Where:** Compliance is not achieved with the performance standards for NH-R1(1). **Matters of Discretion:** a. The extent to which natural hazard risks are avoided or remedied and Adverse effects from natural hazards or the worsening of any hazard identified on the planning maps are managed. b. In order to assess the risk arising from locating a habitable building within a fault avoidance areaFault Rupture Hazard Area, a natural hazard assessment report from a suitably qualified geotechnical engineer shall be provided for new buildings located within the fault avoidance areaFault Rupture Hazard Area with this identifying the potential location of the fault line, its recurrence interval and any subsequent building design and location requirements or restrictions on use.
NH-R2	**Low importance buildings in the Fault Avoidance Area OverlayFault Rupture Hazard Area**	
Applicable Spatial Layers Fault Avoidance Area OverlayFault Rupture Hazard Area in: Residential Zones	**1. Activity Status:** Permitted	

~~Industrial Zones~~ ~~Business and Innovation 2 Zone~~ ~~All Rural Zones~~ ~~Reserve 1 Zone~~	
NH-R3	**New buildings in the ~~Fault Avoidance Area Overlay~~Fault Rupture Hazard Area**
Applicable Spatial Layers ~~Fault Avoidance Area Overlay (2010)~~Fault Rupture Hazard Area ~~in:~~ ~~Residential Zones~~ ~~Industrial Zones~~ ~~Business and Innovation 23 Zone~~ ~~All Rural Zones~~ ~~Reserve 1 Zone~~	**1. Activity Status:** Restricted Discretionary **Matters of Discretion:** a. The extent to which natural hazard risks are avoided or remedied and ~~Adverse effects from natural hazards or~~ the worsening of any hazard identified ~~on the planning maps are managed~~.; and b. In order to assess the risk arising from locating a habitable building within a ~~fault avoidance area~~Fault Rupture Hazard Area, a natural hazard assessment report from a suitably qualified geotechnical engineer shall be provided for new buildings located within the ~~fault avoidance area~~Fault Rupture Hazard Area with this identifying the potential location of the fault line, its recurrence interval and any subsequent building design and location requirements or restrictions on use.
Flooding	
NH-R4	**New buildings and additions to existing buildings in areas susceptible to flooding**
Applicable Spatial Layers All Zones	**1. Activity Status:** Permitted **Where:** a. This activity is: i. building within the Electricity Generation Core Site; or ii. a building of low importance; or iii. an addition of less than 20m^2 to an existing building. Advice note: Additions under 20m^2, although they are permitted by these rules, are subject to the requirements of the Building Act and Building Code. This includes design requirements to prevent water entering a building and restrictions on when building consent can be issued in areas subject to inundation.
Applicable Spatial Layers All Zones	**2. Activity Status:** Permitted **Where:** a. The activity is not permitted by NH-R4(1); and b. Taking into account climate change based on RCP8.5 to the year 2130 (or the most recent **3. Activity Status:** Restricted Discretionary **Where:** Compliance is not achieved with the performance standards for rule NH-R4(2). **Matters of Discretion**:

	national or regional guidance), the modelled 1%AEP flood depth from rivers, overland flow or lake inundation is no greater than 300mm above ground level at the building site. **Performance Standards:** a. The building or addition has a minimum floor level above the anticipated flood level (as relevant to the site) for the events described above and allowing for freeboard that addresses imprecision in the flood level design estimate, construction tolerances and natural phenomena (such as waves, debris, aggradations, channel transition and bend effects) not explicitly included in flood level calculations.	a. Building in areas susceptible to flooding NH-MD1.
Applicable Spatial Layers All Zones	**4.** **Activity Status:** Restricted Discretionary **Where:** a. The activity is not permitted by rule NH-R4(1); and b. Taking into account climate change based on RCP8.5 to the year 2130 (or the most recent national or regional guidance), the modelled 1%AEP flood depth from rivers, overland flow or lake inundation is greater than 300mm above ground level at the building site. **Matters of Discretion** a. Building in areas susceptible to flooding NH-MD1. Advice Note: Any buildings and construction activities within Flood Protection and Drainage Applicable areas require Flood Protection and Drainage Bylaw authority from Bay of Plenty Regional Council to ensure flood protection and drainage infrastructure assets are not damaged or compromised. Regional Council's interactive map shows which properties the Bylaws cover.	
NH-R5 Buildings and Structures in an Overland Flowpath		
Applicable Spatial Layers Residential zones, City Centre Zones, Commercial Zones, Industrial Zones, Business and Innovation Zones, Lakes A Zone Settlement Management Area and Bush	**1.** **Activity Status:** Restricted Discretionary **Where:** a. The building or structure results in a change to the entry or exit point of an overland flowpath on a site, pipes or reduces the capacity of the overland flowpath; and b. The activity is not authorised by a stormwater discharge permit granted by the regional council. **Matters of Discretion** a. The extent to which natural hazard risks are avoided or mitigated and the worsening of any hazard.	

Settlement Management Area.	

Geothermal

NH-R6	**Buildings erected within 5 metres of the edge of a Geothermal Surface Feature or bore**	*[4.6(13)] [5.6(1)(16)] [6.6(18)] [7.6(16)] [8.6(1)(12)] [8.6(2)(12)] [8.6(3)(13)] [9.6(20)] [10.6(16)]*

Applicable Spatial Layers All Zones	**1. Activity Status:** Permitted **Where:** The building is associated with geothermal electricity generation.
Applicable Spatial Layers All Zones	**2. Activity Status:** Restricted Discretionary **Where:** The building is not associated with geothermal electricity generation. **Matters of Discretion:** a. The extent to which natural hazard risks are avoided or remedied and ~~Adverse effects from natural hazards or~~ the worsening of any hazard identified ~~on the planning maps are managed~~; and b. Reserves, Community Assets and Water Zones: i. The extent to which the activity would affect ecological values of the area or the quality of the water; ii. The extent to which the activity would maintain or enhance indigenous biodiversity vegetation and natural character; and iii. The extent to which the activity adversely affects natural character, cultural amenity and landscape values.

NH-R8	**New Buildings and Additions to Building in the ~~Rotorua~~ Geothermal Systems Overlay**

Applicable Spatial Layers Geothermal Systems Overlay: All Zones	**1. Activity Status:** Permitted **Where:** The activity is an addition to an existing building that does not increase the building footprint by more than 20m^2

Applicable Spatial Layers ~~Rotorua~~ Geothermal Systems Overlay: All Zones	**2. Activity Status:** Permitted **Where:** A building consent can be sought for the activity and is sought. **Performance Standards:** a. A report by a suitably qualified and experienced person shall be submitted at the time of	**3. Activity Status:** Restricted Discretionary **Where:** Compliance is not achieved with the performance standards for NH-R8(1) **Matters of Discretion:** a. Measures to manage the risks to people and property on and off site from geothermal hazards.

	application for building consent, which identifies the extent of geothermal hazards on the site, including: i. Geothermal surface features; ii. Geothermal gas; iii. Heated ground; iv. Corrosive ground, v. Ground collapse; and vi. Bores and other geothermal infrastructure. b. A report or reports by a suitably qualified and experienced person shall also be submitted at the time of application for building consent detailing how measures to mitigate geothermal risks to people and property on the site and surrounding sites have been incorporated into the design of the development, such as: i. Building design; ii. Site layout and design, for example locations of venting structures, yards and outdoor living space; separation between buildings; surface treatment; fencing materials; and maintenance of access to bores; iii. Limits on impervious surface site coverage; and iv. Stormwater management ~~Exception:~~ ~~This rule does not apply to alterations that do not increase the building footprint by more than 20m².~~	
Applicable Spatial Layers Geothermal Systems Overlay: All Zones	**4 Activity Status: Restricted Discretionary** **Where:** a. The activity is a new or residential unit or an addition to a residential unit that increases the building footprint by more than 20m²; and b. No building consent is sought for the activity **Matters of Discretion:**	

	a. Measures to manage the risks to people and property on and off site from geothermal hazards.

Advice Note:

Geothermal risks must still be considered for building work that is exempt from either the requirements to obtain building consent or the above rules.

Requirements of the Rotorua Geothermal Bylaw include:

a. Developers and the owner or occupier of every building are to take all reasonably practical steps to incorporate acceptable barriers to the ingress or egress of hydrogen sulphide, into or from, new or upgraded building developments; and

b. Access to bores is maintained (to allow access by a drilling rig in the case of emergency)

Matters of Discretion

NH-MD1 Building in areas susceptible to flooding

1. Where new buildings or building additions do not meet the minimum floor levels for permitted activities: management of the risks to people and property on site from flooding;
2. Where new buildings or additions are proposed in areas where the anticipated flood depths during the 1%AEP event with an allowance for climate change are greater than 300mm, whether an acceptable level of risk from flooding can be achieved, including:
    a. Measures (including building design) to achieve an acceptable level of risk to people, property and the environment on site from flooding;
    b. Provision of safe evacuation routes from the property during a flood event;
    c. The extent to which the development will increase risks (including residual risks) from flooding to people and property on other sites or to infrastructure or the environment and measures to avoid this; and
    d. Effects on the carrying capacity and storage capacity of any river corridor or major overland flowpath.
3. Where overland flowpaths affect the site:
    a. the extent to which the development, including potential siteworks such as fences and walls, provides for the conveyance of water;
    b. whether the development will change the entry and/or exit points of the overland flowpaths on the site and the impact of any such change on other sites or infrastructure;
    c. management of any potential erosion caused by any overland flowpaths; and
    d. provision for access and maintenance to the overland flowpaths.

ANTICIPATED ENVIRONMENTAL RESULTS

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

NH-AER1	~~Enhanced public safety in relation to natural hazards through~~ The design and management of land use activities and subdivision to an acceptable level of risk.

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HISTORICAL AND CULTURAL VALUES

SITES AND AREAS OF SIGNIFICANCE TO MĀORI – NGĀ RAWA AHUREA Ā-IWI NGĀ RAWA TUKU IHO

SASM-MC1 Building design and site layout

[3.7(1)(1)]

The extent to which –

1. The privacy and outlook for adjoining properties is maintained.
2. The principles of CPTED are implemented, including provision for the passive surveillance of any adjoining road or reserve.
3. Extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~are managed.~~
4. The principles of sustainable building design are implemented to make use of solar gain.
5. The exterior finishing of buildings and structures complements adjoining activities and reflects the appearance and character of the other Marae buildings on site.

NATURAL ENVIRONMENT VALUES

NATC

NATURAL CHARACTER– HURU MĀORI

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Buildings, Structures and Infrastructure Adjacent to Water Bodies			
NATC-R3	**Buildings and structures (including lake structures and infrastructure) adjacent to water bodies**		*[4.5(89), 9.5(108), 10.5(84), [7.5(92), 9.5(112), 10.5(88) 4.5(90), 6.5(80), 6.5(81), 6.5(88), 7.5(92), 9.5(109), 10.5(85)]]*
Applicable spatial layer: Industrial 1E Zone	**1. Activity Status:** Permitted		
Applicable spatial layer: All Residential Zones All Rural Zones All Reserve Zones	**2. Activity Status:** Permitted **Where:** The activity is maintenance and replacement of existing lawfully established buildings, infrastructure, or structures and any upgrade, or replacement of existing buildings or structures does not exceed the existing building envelope or footprint; or The activity is maintenance and replacement of exisiting lawfully established buildings, infrastructure or structures located within an Electricity Generation Core Site. **Performance Standards** a. Any external walls and roofs of any building, structure (excluding lake structures) or addition shall not exceed a reflectivity value of 37% b. Exception: the above performance standards shall not apply to the Electricity Generation Core Site.	**3. Activity Status:** Discretionary **Where:** Compliance is not achieved with the performance standards for NATC-R2(1). **Assessment Criteria:** a. Assessment criteria for the relevant zone.	
Applicable spatial layer: All Zones except Industrial 1E Zone	**4. Activity Status:** Permitted **Where:** a. The activity is either: i. A maimai structure located in the Rural 1 Zone, Reserve 1 Zone, Reserve 2 Zone, Water Zone, Industrial 1 Zone or Industrial T Zone; ii. A bridge located in Business and Innovation Zones; or iii. A building or structure associated with infrastructure as described in EIT Energy, infrastructure and transport and not provided for as a discretionary activity under rule NATC-R3(10A).		
Applicable Spatial Layers	**5. Activity Status:** Permitted **Where:**	**6. Activity Status:** Discretionary **Where:**	

Te Puia Site Reduced Setback Area	a. The activity is a building located more than 10m from the bank of the Puarenga Stream in the reduced setback area shown in Figure NATC-1. **Performance Standards:** a. Where the building is located within 15m of the bank of the Puarenga Stream the following standards apply: i. Maximum height: 10m ii. Have exterior surfaces, including any roof, finished in reflectivity values of between 0% and 37%; iii. The indigenous vegetation disturbance for building must result in less than a 2m width clearance of indigenous vegetation from the external footprint. iv. The indigenous vegetation within the Outstanding Natural Feature or Landscape that is disturbed through construction will be reinstated. This requirement does not apply the area cleared for the permanent placement of the structure, track of the area required for safe operation of the activity. Planting shall be undertaken with locally sourced indigenous species, the same as existing indigenous species already present or that would have been historically present on the site.	Compliance is not achieved with the performance standards for NATC-R3(5). **Matters of Discretion:** a. Assessment criteria for the relevant zone.
Applicable spatial layer: All Residential Zones All Rural Zones All Commercial Zones All Reserve Zones	**7.** **Activity Status:** Restricted Discretionary **Where:** The activity is: a. New buildings (All Commercial Zones); or b. New Buildings or lake structures (All Residential Zones, All Rural Zones and All Reserve Zones); and c. Located within 25m from the margin of a lake, or from the bank of a river or stream shown in the Planning Maps as being an area identified for esplanade reserve acquisition unless otherwise specified. **Matters of Discretion**	

	a. How the location of the building or structure continues to provide for the ability to obtain an esplanade reserve or strip in accordance with the esplanade requirements b. How the design and location avoids, remedies or mitigates any effects on the natural character of the water body and associated natural environment; c. How the building or structure avoids, remedies or mitigates adverse effects on habitat of fauna, or the ecological values of the water body; d. Construction debris shall not be placed, or allowed to enter a water body; e. The extent to which the disturbance and removal of indigenous vegetation is avoided, remedied or mitigated; and f. The extent to which natural hazard risks are avoided or remedied and the worsening of any hazard.
Applicable Spatial Layers: All Residential Zones All Commercial Zones exlcuding Te Puia Site, All Rural Zones All Industrial Zones All Business and Innovation Zones	**8.** **Activity Status:** Restricted Discretionary **Where:** a. Residential Zones and Commercial Zones (excluding Te Puia Site): The activity is the erection of a building within 25m from the edge of any river or stream identified in the Planning Maps as being an area identified for esplanade reserve acquisition, or any lake with a surface area in excess of 8 ha or within 5m of any esplanade reserve or strip. b. Rural Zones: The activity is erection of a building within 20m of the edge of any river or stream identified in the Planning Maps as being an area identified for esplanade reserve acquisition, or any lake with a surface area in excess of 8ha. c. Industrial Zones: The activity is the erection of a building, with the exception of water intake and outfall structures, within 25m of any river or stream with an average width of 3m or more, or lake of 8ha or more. d. Business and Innovation Zones: The activity is the erection of a building within 25m of any river or stream, or within 5m of any esplanade reserve or strip. **Matters of Discretion** a. How the location of the building or structure continues to provide for the ability to obtain an esplanade reserve or strip in accordance with the esplanade requirements b. How the design and location avoids, remedies or mitigates any effects on the natural character of the water body and associated natural environment; c. How the building or structure avoids, remedies or mitigates adverse effects on habitat of fauna, or the ecological values of the water body; d. Construction debris shall not be placed, or allowed to enter a water body; e. The extent to which the disturbance and removal of indigenous vegetation is avoided, remedied or mitigated; and **f.** The extent to which natural hazard risks are avoided or mitigated and the worsening of any hazard.
Applicable Spatial Layers: Te Puia Site	**9.** **Activity Status:** Restricted Discretionary **Where:** a. The building or structure is located: i. within 10m of the bank of the Puarenga Stream in the Te Puia Site Reduced Setback Area; or ii. within 15m of the bank of the Puarenga Stream in the remainder of the Te Puia Site.

	Matters of Discretion a. How the design and location avoids, remedies or mitigates any effects on the natural character of the water body and associated natural environment; b. How the building or structure avoids, remedies or mitigates adverse effects on habitat of fauna, or the ecological values of the water body; c. Construction debris shall not be placed, or allowed to enter a water body; d. The extent to which the scale and location of earthworks associated with roads, tracks, building sites detract from the values and characteristics of the Outstanding Natural Feature and Landscape and Significant Natural Area; and e. The extent to which the disturbance and removal of indigenous vegetation is avoided, remedied or mitigated.
Applicable spatial layer: All zones	**10A** **Activity Status:** Discretionary **Where:** a. The activity is infrastructure activity as described in EIT – Energy, Infrastructure and Transport located within an esplanade reserve or strip; and b. The activity requires earthworks that are not provided for as a permitted activity in EW – Earthworks, or the removal of indigenous vegetation.
Applicable spatial layer: Industrial 1 Zone	**10.** **Activity Status:** Discretionary **Where:** The activity is buildings or structures located within 25m from the margin of a lake, or from a river or stream identified on the Planning Map as being an area identified for esplanade reserve acquisition. **Matters of Discretion** a. Assessment criteria for the relevant zone.
Applicable spatial layer: Industrial T Zone	**11.** **Activity Status:** Non-Complying **Where:** The activity is buildings or structures located within 25m from the margin of a lake, or from a river or stream identified on the Planning Map as being an area identified for esplanade reserve acquisition.

SUBDIVISION - WĀHIA TE WHENUA

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ISSUES

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

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SUB-I2 Natural and manmade constraints

~~The RMA provides council with the ability to refuse subdivision consent in circumstances where land is, or is likely to be, subject to material damage by erosion, falling debris, subsidence (including liquefaction), slippage, or inundation from any source. In the Rotorua District, geothermal activity can be a factor in erosion, subsidence or inundation. Other significant s~~Site suitability issues for subdivision in Rotorua include:

~~1. Geothermal activity~~

~~2. Young soils that are highly erodible~~

~~3. Catchments with short duration, high intensity storm events~~

~~4. Ephemeral gully systems~~

~~5. Lake edge inundation~~

~~6. Surface water inundation~~

~~7. Fault lines~~

~~8. Liquefaction~~

~~9. Historic and present lake and stream margins~~

1. High Water tables.
2. Flooding from high lake levels, rivers/streams overflowing, surface water inundation, ephemeral streams and overland flowpaths.
3. Land stability (including landslides, liquefaction and soft, compressible soils)
4. Young, erodible soils
5. Geothermal hazards
6. Potential for wildfire

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

OBJECTIVES

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Natural and manmade hazards

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

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POLICIES

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Natural and manmade hazards

Objective SUB-O3

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

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Provision of adequate services to potential subdivisions

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SUB-P16 *[13.3(5)(2)]*	Ensure applications for subdivisions demonstrate that the water supply capacity, ~~including capacity for firefighting purposes,~~ is sufficient for the development, and includes capacity for firefighting purposes in the more densely populated zones.

All Zones Subdivision Rules

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Subdivision of Sites and Buildings Susceptible to Natural Hazards		
SUB-R42	**The subdivision of sites or buildings on land within the ~~Rotorua~~ Geothermal Systems Overlay or affected by a geothermal feature, ~~geothermal activity,~~ or bore**	*[13.5(1)(15), 13.6(1)(10), 13.7(1)(11), 13.8(1)(14), 13.9(1)(10), 13.10(1)(16), 13.11(1)(15)*
Applicable Spatial Layers All Zones	1. **Activity Status:** Discretionary **Assessment Criteria:** a. General SUB-AC1.	

SUB-R43	The subdivision of sites or buildings on land susceptible to flooding	*13.7(1)(10), 13.7(1)(12) 13.8(1)(13), 13.9(1)(9), 13.10(1)(15) 13.11(1)(14),*
Applicable Spatial Layers All Zones	**1. Activity Status:** Restricted Discretionary **Where:** a. Residential and City Centre Zones: Taking into account climate change based on RCP8.5 to the year 2130 (or the most recent national or regional guidance), the modelled 1%AEP flood depth from rivers, overland flow or lake inundation is greater than 300mm above ground level anywhere on the site. b. Other Zones: Taking into account climate change based on RCP8.5 to the year 2130 (or the most recent national or regional guidance) the building platform identified for the subdivision includes land anticipated to be flooded in a 1%AEP flood from rivers, overland flow or lake inundation. **Matters of Discretion** a. Areas susceptible to flooding SUB-MD2.	

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Performance Standards

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

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SUB-S8 Site suitability

[13.12]

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

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

i. In the case of sites or buildings adjacent or in close proximity to rivers and streams, the ground water table must be established with reference to the average water level of the river or stream at maximum lake level as determined by the relevant regional authority; or

ii. In the case of sites or buildings in close proximity to lakes, the ground water table must be established with reference to the maximum desirable lakes levels as set by the relevant regional authority; and

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

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

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

vi. Consideration shall also be given to the amenity effects on adjoining properties, such that the height of building floor levels above natural ground level may impact on the visual privacy of adjoining properties and residences.

vii. Areas unsuitable for building or areas indicated as being below the levels required shall be identified and conditions may require the registration of a consent notice on the Computer Register (Certificate of Title) for the site.

viii. For the subdivision the following shall apply to the design of stormwater treatment and management for sites:

1. Secondary flow (normally surface flow) paths shall be designed and constructed to ensure that surface water shall not enter buildings; and

2. All required surface flow paths shall be on public land vested in council, except where secondary flow paths are designed and constructed over shared vehicle access ways or rights of way.

3. Roads maybe used to provide stormwater ponding and overland flow paths when the primary system is overloaded.

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

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

i. Those areas of the site with geothermal activity and that have visible geothermal surface features, or have existing or disused geothermal bores, shall be identified as part of the subdivision application, and shall be shown as being excluded from the location of buildings and structures.

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

iii. Proposed mitigation measures shall be documented to ensure suitability of the land for subdivision and intended future use. This shall include the consideration of subsequent location and use of either habitable or non-habitable buildings on the site.

~~3. Subdivision of land or buildings on ground subject to slippage and subsidence (including liquefaction)~~Land Stability

a. As part of a subdivision consent application information will be required to establish whether the site is or is likely to be subject to damage through land stability hazards (including landslides, liquefaction and soft, compressible soils),~~slippage or subsidence~~. It shall be demonstrated that the site is suitable for subdivision and for the intended future use, and that it will not worsen the effects on other property of any land stability hazard ~~potential slippage or subsidence~~.

Advice Note: Electricity Lines

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

SUB-S9 Site serviceability

[13.13]

1. Site development and earthworks

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

i. All sites within the subdivision shall have an area with a ~~foundation~~building platform suitable for the intended future use~~, which will be free from erosion, subsidence and slippage~~;

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

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

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

v. Where the volume of filling exceeds 50m^3 and the depth exceeds 450mm, the filling shall be tested and certified by a Chartered Professional Engineer.

2. Roading and access

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

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

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

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

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

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

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

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

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

b. **Shared Private Access**

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

SUB- Table 3 Minimum access and formation widths

Access	Number of residential units	Widths	
		Legal	Formation
Shared private access	1-2 residential units 3-4 residential units 5-8 residential units 9-20 residential units	3m 4m 6.5m 8m	2.7m 3m 5m 5.5m (plus separate 1.5m wide pedestrian path and 1m wide services berm)
Rural 1 zone shared private access		10m	3m

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

iii. A maximum number of 20 residential units may share a private access. For the purpose of calculating the number of residential units accessing a shared access driveway each residential lot shall be considered to contain the greater of one unit per lot (notwithstanding if a lot is vacant) or the number of actual units and any additional units that have obtained building or land use consent.

iv. The minimum height clearance along an access shall be 4m.

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

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3. Infrastructure Performance Standards

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b. Water services

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

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

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

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

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

f. The water supply shall be adequate for fire-fighting purposes, except in the Rural 1 Zone, Conservation Zone and Water Zone.

…

Matters of Control

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

SUB-MC1 General matters of control

[13.17(1), 13.15]

1. The level of compliance with the performance standards in this chapter. The application shall also be assessed against the general controlled assessment criteria for controlled activities for the relevant underlying zone.
2. The following matters:
   a. The degree of connectivity to open space, services and facilities.
   b. Accessibility by all modes of transport, including for cyclists and pedestrians.
   c. The degree of accordance with the principles of CPTED.
   d. The extent to which the design and layout of lots enable siting of a residential unit with good solar access.
   e. The extent to which existing landform and landscape features are retained and enhanced.
   f. The extent to which existing vegetation is retained or enhanced.
   g. The extent to which the character and amenity values are consistent with the planned character of the zone.

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

i. Potential for the activity to adversely affect the safe and efficient operation of strategic infrastructure.

j. The extent to which natural hazard risks are avoided or mitigated and the worsening of any hazard.

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

l. Wharenui Road Precinct: WHPR-MC1 to WHPR-MC6.

Matters of Discretion

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

SUB-MD1 General assessment criteria

[13.18(1), 13.5]

1. The level of compliance with the performance standards in this chapter. The application shall also be assessed against the general matters of discretion for restricted discretionary activities for the relevant underlying zone.

2. The following matters:

   a. How the activity achieves the objectives and policies of this part, the relevant zone and/or development area, and the district wide chapters.

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

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

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

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

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

   g. The retention and enhancement of vegetation.

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

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

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

   k. The extent to which natural hazard risks are avoided or mitigated and the worsening of any hazard.

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

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

SUB-MD2 Areas susceptible to flooding

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

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

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

4. Where overland flowpaths affect the site:

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

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

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

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

Assessment Criteria

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

SUB-AC1 General assessment criteria

[13.19(1), 13.5]

1. Council may impose conditions in relation to:

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

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

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

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

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

   f. The retention and enhancement of vegetation.

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

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

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

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

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

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

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

   n. The extent to which natural hazard risks are avoided or mitigated and the worsening of any hazard.

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

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

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

    b. The location of buildings, works and structures.

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

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

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

    f. The extent of vegetation removal.

    g. The mitigating effects of the proposed landscape scheme.

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

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

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

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

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

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

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

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

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

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

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

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

c. Cumulative effects of built form and human presence.

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

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

GENERAL DISTRICT WIDE MATTERS

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EW

EARTHWORKS

Status: EW is ~~Operative~~ proposed to be amended by Plan Change 8, Natural Hazards. Underlining shows text proposed to be added and ~~striking~~ shows text proposed to be deleted.

OBJECTIVES

Refer to the objectives of other chapters, such as:

- RESZ-O4, RESZ-O11, RESZ-O16, RESZ-O20;
- CCZ-O1, CCZ-O2, CCZ-O3;
- COMZ-O2, COMZ-O3, COMZ-O3A;
- INZ-O2, INZ-O4;
- BIZ-O1;
- RURZ-O1, RURZ-O2, RURZ-O3, RURZ-O5; and
- RCAWZ-O1.

POLICIES

Refer to policies of other chapters, such as:

- RURZ-P3, RURZ-P4, RURZ-12, RURZ-18, RURZ-19, NFL-P15]; and
- RCAWZ-P1, RCAWZ-P2, RCAWZ-P3.

RULES

The rules in this chapter apply in addition to the rules in other chapters. Notably, there are additional rules addressing earthworks/land disturbance in other chapters of Part 2 District Wide Matters:

- HH– Historic Heritage – disturbance of archaeological and historic sites.
- TREE– Notable Trees – earthworks in the dripline of a notable tree.
- SASM– Sites and Areas of Significance to Māori – disturbance of cultural heritage sites.
- ECO– Ecosystems and Biodiversity – earthworks in Significant Natural Areas.
- NC– Natural Character – earthworks adjacent to the Waikato River Operating Easement Boundary or adjacent to waterbodies.
- NFL– Natural Features and Landscapes – Earthworks in Outstanding Natural Features or Landscapes, earthworks affecting Significant Geothermal Features.

For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated that a rules overrides another rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, How the Plan Works.

There are a number of National Environmental Standards (NES) that include provisions relating to earthworks. These include the:

- National Environmental Standards for Electricity Transmission Activities (2009)
- National Environmental Standards for assessing and managing contaminants in soil to protect human health (2011)
- National Environmental Standards for Telecommunication Facilities (2016)
- National Environmental Standards for Commercial Forestry (2017)

The NES sets out whether the Standards over-ride the District Plan rules.

The Waikato and Bay of Plenty regional plans also contain rules relating to earthworks.

Earthworks in or near wetlands may be controlled by rules under the National Environmental Standards (particularly the National Environmental Standards for Freshwater and the National Environmental Standards for Commercial Forestry) and/or rules in the regional plans. It is recommended that any person considering undertaking earthworks in or near wetlands should discuss their proposal with the relevant regional council.

EW-R1 Earthworks		*[4.5(96), 5.5(1)(1), 7.5(96), 8.5(1)(41), 8.5(2)(34), 8.5(3)(39), 9.5(121)]*
Applicable Spatial Layers All Residential Zones All City Centre Zones Industrial 1, 1E and 2 Zones	**1. Activity Status:** Permitted **Performance Standards:** a. General earthworks EW-S1.	**2. Activity Status:** Restricted Discretionary **Where:** Compliance is not achieved with the performance standards for EW-R1(1). **Matters of Discretion** a. Non-compliance EW-MD1; b. Zone specific EW-MD2; c. Natural hazards EW-MD3; and

All Business and Innovation Zones All Rural Zones		d. Financial contributions EW-MD4.
Applicable Spatial Layers All Commercial Zones All Reserves, Community Assets and Water Zones	**3. Activity Status:** Permitted **Where:** The earthworks are associated with a permitted or controlled activity. **Performance Standards:** a. General earthworks EW-S1.	**4. Activity Status:** Restricted Discretionary **Where:** Compliance is not achieved with the performance standards for EW-R1(3). **Matters of Discretion** a. Non-compliance EW-MD1; b. Zone specific matters EW-MD2; c. Natural hazards EW-MD3; and d. Financial contributions EW-MD4.
Applicable Spatial Layers All Reserves, Community Assets and Water Zones	**5. Activity Status:** Discretionary **Where:** The earthworks are not associated with a permitted or controlled activity. **Assessment Criteria:** The general assessment criteria for the relevant zone.	
Applicable Spatial Layers All Commercial Zones	**6. Activity Status:** Non-Complying **Where:** The earthworks are not associated with a permitted or controlled activity.	
Applicable Spatial Layers Industrial T Zone	**7. Activity Status:** Non-Complying	

Performance Standards

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

EW-S1 General earthworks performance standards

[A10.2(1), 4.6(8), 5.6(1)(9), 5.6(2)(8), 7.6(8), 8.6(1)(8), 8.6(2)(8), 8.6(3)(8), 9.6(9), 10.6(8)]

1. ~~**Industrial Zones, Business and Innovation Zones and Rural 1 Zone:**~~

~~a. The volume shall not exceed 1000m³ in any 12 month period;~~

~~b. Any fill shall be cleanfill and shall not exceed 5m in depth; and~~

~~c. The cut face of any excavation shall not exceed a vertical dimension of 3m.~~

~~**In all other zones other than those listed in 1 above:**~~

d. The volume shall not exceed the following ~~100m³~~ in any 12 month period:

i. Rural 1 Zone: 1000m³

ii. Other Zones: 100m³

e. Any fill shall be clean fill and shall not exceed 450mm in depth; ~~and~~

f. The cut face of any excavation shall not exceed a vertical dimension of 1.5m.

~~**All Zones:**~~

~~a.~~d. It shall not require retaining structures that are either in excess of 1.5m in height (measured from the finished ground level) at any point or in excess of 20m in total length;

~~b.~~e It shall not result in the modification of a Mamaku Tor; and

~~c.~~f It shall not be carried out within 20m of the Waikato River Operating Easement boundary (as identified on map 213 and the Planning Maps).

g. Residential zones, City Centre Zones, Commercial Zones, Industrial Zones, Business and Innovation Zones: it shall not result in a change to the entry or exit point on a site of an overland flowpath, or the catchment size of an overland flowpath, except where the earthworks are for an activity authorised by a stormwater discharge permit granted by the regional council.

2. Exceptions:

a. Notwithstanding the preceding requirements, the following activities are exempt from the performance standards above, provided that the activity meets EW-S1(1)(g):

i. Earthworks ~~incidental to either an approved subdivision, or~~ for the construction of a building platform for a building for which building consent has been issued, or installation of utility services, or to provide access to an activity which is a permitted activity or authorised by a resource consent;

ii. Excavations that do not exceed 2m in depth for the purpose of installing foundations for telecommunication masts;

iii. Earthworks associated with the operation, maintenance, and upgrading of existing electricity generation infrastructure within Electricity Generation Core Sites, including any new boreholes, trenches, access tracks, fence lines and erosion protection works within:

1. Electricity Generation Core Sites; or

2. Land zoned Industrial 2 at Ohaaki identified on Planning Maps 545 and 546;

iv. Earthworks associated with the construction of permitted network utilities and the maintenance, renewal and upgrade of existing network utilities;

v. Earthworks associated with the replacement or removal of a fuel storage system as defined in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;

vi. Land preparation and earthworks accessory to and reasonably necessary for fencing and existing forestry activity;

vii. Earthworks activity undertaken for the purpose of the maintenance of indigenous biodiversity;

viii. Normal domestic gardening and other earthworks accessory to the use and occupation of a residential unit;

ix. Normal reserve gardening activities, turf and pasture preparation, maintenance and renovation practices;

x. The maintenance of walking tracks, farm and forestry tracks, driveways and roads and tracks and drains associated with existing infrastructure and normal farming practices;

xi. Earthworks on land not under water that is accessory to lake structures;

xii. Ploughing as part of normal farm practices, which result in recontouring the land, but does not alter the Mamakū Tor feature; and

xiii. Troughs and their associated pipe network and realignment of fences associated with normal farming practices.

xiv. New drains within pastoral landscapes.

…

EW-MD3 Natural hazards

1. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.

PAPAKĀINGA AND KAUMĀTUA HOUSING

…

Performance Standards

…

PK-S3 Water Supply

1. That all Papakāinga development established within the rural zone shall have a sufficient water supply for firefighting purposes. Where a reticulated water supply is not available water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water sources provisions of SNZ PAS 4509: 2008.

TEMPORARY ACTIVITES

…

TEMP-MC2 Natural Hazards

1. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.

2. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

…

TEMP-MD3 Natural Hazards

1. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.

2. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

Part 3: Area-Specific Matters

ZONES

RESIDENTIAL ZONES

…

Matters of Discretion

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

RESZ-MD1 Natural hazards

2. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.

3. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

Assessment Criteria

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

RESZ-AC1 General assessment criteria

…

16. ~~Natural hazards~~

~~a.~~ The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~. The likelihood and consequences of a natural hazard event will be assessed to determine the level of risk associated with natural hazards.

~~b. A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

RURAL ZONES – TAIWHENUA

Rules for Activities in Rural Zones

Residential activities			
RURZ-R9	**Residential units**		*[9.5(11), 9.5 (12), 9.5(14) 9.5(15)]*
Applicable Spatial Layers All Rural Zones	**1. Activity Status:** Permitted **Where:** There is only one residential unit per site, excluding any permitted minor residential unit. **Performance Standards:** a. Height RURZ-S1; b. Yards RURZ-S2; c. Site coverage RURZ-S3; d. Servicing RURZ-S5A e. Parking, access and turning RURZ-S5; f. Reverse sensitivity RURZ-S6; and g. Parklands Estate and Ōtaramarae RURZ-S9.	**4. Activity Status:** Restricted Discretionary **Where:** Compliance not achieved with the performance standards in RURZ-R9(1), (2) or (3). **Matters of Discretion:** a. The extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance in achieving the purpose of the relevant performance standard and the objectives and policies relevant to the matter of discretion; b. The extent to which not meeting the performance standard will have reverse sensitivity effects on existing lawful activity or existing infrastructure can be avoided, remedied or mitigated; c. The extent to which the activity adversely affects the character and amenity values of the zone. d. Natural hazards RURZ-MD1; e. Parklands Estate Landscaping RURZ-MD2; and f. Financial contributions RURZ-MD3. **Exception**
Applicable Spatial Layers All Rural Zones	**2. Activity Status:** Permitted **Where:** The activity is a minor residential unit and there is only one minor residential unit per site. **Performance Standards:** a. Height RURZ-S1; b. Yards RURZ-S2;		

	c. Site coverage RURZ-S3; d. Residential unit density RURZ-S4; e. Servicing RURZ-S5A f. Parking, access and turning RURZ-S5; g. Reverse sensitivity RURZ-S6; and h. Parklands Estate and Ōtaramarae RURZ-S9.		For activities that exceed permitted site coverage standards for building platforms in Area A of Parklands Estate refer to controlled activity rule RURZ-R49 below.
Applicable Spatial Layers All Rural Zones	**3. Activity Status:** Controlled **Where:** a. There will be more than one residential unit per site, excluding any permitted minor residential unit; and **Performance Standards:** b. Height RURZ-S1; c. Yards RURZ-S2; d. Site coverage RURZ-S3; e. Residential unit density RURZ-S4 f. Servicing RURZ-S5A a. Parking, access and turning RURZ-S5; b. Reverse sensitivity RURZ-S6; and c. Parklands Estate RURZ-S9. **Matters of Control:** a. Design RURZ-MC1; b. Parking, access and turning RURZ-MC2; c. Water quality RURZ-MC3; d. Natural hazards RURZ-MC4; e. Water tables and flood events RURZ-MC5; f. Parklands Estate Landscaping RURZ-MC6; and g. Financial contributions RURZ-MC7.		
Applicable Spatial Layers All Rural Zones: Rotorua Caldera Rim Sensitive Landscape Area Overlay	Advice Note: For residential units in the Rotorua Caldera Rim refer also to NFL – Natural Features and Landscapes.		

RURZ-R11	Home based business	[9.5(18)]
Applicable Spatial Layers All Rural Zones	**1. Activity Status:** Permitted **Performance Standards:** a. Height RURZ-S1; b. Yards RURZ-S2; c. Site coverage RURZ-S3; d. Residential unit density RURZ-S4; e. Parking, access and turning RURZ-S5; f. Reverse sensitivity RURZ-S6; and g. Parklands Estate and Ōtaramarae RURZ-S9.	**2. Activity Status:** Restricted Discretionary **Where:** Compliance not achieved with the performance standards in RURZ-R11(1). **Matters of Discretion:** a. The extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance in achieving the purpose of the relevant performance standard and the objectives and policies relevant to the matter of discretion; b. The extent to which not meeting the performance standard will have reverse sensitivity effects on existing lawful activity or existing infrastructure can be avoided, remedied or mitigated; c. The extent to which the activity adversely affects the character and amenity values of the zone. d. Natural hazards RURZ-MD1; e. Parklands Estate Landscaping RURZ-MD2; and f. Financial contributions RURZ-MD3.

Retail and Commercial

RURZ-R12	Veterinary clinic	[9.5(19)]
Applicable Spatial Layers All Rural Zones	**1. Activity Status:** Permitted **Performance Standards:** a. Height RURZ-S1; b. Yards RURZ-S2; c. Site coverage RURZ-S3; d. Servicing RURZ-S5A e. Parking, access and turning RURZ-S5; f. Reverse sensitivity RURZ-S6; and g. Parklands Estate and Ōtaramarae RURZ-S9.	**2. Activity Status:** Restricted Discretionary **Where:** Compliance not achieved with the performance standards in RURZ-R12(1). **Matters of Discretion:** a. The extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance in achieving the purpose of the relevant performance standard and the objectives and policies relevant to the matter of discretion; b. The extent to which not meeting the performance standard will have reverse sensitivity effects on existing lawful activity or existing infrastructure can be avoided, remedied or mitigated; c. The extent to which the activity adversely affects the character and amenity values of the zone. d. Natural hazards RURZ-MD1; e. Parklands Estate RURZ-MD2; and

		f. Financial contributions RURZ-MD3.
RURZ-R13	**Retail shop**	*[9.5(20), 9.5(22)]*
Applicable Spatial Layers Rural 3 Zone	**1. Activity Status:** Permitted **Performance Standards:** a. Height RURZ-S1; b. Yards RURZ-S2; c. Site coverage RURZ-S3; d. Servicing RURZ-S5A e. Parking, access and turning RURZ-S5; f. Reverse sensitivity RURZ-S6.	**3. Activity Status:** Restricted Discretionary **Where:** Compliance not achieved with the performance standards in RURZ-R13(1) or (2). **Matters of Discretion:** a. The extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance in achieving the purpose of the relevant performance standard and the objectives and policies relevant to the matter of discretion; b. The extent to which not meeting the performance standard will have reverse sensitivity effects on existing lawful activity or existing infrastructure can be avoided, remedied or mitigated; c. The extent to which the activity adversely affects the character and amenity values of the zone. d. Natural hazards RURZ-MD1; e. Parklands Estate RURZ-MD2; and f. Financial contributions RURZ-MD3.
Applicable Spatial Layers Rural 1 and 2 Zones	**2. Activity Status:** Controlled **Where:** The activity is an addition or extension to an existing retail shop. **Performance Standards:** a. Height RURZ-S1; b. Yards RURZ-S2; c. Site coverage RURZ-S3; d. Servicing RURZ-S5A; e. Parking, access and turning RURZ-S5; f. Reverse sensitivity RURZ-S6. **Matters of Control:** a. Design RURZ-MC1; b. Parking, access and turning RURZ-MC2; c. Water quality RURZ-MC3;	

	d. Natural hazards RURZ-MC4; e. Water tables and flood events RURZ-MC5; and f. Financial contributions RURZ-MC7.	
Applicable Spatial Layers Rural 1 and 2 Zones	**4. Activity Status:** Non-Complying **Where:** a. The activity is not an addition or extension to an existing retail shop.	
RURZ-R14	**Show homes**	*[9.5(21)]*
Applicable Spatial Layers All Rural Zones	**1. Activity Status:** Controlled **Performance Standards:** a. Height RURZ-S1; b. Yards RURZ-S2; c. Site coverage RURZ-S3; d. Residential unit density RURZ-S4; e. Servicing RURZ-5A; f. Parking, access and turning RURZ-S5; g. Reverse sensitivity RURZ-S6; and h. Parklands Estate and Ōtaramarae RURZ-S9 **Matters of Control:** a. Design RURZ-MC1; b. Parking, access and turning RURZ-MC2; c. Water quality RURZ-MC3; d. Natural hazards RURZ-MC4; e. Water tables and flood events RURZ-MC5; f. Parklands Estate Landscaping RURZ-MC6; and g. Financial contributions RURZ-MC7.	**2. Activity Status:** Restricted Discretionary **Where:** Compliance not achieved with the performance standards in RURZ-R14(1). **Matters of Discretion:** a. The extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance in achieving the purpose of the relevant performance standard and the objectives and policies relevant to the matter of discretion; b. The extent to which not meeting the performance standard will have reverse sensitivity effects on existing lawful activity or existing infrastructure can be avoided, remedied or mitigated; c. The extent to which the activity adversely affects the character and amenity values of the zone. d. Natural hazards RURZ-MD1; e. Parklands Estate Landscaping RURZ-MD2; and f. Financial contributions RURZ-MD3.
Exception: For activities that exceed permitted site coverage standards for building platforms in Area A of Parklands Estate refer to controlled activity rule RURZ-R49 below.		

RURZ-R15	Office activities	[9.5(23)]
Applicable Spatial Layers Rural 3 Zone	**1. Activity Status:** Controlled **Where:** The activity is other than for home based business. **Performance Standards:** a. Height RURZ-S1; b. Yards RURZ-S2; c. Site coverage RURZ-S3; d. Servicing RURZ-S5A; e. Parking, access and turning RURZ-S5; and f. Reverse sensitivity RURZ-S6. **Matters of Control:** a. Design RURZ-MC1; b. Parking, access and turning RURZ-MC2; c. Water quality RURZ-MC3; d. Natural hazards RURZ-MC4; e. Water tables and flood events RURZ-MC5; and f. Financial contributions RURZ-MC7.	**2. Activity Status:** Restricted Discretionary **Where:** Compliance not achieved with the performance standards in RURZ-R15(1). **Matters of Discretion:** a. The extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance in achieving the purpose of the relevant performance standard and the objectives and policies relevant to the matter of discretion; b. The extent to which not meeting the performance standard will have reverse sensitivity effects on existing lawful activity or existing infrastructure can be avoided, remedied or mitigated; c. The extent to which the activity adversely affects the character and amenity values of the zone. d. Natural hazards RURZ-MD1; e. Parklands Estate Landscaping RURZ-MD2; and f. Financial contributions RURZ-MD3.
Applicable Spatial Layers Rural 1 and 2 Zones	**3. Activity Status:** Non-Complying **Where:** The activity is other than for home based business	

Community Facilities		
RURZ-R17	**Community housing**	[9.5(33)]
Applicable Spatial Layers All Rural Zones	**1. Activity Status:** Permitted **Performance Standards:** a. Height RURZ-S1; b. Yards RURZ-S2; c. Site coverage RURZ-S3; d. Residential unit density RURZ-S4; e. Servicing RURZ-S5A f. Parking, access and turning RURZ-S5; g. Reverse sensitivity RURZ-S6; and h. Parklands Estate and Ōtaramarae RURZ-S9.	**2. Activity Status:** Restricted Discretionary **Where:** Compliance not achieved with the performance standards in RURZ-R17(1). **Matters of Discretion:** a. The extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance in achieving the purpose of the relevant performance standard and the objectives and policies relevant to the matter of discretion; b. The extent to which not meeting the performance standard will have reverse sensitivity effects on existing lawful

		activity or existing infrastructure can be avoided, remedied or mitigated; c. The extent to which the activity adversely affects the character and amenity values of the zone; d. Natural hazards RURZ-MD1; e. Parklands Estate RURZ-MD2; and f. Financial contributions RURZ-MD3.
Tourism		
RURZ-R27	**Bed and breakfast**	*[9.5(35)]*
Applicable Spatial Layers All Rural Zones	**1. Activity Status:** Permitted **Performance Standards:** a. Height RURZ-S1; b. Yards RURZ-S2; c. Site coverage RURZ-S3; d. Residential unit density RURZ-S4; e. Parking, access and turning RURZ-S5; f. Reverse sensitivity RURZ-S6; and g. Parklands Estate and Ōtaramarae RURZ-S9	**2. Activity Status:** Restricted Discretionary **Where:** Compliance not achieved with the performance standards in RURZ-R27(1). **Matters of Discretion:** a. The extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance in achieving the purpose of the relevant performance standard and the objectives and policies relevant to the matter of discretion; b. The extent to which not meeting the performance standard will have reverse sensitivity effects on existing lawful activity or existing infrastructure can be avoided, remedied or mitigated; c. The extent to which the activity adversely affects the character and amenity values of the zone. d. Natural hazards RURZ-MD1; e. Parklands Estate landscaping RURZ-MD2; and f. Financial contributions RURZ-MD3.
RURZ-R28	**Holiday rental accommodation**	*[9.5(36)(a) 9.5(36)(b)]*
Applicable Spatial Layers All Rural Zones	**1. Activity Status:** Permitted **Performance Standards:** a. Holiday rental accommodation existing at 7 July 2018 or commencing on or after 7 July 2018 shall accommodate no more than 12 people on site at any one time; b. Height RURZ-S1; c. Yards RURZ-S2; d. Site coverage RURZ-S3;	**2. Activity Status:** Restricted Discretionary **Where:** Compliance is not achieved with the performance standards for RURZ-R28(1)(b), (c), (d), (e), (g) or (h) . **Matters of Discretion** a. The extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance in achieving the purpose of the relevant performance standard and the objectives and policies relevant to the matter of discretion;

	e. Residential unit density RURZ-S4; f. Parking, access and turning RURZ-S5; g. Reverse sensitivity RURZ-S6; and h. Parklands Estate and Ōtaramarae RURZ-S9.	b. The extent to which not meeting the performance standard will have reverse sensitivity effects on existing lawful activity or existing infrastructure can be avoided, remedied or mitigated; c. The extent to which the activity adversely affects the character and amenity values of the zone. d. Natural hazards RURZ-MD1; e. Parklands estate landscaping RURZ-MD2; and f. Financial contributions RURZ-MD3. **Exception** For activities that exceed permitted site coverage standards for building platforms in Area A of Parklands Estate refer to controlled activity rule RURZ-R49 below.
Advice Notes: a. The use of the site for events (such as weddings and other celebrations) that is not within the definition of temporary activities and events will require resource consent. b. Where a site is not connected to the Council sewer, compliance with the relevant Regional On-Site Effluent Treatment Plan will be required. c. Car parks must not be located on or over the on-site effluent treatment system or disposal field		
Applicable Spatial Layers All Rural Zones	**3. Activity Status:** Discretionary **Where:** Compliance is not achieved with the performance standards for RURZ-R28(1)(a) or (f). **Assessment Criteria** a. General RESZ-AC1; and b. Holiday rental accommodation RURZ-AC3.	

Performance Standards

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

…

RURZ-S5A Servicing

A water supply adequate for firefighting purposes shall be provided to the development in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509: 2008.

Matters of Control

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

…

RURZ-MC4 Natural hazards

[9.7()(5)]

1. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.

2. A flood risk assessment by a suitably qualified person, that includes an evaluation of the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.

~~3. The extent to which new or replacement buildings or additions to existing buildings, for the purpose of habitation located within the Waikato River catchment mitigate the flood risk caused by a 1% AEP (Annual Exceedance Probability) storm event (1 in 100 year return period flood event).~~

…

Matters of Discretion

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

RURZ-MD1 Natural hazards

[9.8(1)(1)]

4. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.

5. Activities subject to flooding may be required to have a flood risk assessment by a suitably qualified person that includes an evaluation of the likelihood and consequences of an appropriate range of events to establish the maximum risk. This applies primarily for significant developments.

~~6. The extent to which new or replacement buildings or additions to existing buildings, for the purpose of habitation located within the Waikato River catchment mitigate the flood risk caused by a 1% AEP (Annual Exceedance Probability) storm event (1 in 100 year return period flood event).~~

Assessment Criteria

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

RURZ-AC1 General assessment criteria

…

26. Natural hazards

a. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~. The likelihood and consequences of a natural hazard event will be assessed to determine the level of risk associated with natural hazards.

b. Activities subject to flooding may be required to have a flood risk assessment by a suitably qualified person that includes an evaluation of the likelihood and consequences of an appropriate range of events to establish the maximum risk. This applies primarily for significant developments. The report shall identify the potential risk from flooding, any recommendations for floor levels, earthworks or engineering works.

c. ~~The extent to which new or replacement buildings or additions to existing buildings, for the purpose of habitation located within the Waikato River catchment mitigate the flood risk~~

~~caused by a 1% Annual Exceedance Probability storm event (1 in 100 year return period flood event).~~

CITY CENTRE ZONES

Matters of Control

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

…

CCZ-MC4 Natural hazards

~~1. The extent to which~~

a. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.

~~b. A flood risk assessment by a suitably qualified person, that includes an evaluation of the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

…

Matters of Discretion

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

CCZ-MD1 Natural hazards

b. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.

~~c. A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

Assessment Criteria

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

RESZ-AC1 General assessment criteria

…

16. ~~Natural hazards~~

~~a.~~ The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~. The likelihood and consequences of a natural hazard event will be assessed to determine the level of risk associated with natural hazards.

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~~b. A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

COMMERCIAL ZONES

Matters of Control

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

…

COMZ-M2 Natural hazards

1. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.
2. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

…

Matters of Discretion

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

COMZ-MD4 Natural hazards

1. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.
2. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

Assessment Criteria

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

RESZ-AC1 General assessment criteria

…

15. ~~Natural hazards~~

~~a.~~ The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~. The likelihood and consequences of a natural hazard event will be assessed to determine the level of risk associated with natural hazards.

~~b. A flood risk assessment by a suitably qualified person, that includes an evaluation of the~~

~~the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

INDUSTRIAL ZONES

Matters of Control

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

…

INZ-MC3 Natural hazards

1. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.
2. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

…

Matters of Discretion

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

INZ-MD3 Natural hazards

1. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.
2. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

Assessment Criteria

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

INZ-AC1 General assessment criteria

…

14. ~~Natural hazards~~

    ~~a.~~ The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~. The likelihood and consequences of a natural hazard event will be assessed to determine the level of risk associated with natural hazards.

    ~~b. A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for~~

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~~significant developments.~~

BUSINESS AND INNOVATION ZONES

Matters of Control

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

…

BIZ-MC3 Natural hazards

1. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.
2. ~~Activities subject to flooding may be required to provide a flood risk assessment by a suitably qualified person, that includes an evaluation of the likelihood and consequences of an appropriate range of events to establish the maximum risk. This applies primarily for significant developments.~~

…

Matters of Discretion

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

BIZ-MD1 Natural hazards

1. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.
2. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

Assessment Criteria

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

BIZ-AC1 General assessment criteria

…

15. ~~Natural hazards~~

    ~~a.~~ The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~. The likelihood and consequences of a natural hazard event will be assessed to determine the level of risk associated with natural hazards.

    ~~b. A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

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CONSERVATION RESERVE (RESERVE 1) ZONE – NGĀ WHENUA RĀHUI

Matters of Control

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

…

CNSZ-MC3 Natural hazards

1. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.
2. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

…

Matters of Discretion

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

CNSZ-MD2 Natural hazards

1. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.
2. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~
3. ~~New habitable buildings located within the fault avoidance area.~~
    a. ~~In order to assess the risk arising from locating a habitable building within a fault avoidance area, a natural hazard assessment report from a suitably qualified person/geotechnical engineer shall be provided for new buildings located within the fault avoidance area. The identification of the potential location of the fault line, its recurrence interval and any subsequent building design and location requirements or restrictions on use.~~

Assessment Criteria

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

CNSZ-AC1 General assessment criteria

…

10. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard

21. ~~Natural hazards~~

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~~a. Adverse effects from natural hazards or the worsening of any hazard identified on the planning maps are managed. The likelihood and consequences of a natural hazard event will be assessed to determine the level of risk associated with natural hazards.~~

~~b. A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

DESTINATION RESERVE (RESERVE 2) ZONE

Matters of Control

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

…

DSTZ-MC3 Natural hazards

1. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.
2. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

…

Matters of Discretion

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

DSTZ-MD2 Natural hazards

1. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.
2. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~
3. ~~New habitable buildings located within the fault avoidance area.~~
   ~~b. In order to assess the risk arising from locating a habitable building within a fault avoidance area, a natural hazard assessment report from a suitably qualified person/geotechnical engineer shall be provided for new buildings located within the fault avoidance area. The identification of the potential location of the fault line, its recurrence interval and any subsequent building design and location requirements or restrictions on use.~~

Assessment Criteria

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

DSTZ-AC1 General assessment criteria

…

10. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard

21. ~~Natural hazards~~

    a. ~~Adverse effects from natural hazards or the worsening of any hazard identified on the planning maps are managed. The likelihood and consequences of a natural hazard event will be assessed to determine the level of risk associated with natural hazards.~~

    b. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

COMMUNITY ASSET (RESERVE 3) ZONE – NGĀ RAWA Ā-HAPORI

Matters of Control

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

…

CAZ-MC3 Natural hazards

3. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.

4. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

…

Matters of Discretion

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

CAZ-MD2 Natural hazards

4. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.

5. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

Assessment Criteria

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

CAZ-AC1 General assessment criteria

…

10. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard

21. ~~Natural hazards~~

    a. ~~Adverse effects from natural hazards or the worsening of any hazard identified on the planning maps are managed. The likelihood and consequences of a natural hazard event will be assessed to determine the level of risk associated with natural hazards.~~

    b. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

WATER ZONE

Matters of Control

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

…

WTRZ-MC3 Natural hazards

5. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.

6. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

…

Matters of Discretion

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

WTRZ-MD2 Natural hazards

6. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard ~~identified on the planning maps are managed~~.

7. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

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Assessment Criteria

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

WTRZ-AC1 General assessment criteria

…

10. The extent to which natural hazard risks are avoided or mitigated and ~~Adverse effects from natural hazards or~~ the worsening of any hazard

21. ~~Natural hazards~~

    a. ~~Adverse effects from natural hazards or the worsening of any hazard identified on the planning maps are managed. The likelihood and consequences of a natural hazard event will be assessed to determine the level of risk associated with natural hazards.~~

    b. ~~A flood risk assessment by a suitably qualified person, that includes an evaluation of the the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.~~

Part 3: Area Specific Matters

DEVELOPMENT AREAS

DEVELOPMENT AREAS

PUKEHĀNGI HEIGHTS DEVELOPMENT AREA

Principles

The general principles for the Pukehāngi Heights Development Area are:

1. Development that responds to the landscape values of the Caldera Rim and the topography of the area;
2. Development that recognises, protects and provides for the expression of the cultural and archaeological values of the area;

3. Roads, walkways and cycleway connections throughout the area and connecting with adjoining sites;
4. Comprehensively designed low impact stormwater management integrated with development;
5. Enhancement of ecological values by including indigenous vegetation plantings;
6. Excellent urban design outcomes including for solar access and passive surveillance of public spaces; and
7. Development that is designed within nutrient management limits and contributes to the reduction in nitrogen entering Lake Rotorua.

The place-specific principles are:

Lower Terrace

1. Medium density residential development consistent with the Residential 1 Zone located on land of easy contour adjacent to local services and open space;
2. Small commercial areas for local convenience retail, a cafe and or childcare located near to intersections with Pukehāngi Road; and
3. A transitional area along the base of the Mid-site Escarpment where additional landscape and building controls apply (Escarpment Transition Area 1).

Mid-site Escarpment

1. Partially re-vegetated native bush and specimen tree network to form a backdrop to the development on the Lower Terrace;
2. A visual character that is dominated by areas of re-vegetation near the Parklands Estate development transitioning through to an open space character close to Matipo Avenue and Paradise Valley Road;
3. Rural residential development;
4. Landscape design that integrates development with the surrounding environment including the 'Parklands Estate' Development; and
5. Design controls on buildings.

Upper Terrace

1. Medium density residential development consistent with the Residential 1 Zone but with a reduced height and open built character to provide visually coherent transition between the Upper Terrace and Upper Escarpment; and
2. A transitional area along the front of the Upper Terrace where additional landscape and building controls apply (Escarpment Transition Area 2).

Upper Escarpment

1. No development on the upper escarpment; and
2. Partial re-vegetation to form a coherent transition from the Parklands Estate development and to create a backdrop to development on the Upper Terrace.

Pukehāngi Southern Slopes

1. Rural 2 Zone provisions apply.

The specific objectives, policies and rules for the Pukehāngi Heights Development Area identify outcomes that are additional to those sought by the general provisions of the Residential 1 and Rural 2 Zoning of the land. Where there is any conflict, the specific provisions shall take precedence.

LAKES A ZONE

SECTION 1.0 SIGNIFICANT RESOURCE MANAGEMENT ISSUES

S1.1 SIGNIFICANT RESOURCE MANAGEMENT ISSUES

~~The Lakes A Zone comprises a discrete planning unit within the Rotorua District.~~ **~~Part 20~~** The Lakes A Zone of the District *Plan* contains specific provisions to manage the unique and sensitive attributes of the *lake*s' environment. The provisions of the Lakes A Zone operate independently to the rest of the District Plan, except in relation to Natural Hazards. The Natural Hazards chapter (SDNH) in the Strategic Direction section of Part 1 of the District Plan, and the Natural Hazards chapter (NH) in the Hazards and Risks section of Part 2 of the District Plan also apply to the Lakes A Zone.

The high degree of intactness of the *lake*s' environment contributes to the national significance of their *catchment*s.

The Significant Resource Management Issues for the Lakes A Zone are:
…

S1.1.13 Natural Hazards

~~The *lake*s environment will continue to be at risk from volcanic and seismic activity and in some local areas stormwater overland flow paths.~~ The *lakes* environment is exposed to a range of natural hazards due to its location within the Taupō Volcanic Centre, and its unique geography, geology, and climate. These hazards include flooding, geothermal activity, slope stability hazards, ground condition hazards (including liquefaction and soft, compressible soils), fault rupture and volcanic hazards, such as caldera unrest. These events pose risks to people, property, infrastructure, and the natural environment.

Climate change is expected to increase the frequency and severity of some natural hazards, particularly flooding, slope stability and wildfire. Subdivision and land use activities influence the vulnerability and exposure of individuals and communities to these risks. Some areas known to be at high risk have already been intensively developed, resulting in expectations of continued development and increasing the potential consequences of hazard events.

In some cases, occupation of hazard-prone areas may reflect important cultural values, social or economic values. For example, geothermal areas have traditionally been favoured by Māori for settlement and cultural use. Similarly, lakeside areas that are susceptible to flooding are often valued for recreation, tourism and residential living, contributing to community identity.

Effective management of natural hazard risk is often challenged by limitations in available information, including uncertainty around hazard extent, frequency, and potential impacts.

…

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SECTION 3.0 INTRODUCTION TO OBJECTIVES, POLICY AREAS AND RULE MANAGEMENT AREAS

S3.1 OBJECTIVES

There are eighteen objectives for the Lakes A Zone. The objectives are not arranged in any hierarchy or ranking.

The following section explains how the various policy areas within the Lakes A Zone relate to each other.

Note: The Natural Hazards chapter (SDNH) in the Strategic Direction section of Part 1 of the District Plan, and the Natural Hazards chapter (NH) in the Hazards and Risks section of Part 2 of the District Plan also apply to the Lakes A Zone, in addition to the objectives and policies for the Lakes A Zone.

S3.2 POLICY AREAS

Within the Lakes A Zone two primary policy levels have been identified. These have been termed the **Sensitive** and **Less Sensitive** Policy Areas. All *land* within the Lakes A Zone has been assessed in terms of whether it is sensitive or less sensitive.

The Lakes A Zone has further been divided into eight secondary policy areas, seven of which have been defined on a *catchment* basis. Policies at this level focus on the specific landscape character within each of these policy areas.

These Policy Areas are shown on the Planning Maps for the Lakes A Zone.

Within the Tarawera and Okareka Policy Areas, additional landscape policies have been developed for the Tarawera and Okareka Settlements and the Tarawera Bush Settlement Policy Area.

S3.3 RULES AND MANAGEMENT AREAS

The Rules for the Lakes A Zone uses five 'management' areas for each of the identified policy areas within the Zone as follows:

- Protection;
- Settlements;
- Bush Settlement;
- Sensitive Rural; and
- Less Sensitive Rural.

The Rule Management Areas are shown on the Planning Maps for the Lakes A Zone.

The following table shows Rules Management Areas that apply within each of the eight secondary Policy Areas.

POLICY AREA	RULE MANAGEMENT AREAS
Okataina	Protection Sensitive Rural

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Tarawera Settlement Bush Settlement	Sensitive Rural Settlements Bush Settlements Less Sensitive Rural Protection
Okaro	Less Sensitive Rural
Okareka Settlement	Sensitive Rural Settlement
Rotomahana	Sensitive Rural Less Sensitive Rural
Tikitapu	Protection
Rotokakahi	Protection
Western Corridor	Less Sensitive Rural Sensitive Rural

Explanation: The Policy Areas listed above include *land* as well as the *lake*s and are identified on the Planning Maps for the Lakes A Zone.

S3.4 OBJECTIVES, POLICIES AND RULES LINKS

The policy tables of **Section 4.0** of this *Plan* contain the links of policies to objectives and rules. It should be noted that it is only the key links and relationships that have been identified in **Section 4.0**.

…

SECTION 4.0 OBJECTIVES AND POLICIES

OB 18 Limited risks to human occupation and activity caused by the risks posed by ~~natural hazards including~~:

~~a) Flooding (*river* and *lake* level fluctuations);~~
b) Okataina volcanic centre and localised volcanism;
~~c) Geothermal activity;~~
~~d) Seismic activity in active fault lines;~~
~~e) Fires~~

…

POLICIES

P12.0 INFRASTRUCTURE AND UTILITY SERVICES:

Water

P12.1 …

~~**P12.2** To ensure *water* supplies with sufficient capacity for fire fighting within Gazetted Fire Districts.~~

Stormwater

P12.3 To ensure collection and disposal of stormwater where adverse *effect*s on the environment

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and in particular:

a) *water* quality;

b) *land* stability;

c) the safety and health of people;

d) the safety of property;

e) the functioning of *road*s intended for public use;

f) indigenous flora and fauna;

are avoided, remedied or mitigated.

…

P13.0 NATURAL HAZARDS:

P13.1 To recognise that hazards arise from volcanic activity~~, seismic activity, geothermal activity, flooding, fire, erosion and sedimentation~~ and apply measures that reduce risk to people and property.

~~**P13.2** To avoid use and *development* over and by geothermal hazards.~~

~~**P13.3** To avoid remedy or mitigate the *effect*s of 2% *AEP* flood events arising from streams, *ephemeral watercourse*s, and high *lake* levels.~~

~~**P13.4** To not restrict re-vegetation and afforestation to avoid fire risk, but to rely on firefighting, fire prevention and evacuation.~~

SECTION 5.0 EXPLANATION AND PRINCIPAL REASONS

S5.1 OBJECTIVES AND POLICIES

S5.1.1 Introduction

The following section provides the explanations and principal reasons for the objectives and policies for the Lakes A Zone.

S5.13 NATURAL HAZARDS

There is a wide range of possible natural hazards and some created hazards that constrain development. ~~The *lakes* area has a significantly large number of faultlines, the avoidance of which by development, would be impossible~~. As such, Council's approach is to keep *development* at a relatively low density, to apply the provisions of the Building Act 1991 and implement evacuation procedures rather than prohibit further *development* in the area. It is not considered practical to avoid the *effect*s of ~~earthquake and~~ volcanic eruptions other than timely evacuation.

~~Council is managing stormwater *effect*s and mitigating flood hazards. The risk of fire hazard from allowing built *development* in bush environments is acknowledged. However, those choosing to live in such vegetated environments must live with this risk in the context of a largely undeveloped landform covered in *indigenous vegetation*.~~

…

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SECTION 8.0 RULES

1.0 General Rules

1.1 RELATIONSHIP TO ROTORUA DISTRICT PLAN

The Lakes A Zone ~~shall be Part Twenty~~ operates independently to the rest of the District Plan, except in relation to natural hazards chapters SDNH in Part 1 of the District Plan and NH in Part 2 of the District Plan.

Natural Hazards Rules:
Rules in the Natural Hazards chapter (NH) in the Hazards and Risks section of Part 2 of the District Plan apply to the Lakes A Zone, in addition to the rules of Section 7.0 of the Lakes A Zone.

Rule 1.1

Note: The full text of Rule 1.1 as at 13 May 2000 (the date the Lakes A Zone was notified as Variation Twelve) is contained in a separate document entitled 'Rule 1.1 of the Lakes A Zone'. The reader is advised that the full text version of Rule 1.1 should be used to determine relevant provisions within the Lakes A Zone. Equivalent provisions in the District *Plan* contain some differences, due to amendments made to them after 13 May 2000, which do not apply within the Lakes A Zone.

The following provisions of the District *Plan* (contained in this Rule as it existed at 13 May 2000) shall continue to apply within the Lakes A Zone.

Part One	Introduction to Resource Management
Part Two	Resource Consents
Part Three	Monitoring and Review
Part Five	Maori Development
Part Fourteen	*Hazardous Substance*s, Facilities and *Contaminated Site*s (Refer to **Part Fourteen** that is part of **Rule 1.1** of the Lakes A Zone - the full text version)

...

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5.0 EARTHWORKS

Advisory Note: - Land disturbance activities are also controlled by provisions in regional plans.

MANAGEMENT AREA	5.1 PERMITTED ACTIVITIES	5.2 to 5.5 OTHER ACTIVITIES
A:- • **SETTLEMENT**	A5.1.1 *Earthworks* complying with the following *conditions*: 1. The *earthworks* do not disturb any recorded heritage feature including *historic places*, archaeological sites and *waahi tapu*; and 2. The *earthworks* are on *slopes* that do not exceed 15°; and 3. The fill is *cleanfill* and has a vertical dimension that does not exceed 450mm; and 4. The excavation has a vertical dimension that does not exceed 1500mm (1.5 metres); and 5. The *earthworks* do not exceed 100 m^3; and 6. The *earthworks* are outside an *ephemeral watercourse*; and 7. The *earthworks* shall not result in a change to the entry or exit point on a site of an overland flowpath, or change the catchment size of an overland flowpath, except where the earthworks are for an activity authorised by a stormwater discharge permit granted by the regional council; and 8. The *earthworks* are, or each planned separate stage of earthwork is, completed within 3 months.	**A5.2 Controlled Activities** There are no *Controlled Activities*. **A5.3 Restricted Discretionary Activities** A5.3.1 The *earthworks* are for a *building platform* and access to it, or for a *structure* and comply with the following standards: 1. The *earthworks* do not disturb any recorded heritage feature including *historic places*, archaeological sites and *waahi tapu*; and 2. No part of the *earthworks* can be *seen* from a *lake*, a *viewpoint* or a *public reserve*; and 3. (a) The *earthworks* are on *slopes* that exceed 15° but do not exceed 24°; or (b) The fill is *cleanfill* and has a vertical dimension that exceeds 450mm (0.45 metres) but does not exceed 1500mm (1.5 metres); or (c) The excavation has a vertical dimension that exceeds 1500mm (1.5 metres) but does not exceed 2.5 metres. Council shall restrict its discretion and may impose *conditions* in respect of the following matters: • Geotechnical design.

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5.0 EARTHWORKS

Advisory Note: - Land disturbance activities are also controlled by provisions in regional plans.

MANAGEMENT AREA	5.1 PERMITTED ACTIVITIES	5.2 to 5.5 OTHER ACTIVITIES
	A5.1.2 Temporary stockpiling of re-useable earth or rock material complying with the following *conditions*: 9. It is outside an *ephemeral watercourse*, or the 2% *AEP lake* flood level; and 10. It does not exceed $100m^3$; and 3. It is inert; and 4. It is entirely removed within 6 months; and 5. It does not disturb any recorded heritage feature including *historic place*s, archaeological site*s* and *waahi tapu*.	• *Land* s. • tability management. • Stormwater and sediment management. • Any *effect* on an *historic place*, archaeological site, or *waahi tapu* both recorded and unrecorded. • Measures to avoid, remedy or mitigate *effect*s on any view obtained from a *lake*, *viewpoint*, *public reserve* or public *road*. • The location on-*site*, the extent, method, staging, time of day, season and weather *conditions* under which *earthworks* can be undertaken. • The location of *building platform*s. In addition to the above, Council may impose a bond to ensure satisfaction of *conditions* of consent and a charge to cover monitoring costs. A5.3.2 *Earthworks* in *ephemeral watercourse*s. Council shall restrict its discretion and may impose *conditions* in respect of the following matter: 1. Measures to avoid sedimentation from *ephemeral watercourse*s.

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5.0 EARTHWORKS

Advisory Note: - Land disturbance activities are also controlled by provisions in regional plans.

MANAGEMENT AREA	5.1 PERMITTED ACTIVITIES	5.2 to 5.5 OTHER ACTIVITIES
		A5.4 Discretionary Activities A5.4.1 *Earthworks* that do not comply with the *conditions* for *Permitted Activities* or are not *Restricted Discretionary Activities.* **A5.5 Non-Complying Activities** There are no *Non-Complying Activities*.
B:- • **PROTECTION**	B5.1.1 *Earthworks* are not *Permitted Activities*. B5.1.2 Notwithstanding **Rule B5.1.1**, the *earthworks* are for farm or forestry tracks or for forestry skid sites complying with the following *conditions*: 1. They cannot be *seen* from a *lake*, *viewpoint* or *public reserve*; and 2. The *earthworks* are outside a *riparian area*; and 3. The fill is *cleanfill*; and 4. The *earthworks* do not disturb any recorded heritage feature including *historic places*, archaeological sites and *waahi tapu;* and 5. The *earthworks* are outside an *ephemeral watercourse*; and 6. The *earthworks* are, or each planned separate stage of earthwork is, completed within 3 months.	**B5.2 Controlled Activities** There are no *Controlled Activities*. **B5.3 Restricted Discretionary Activities** B5.3.1 Earthworks for: (a) the upgrading of the existing formation of farm and forestry tracks and existing forestry skid sites where they can be *seen* from a *lake*, *viewpoint* or *public reserve* and do not comply with the *conditions* for *permitted activities*; and (b) the construction of new farm and forestry tracks and new forestry skid sites that can be *seen* from a *lake*, *viewpoint* or *public reserve*; and which comply with the following standards: 1 The *earthworks* are outside a *riparian area*; and 2 The *earthworks* are outside an *ephemeral watercourse*; and

5.0 EARTHWORKS

Advisory Note: - Land disturbance activities are also controlled by provisions in regional plans.

MANAGEMENT AREA	5.1 PERMITTED ACTIVITIES	5.2 to 5.5 OTHER ACTIVITIES
	B5.1.3 Notwithstanding **Rule B5.1.1**, *earthworks* for the upgrading of the existing formation of farm and forestry tracks or existing forestry skid sites where they can be *seen* from a *lake*, *viewpoint* or *public reserve* complying with the following *conditions*: 1 The *earthworks* are outside a *riparian area*; and 2 The *earthworks* are outside an *ephemeral watercourse*; and 3 The *earthworks* do not disturb any recorded heritage feature including *historic places*, archaeological sites and *waahi tapu*; and 4 The excavation has a vertical dimension that does not exceed 1500mm (1.5 metres); and 5 The fill is clean fill and has a vertical dimension that does not exceed 450mm; and 6 Surplus earth material is not disposed of by sidecasting; and 7 The unvegetated bare earth *slope* faces are vegetated upon completion of the works, using rapid revegetation techniques such as hydro-seeding; and 8 The *earthworks* or each planned separate stage is/are completed within 3 months.	3 The *earthworks* do not disturb any recorded heritage feature including *historic places*, archaeological sites and *waahi tapu*; and 4 Surplus earth material is not disposed of by sidecasting. Council shall restrict its discretion to and may impose *conditions* in respect of: • Staging, season and weather *conditions* under which *earthworks* can be undertaken and be completed by; • The maximum area of bare earth *slope* faces; • Seeding and/or planting of unvegetated bare earth *slope* faces; • Screening of *effects*; • Stability and type of fill material; • Stormwater and sediment management; and • The ease of public accessibility of a view being *seen* from a *public reserve*. In addition to the above, Council may impose a bond to ensure satisfaction of *conditions* of consent and a charge to cover monitoring costs. B5.3.2 *Earthworks* in *ephemeral watercourses*.

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Advisory Note: - Land disturbance activities are also controlled by provisions in regional plans.

MANAGEMENT AREA	5.1 PERMITTED ACTIVITIES	5.2 to 5.5 OTHER ACTIVITIES
		Council shall restrict its discretion and may impose *conditions* in respect of the following matter: 1. Measures to avoid sedimentation from *ephemeral watercourse*s. **B5.4 Discretionary Activities** B5.4.1 All *Earthworks* in the Protection Area. **B5.5 Non-Complying Activities** There are no *Non-Complying Activities*.
• **SENSITIVE RURAL** • **BUSH SETTLEMENT**	C5.1.1 *Earthworks* complying with the following *conditions*: 1. The *earthworks* are outside a *riparian area*; and 2. The *earthworks* do not disturb any recorded heritage feature including *historic place*s, archaeological sites and *waahi tapu*; and 3. The fill is *cleanfill* and has a vertical dimension that does not exceed 450mm; and 4. The excavation has a vertical dimension that does not exceed 1500mm (1.5 metres); and 5. The *earthworks* are on *slope*s that do not exceed 15°; and 6. The *earthworks* do not exceed 100 m^3; and	**C5.2 Controlled Activities** There are no *Controlled Activities*. **C5.3 Restricted Discretionary Activities** C5.3.1 *Earthworks* that cannot be *seen* from a *lake*, *viewpoint* or *public reserve* and which comply with the following standards: 1. The *earthworks* are outside a *riparian area*; and 2. The *earthworks* do not disturb any recorded heritage feature including *historic place*s, archaeological sites and *waahi tapu*; and 3. (a) The *earthworks* are on *slope*s that exceed 15° but do not exceed 24°; or

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Advisory Note: - Land disturbance activities are also controlled by provisions in regional plans.

MANAGEMENT AREA	5.1 PERMITTED ACTIVITIES	5.2 to 5.5 OTHER ACTIVITIES
	7. The *earthworks* are outside an *ephemeral watercourse*; and 8. Bush Settlement Management Area: the *earthworks* shall not result in a change to the entry or exit point on a site of an overland flowpath, or change the catchment size of an overland flowpath, except where the earthworks are for an activity authorised by a stormwater discharge permit granted by the regional council; and 9. The *earthworks* are, or each planned separate stage of earthwork is, completed within 3 months. C5.1.2 Notwithstanding **Rule C5.1.1**, the *earthworks* are for farm or forestry tracks or for forestry skid sites complying with the following *conditions*: 1. They cannot be *seen* from a *lake*, *viewpoint* or *public reserve*; and 2. The *earthworks* are outside a *riparian area*; and 3. The fill is *cleanfill*; and 4. The *earthworks* do not disturb any recorded heritage feature including *historic places*, archaeological sites and *waahi tapu*; and 5 The *earthworks* are outside an *ephemeral watercourse*; and	(b) The fill is *cleanfill* and has a vertical dimension that exceeds 450mm and does not exceed 1500mm (1.5 metres); or (c) The excavation has a vertical dimension that exceeds 1500mm (1.5 metres) but does not exceed 2.5 metres. Council shall restrict its discretion and may impose *conditions* in respect of the following matters: • Geotechnical design. • Land stability management. • Stormwater and sediment management. • Any *effect* on an *historic place*, archaeological site, or *waahi tapu* both recorded and unrecorded. • The location on-*site*, the extent, method, staging, time of day, season and weather *conditions* under which *earthworks* can be undertaken. • The location and size of *building platforms*. • Measures to avoid, remedy or mitigate *effects* on any view obtained from a *lake*, *viewpoint*, *public reserve* or public *road*.

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MANAGEMENT AREA	5.1 PERMITTED ACTIVITIES	5.2 to 5.5 OTHER ACTIVITIES
	6 The *earthworks* are, or each planned separate stage of earthwork is, completed within 3 months. C5.1.3 Temporary stockpiling of re-useable earth or rock material complying with the following *conditions*: 1. It is outside a *riparian area*, *ephemeral watercourse*, or the 2% *AEP lake* flood level; and 2. It is inert; and 3. It is entirely removed within 6 months; and 4. It does not disturb any recorded heritage feature including *historic place*s, archaeological site*s* and *waahi tapu*. C5.1.4 Notwithstanding **Rule C5.1.1**, *Earthworks* for the upgrading of the existing formation of farm and forestry tracks or existing forestry skid sites where they can be *seen* from a *lake*, *viewpoint* or *public reserve* complying with the following *conditions*: 1 The *earthworks* are outside a *riparian area*; and 2 The *earthworks* are outside an *ephemeral watercourse*; and 3 The *earthworks* do not disturb any recorded heritage feature including *historic place*s, archaeological sites and *waahi tapu*; and	In addition to the above, Council may impose a bond to ensure satisfaction of *conditions* of consent and a charge to cover monitoring costs. C5.3.2 Earthworks for: (a) The upgrading of the existing formation of farm and forestry tracks and existing forestry skid sites where they can be *seen* from a *lake*, *viewpoint* or *public reserve* and do not comply with the *conditions* for permitted activities; and (b) The construction of new farm and forestry tracks and new forestry skid sites that can be *seen* from a *lake*, *viewpoint* or *public reserve*; and which comply with the following standards: 1 The *earthworks* are outside a *riparian area*; and 2 The *earthworks* are outside an *ephemeral watercourse*; and 3 The *earthworks* do not disturb any recorded heritage feature including *historic place*s, archaeological sites and *waahi tapu*; and 4 Surplus earth material is not disposed of by sidecasting. Council shall restrict its discretion to and may impose *conditions* in respect of:

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Advisory Note: - Land disturbance activities are also controlled by provisions in regional plans.

MANAGEMENT AREA	5.1 PERMITTED ACTIVITIES	5.2 to 5.5 OTHER ACTIVITIES
	4 The excavation has a vertical dimension that does not exceed 1500mm (1.5 metres); and 5 The fill is clean fill and has a vertical dimension that does not exceed 450mm; and 6 Surplus earth material is not disposed of by sidecasting; and 7 The unvegetated bare earth *slope* faces are vegetated upon completion of the works, using rapid revegetation techniques such as hydro-seeding; and 8 The *earthworks* or each planned separate stage is/are completed within 3 months.	• Staging, season and weather *conditions* under which *earthworks* can be undertaken and be completed by; • The maximum area of bare earth *slope* faces; • Seeding and/or planting of unvegetated bare earth *slope* faces; • Screening of *effect*s; • Stability and type of fill material; • Stormwater and sediment management; and • The ease of public accessibility of a view being *seen* from a *public reserve*. In addition to the above, Council may impose a bond to ensure satisfaction of *conditions* of consent and a charge to cover monitoring costs. C5.3.3 *Earthworks* in *ephemeral watercourse*s. Council shall restrict its discretion and may impose *conditions* in respect of the following matter: 1. Measures to avoid sedimentation from *ephemeral watercourse*s.

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Advisory Note: - Land disturbance activities are also controlled by provisions in regional plans.

MANAGEMENT AREA	5.1 PERMITTED ACTIVITIES	5.2 to 5.5 OTHER ACTIVITIES
		C5.4 Discretionary Activities C5.4.1 *Earthworks* that do not comply with the *conditions* for *Permitted Activities* or are not *Restricted Discretionary Activities*. **C5.5 Non-Complying Activities** There are no *Non-Complying Activities*.
D:- • **LESS SENSITIVE RURAL**	D5.1.1 *Earthworks* complying with the following *conditions*: 1. The *earthworks* are outside a *riparian area*; and 2. The *earthworks* do not disturb any recorded heritage feature including *historic places*, archaeological sites and *waahi tapu*; and 3. The *earthworks* are on *slopes* that do not exceed 25°; and 4. The fill is *cleanfill* and has a vertical dimension that does not exceed 450mm; and 5. The excavation has a vertical dimension that does not exceed 2500mm (2.5 metres); and 6. The *earthworks* do not exceed 500 m^3; and 7. The *earthworks* are outside an *ephemeral watercourse*; and 8 The *earthworks* are, or each planned separate stage of earthwork is, completed within 3 months.	**D5.2 Controlled Activities** There are no *Controlled Activities*. **D5.3 Restricted Discretionary Activities** D5.3.1 *Earthworks* which comply with the following standards: 1. The *earthworks* are outside a *riparian area*; and 2. The *earthworks* do not disturb any recorded heritage feature including *historic places*, archaeological sites and *waahi tapu*; and 3. a) The *earthworks* are on *slopes* that exceed 25° but do not exceed 35°; or b) The fill is *cleanfill* and has a vertical dimension that exceeds 450mm; or c) The excavation has a vertical dimension that exceeds 2.5 metres.

5.0 EARTHWORKS

Advisory Note: - Land disturbance activities are also controlled by provisions in regional plans.

MANAGEMENT AREA	5.1 PERMITTED ACTIVITIES	5.2 to 5.5 OTHER ACTIVITIES
	D5.1.2 Notwithstanding **Rule D5.1.1** the *earthworks* are for farm or forestry tracks or for forestry skid sites complying with the following *conditions*: 1 The *earthworks* are outside a *riparian area*; and 2 The fill is *cleanfill*; and *3* The *earthworks* do not disturb any recorded heritage feature including *historic place*s, archaeological sites and *waahi tapu*; and 4 The *earthworks* are outside an *ephemeral watercourse*; and 5 The *earthworks* are, or each planned separate stage of earthwork is, completed within 3 months. D5.1.3 Temporary stockpiling of re-useable earth or rock material complying with the following *conditions*: 1. It is outside a *riparian area*, *ephemeral watercourse*, or the 2% *AEP lake* flood level; and 2. It is inert; and 3. It is entirely removed within 6 months; and 4. It does not disturb any recorded heritage feature including *historic place*s, archaeological site*s* and *waahi tapu*.	Council shall restrict its discretion and may impose *conditions* in respect of the following matters: • Geotechnical design. • *Land* stability management. • Stormwater and sediment management. • The method and timing of the *earthworks* operations. • Any *effect* on an *historic place*, archaeological site, or *waahi tapu* both recorded and unrecorded. • The location on-*site*, the extent, staging, time of day, season and weather *conditions* under which *earthworks* can be undertaken. • The location and size of *building platforms*. • Measures to avoid, remedy or mitigate *effect*s on any view obtained from a *lake*, *viewpoint*, *public reserve* or public *road*. In addition to the above, Council may impose a bond to ensure satisfaction of *conditions* of consent and a charge to cover monitoring costs. D5.3.2 *Earthworks* in *ephemeral watercourse*s. Council shall restrict its discretion and may impose *conditions* in respect of the following matter:

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MANAGEMENT AREA	5.1 PERMITTED ACTIVITIES	5.2 to 5.5 OTHER ACTIVITIES
		1. Measures to avoid sedimentation from *ephemeral watercourse*s. **D5.4 Discretionary Activities** D5.4.1 *Earthworks* that do not comply with the *conditions* for *Permitted Activities* or are not *Restricted Discretionary Activities*. **D5.5 Non-Complying Activities** There are no *Non-Complying Activities*.

Explanation and Principal Reasons

Much of the Lakes A Zone soils are a product of the Tarawera eruption. The 'Rotomahana mud soils' are prone to erosion and therefore Council intends to manage *earthworks* relatively strictly to ensure minimal sedimentation in the *lake*s and scouring of the landforms. Both of these adversely affect *indigenous vegetation*, terrestrial and aquatic habitats, natural character and outstanding landforms. Additionally, *earthworks* (cuts and fills) have the potential to adversely affect the natural character and landscapes of the Zone in a direct way. Fills are controlled to a lesser dimension than cuts because of the need to ensure compaction is carried out sufficiently well not to result in a hazard to future *building* and to ensure stormwater is managed.

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6.0 BUILDING PLATFORMS

MANAGEMENT AREA	6.1 PERMITTED ACTIVITIES	6.2 to 6.5 OTHER ACTIVITIES
A:- • **SENSITIVE RURAL** • **LESS SENSITIVE RURAL** • **BUSH SETTLEMENT**	A6.1.1 *Building Platforms* complying with the following *conditions*: 1. They are outside a *riparian area*; and 2. They are outside an *ephemeral watercourse* ~~or the 2% *AEP lake* flood level~~; and 3. They are at least 1 metre above the *groundwater table*; and 4. They are able to accommodate any on-*site* effluent treatment system; and 5. They can be accessed by a vehicular access that can be formed within the *Permitted Activity conditions* for *earthworks* and *indigenous vegetation disturbance*; and 6. They are not on *land* with *slopes* that exceed 24°; and 7. They are not located within a 25 metre *buffer* of any scenic *road* boundary; and 8. They are not located within a 10 metre *buffer* of a *site* boundary; and 9. They are located clear of any areas of instability or known natural or artificial hazard.	**A6.2 Controlled Activities** There are no *Controlled Activities*. **A6.3 Restricted Discretionary Activities** There are no *Restricted Discretionary Activities*. **A6.4 Discretionary Activities** A6.4.1 Any *Building Platforms* that do not comply with the *conditions* for *Permitted Activities*. **A6.5 Non-Complying Activities** There are no *Non-Complying Activities*.
B:- • **SETTLEMENT AREA**	B6.1.1 *Building Platforms* complying with the following *conditions*: 1. They are outside an *ephemeral watercourse* ~~or the 2% *AEP lake* flood level~~; and 2. They are at least 1 metre above the *groundwater table*; and 3. They are able to accommodate any on-*site* effluent treatment system; and 4. They can be accessed by a vehicular access that can be formed within the *Permitted Activity*	**B6.2 Controlled Activities** There are no *Controlled Activities*. **B6.3 Restricted Discretionary Activities** B6.3.1 Any *Building Platforms* that do not comply with the *conditions* for *Permitted Activities*. Council shall restrict its discretion and may impose *conditions* in respect of the matters contained in **RD6.1** and **RD6.2**. **B6.4 Discretionary Activities** There are no *Discretionary Activities*.

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6.0 BUILDING PLATFORMS

MANAGEMENT AREA	6.1 PERMITTED ACTIVITIES	6.2 to 6.5 OTHER ACTIVITIES
	conditions for *earthworks* and *indigenous vegetation disturbance*; and 5. They are located clear of any areas of instability or known natural or artificial hazard; and 6. They are not located within a 2.5 metre *buffer* of a *site* boundary.	**B6.5 Non-Complying Activities** There are no *Non-Complying Activities*.
C:- • **PROTECTION**	C6.1.1 *Building platform*s are not *Permitted Activities*.	**C6.2 Controlled Activities** There are no *Controlled Activities*. **C6.3 Restricted Discretionary Activities** There are no *Restricted Discretionary Activities*. **C6.4 Discretionary Activities** C6.4.1 Any *Building Platform* in the Protection Area. **C6.5 Non-Complying Activities** There are no *Non-Complying Activities*.

BUILDING PLATFORMS AS RESTRICTED DISCRETIONARY ACTIVITIES

RULE RD6.1	RULE RD6.2
Council shall restrict its discretion to the following matters: RD6.1.1 The extent to which the *building platform* intrudes into a *riparian area*, or an *ephemeral watercourse* ~~or the 2% *AEP lake* flood level~~. RD6.1.2 The extent to which the *building platform* is less than 1 metre above *groundwater table*. RD6.1.3 The extent to which the *building platform* cannot be accommodated in accordance with the *Permitted Activity condition* for *earthworks* and *indigenous vegetation disturbance*.	Council may impose *conditions* in respect of the following matters: • Specifying the precise location of a *building platform* on a *site*. • Limiting the location of *earthworks* and *disturbance* of vegetation. • Specifying the height above *groundwater table* including works to achieve conformity with the *height*. • Requiring revegetation or on-*site* rehabilitation works that may include specifying plant species.

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BUILDING PLATFORMS AS RESTRICTED DISCRETIONARY ACTIVITIES

RULE RD6.1		RULE RD6.2
RD6.1.4	The extent to which *vehicle* access to the *building platform* can not be formed in accordance with the *Permitted Activity conditions* for *earthworks* and *indigenous vegetation disturbance*.	• Specifying the location of access to the *building platform*. • Specifying alternative design to deal with stormwater flows. • Specifying measures to mitigate hazards. • Requiring landscaping or screening. • Requiring engineering design for *earthworks* and foundations. • The imposition of a bond to ensure satisfaction of *conditions* of consent. • The imposition of a charge to cover the costs of monitoring. • Specifying staging, the time of day, season and weather *conditions* for on-*site* works in respect of vegetation *disturbance* and *earthworks*.
RD6.1.5	The extent to which the *building platform* is on *land* steeper than 25° or on areas of instability, on known active faults or affected by other natural or artificial hazards.	
RD6.1.6	The extent to which the *building platform* encroaches into any *buffer*.	
RD6.1.7	The extent to which the location of the *building platform* will affect the ability of a *building* to be built in accordance with **Rules 17.0** to **25.0**.	

Explanation and Principal Reasons

*Building*s can have an adverse *effect* on natural character. The *building platform* rule recognises and provides for important elements that make up the natural character of the Lakes A Zone such as vegetation *disturbance*, *earthworks*, *riparian areas* and the *slope* of *land* and takes these into account in determining the position on a *site* where *development* can occur. The *building platform* rule also takes into account natural hazards such as flooding and areas of *land* instability in determining whether the precise location of a *building* on a *site* is suitable from a human safety perspective.

34.0 POTABLE WATER SUPPLY

MANAGEMENT AREA	34.1 PERMITTED ACTIVITIES	34.2 to 34.5 OTHER ACTIVITIES
ALL MANAGEMENT AREAS	34.1.1 *Water* supply systems complying with the following *conditions*: 1. Every *habitable building* shall be provided with a potable *water* supply system and either: a) At the time of applying for a Building Consent, evidence shall be supplied that the on-*site* potable *water* supply complies with section 14(3)(a) and (b) of the *RMA*; or b) There shall be a connection to an operational	**34.2 Controlled Activities** There are no *Controlled Activities*. **34.3 Restricted Discretionary Activities** There are no *Restricted Discretionary Activities*. **34.4 Discretionary Activities** 34.4.1 Any Activity that does not comply with the *conditions* for *Permitted Activities*.

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	private or public *community water supply* system that meets the *conditions* for a *Permitted Activity*. 2. Settlement Management Area and Bush Settlement Management Area: Every habitable building shall be provided with a water supply adequate for firefighting purposes with a water supply adequate for firefighting purposes in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509: 2008 34.1.2 Operational private or public *community water supply* systems complying with the following *conditions*: ~~1. The *water* supply system has capacity for fire protection purposes in accordance with the Fire Service Code of Practice within any Gazetted Fire District; and~~ 2. The system is designed and constructed for a functional life of a minimum of 50 years; and 3. The system is constructed to prevent leakage of *water* and easy connection for service connection fittings; and 4. Each *site* has practicable access to enable connection to the system; and 5. The system delivers to every *habitable building* a minimum of 20 metre head and 30 litres per minute. **Note**: If it is intended to transfer a private *community water supply* system to a Utility Operator, the system must comply with the *conditions* of Asset Transfer of the Utility Operator concerned.	**34.5 Non-Complying Activities** There are no *Non-Complying Activities*. **Note**: An applicant is advised that non-compliance with regional rules or where a *water* permit has not been obtained for a private or public *community water supply* system, will need to be addressed with Environment BOP.

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INTRODUCTION TO SUBDIVISION

Subdivision is addressed in **Rules 38.0 to 40.0**.

Rule 38.0 Sets out the minimum *site* area and standards for subdivision in the Settlement, Bush Settlement, Sensitive Rural, Less Sensitive Rural and the Protection Management Areas. Except for the Protection Management Area, the *site*s are generally intended for residential or productive purposes.

Rule 39.0 Sets out standards for subdivision relating specifically to *road*s, *private road*s and *private way*s, *esplanade reserve*s, *utility services* and boundary adjustments. These matters are not addressed in **Rule 38.0**.

Rule 40.0 Sets out the additional standards and terms that apply to any subdivision provided for in **Rules 38.0** and **39.0**.

38.0 SUBDIVISION RULES FOR THE MANAGEMENT AREAS

A:- • **SETTLEMENT**	A38.1.1 Subdivision is not a *Permitted Activity*.	**A38.2 Controlled Activities.** There are no *Controlled Activities*. **A38.3 Restricted Discretionary Activities** A38.3.1 Subdivision complying with the following standards: 1. Each *site* shall have a minimum area of at least 2000m^2; and 2. Each *site* shall contain a *building platform* of at least 250 m^2 that complies with the *conditions* for *building platform*s as a *Permitted Activity* (Refer **Rule 6.0**); and 3. Each *site* shall contain a *building platform* that would not necessitate the *disturbance* of *indigenous vegetation* or a *land* use consent required for any *disturbance* of *indigenous vegetation* shall have been obtained; and 4. Each *site* shall at the time of subdivision comply with the *conditions* for *hard surface coverage* as a *Permitted Activity*; and 5. Each *site* shall be of such dimensions so as to include a circle with a diameter of 20 metres that incorporates the *building platform* and is inclusive of *buffer*s; and 6. The Standards of **Rule 40.3.**

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38.0	SUBDIVISION RULES FOR THE MANAGEMENT AREAS	
		Council shall restrict its discretion and may impose *conditions* in respect of the following matters: • Specifying the size of any *site* to accommodate a complying *building platform*. • The location of *building platform*s away from skylines, ridgelines and *viewpoint*s. • Limiting *disturbance* of vegetation. • The shape of the *site*. • The extent to which natural hazard risks are avoided or mitigated and the worsening of any hazard' **A38.4 Discretionary Activities** A38.4.1 Subdivision that does not comply with the standards for *Restricted Discretionary Activities*. **A38.5 Non-Complying Activities** There are no *Non-Complying Activities*.

38.0	SUBDIVISION RULES FOR THE MANAGEMENT AREAS	
B:- **BUSH SETTLEMENT**	B38.1.1 Subdivision is not a *Permitted Activity*.	**B38.2 Controlled Activities** There are no *Controlled Activities*. **B38.3 Restricted Discretionary Activities** There are no *Restricted Discretionary Activities*. **B38.4 Discretionary Activities** B38.4.1 Subdivision complying with the following standards: 1. Each *site* shall have a minimum *site* area of at least 8,000m^2; and

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		2. The total number of *site*s that may be subdivided shall accord with the *Discretionary Activity* level set out in the Structure Plan; and 3. Each *site* shall contain a *building platform* of at least 200m^2; and 4. Either: (a) Each *site* shall contain a *building platform* and access to it that complies with the *conditions* for *building platform*s and *indigenous vegetation disturbance* as *Permitted Activities*; or: (b) The relevant *land* use consent(s) shall have been obtained; and 5. Application for *land* use consent for *site coverage* and *hard surface coverage* shall be made at the same time as application for subdivision consent; and 6. It shall be demonstrated that each *site* shall be able to accommodate a *building* with a floor area of at least 160m^2 with a maximum *height* of 6 metres above *ground level*; and a) That would not exceed any *sunlight control plane*; and b) Where no part of the *building* would be *seen* against the sky when viewed from a *lake* or a *public reserve*); and 7. Any application for subdivision consent shall include details as to how the landscape policies for each Bush Settlement Policy Area are to be given *effect* to and in particular, the areas of the entire *site* where existing *indigenous vegetation* is to be protected and where revegetation with *indigenous vegetation* is to occur; and 8 Where 85% of the *site* does not have an intact cover (i.e. closed canopy) of predominantly indigenous species, a

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		Revegetation Plan shall be provided which complies with the following standards: (a) The Revegetation Plan shall enable a minimum of 85% of the Bush Settlement Management Area (below the 380m contour) to be clothed in *indigenous vegetation*. This 85% target is to be met for each individual *site* (below the 380m contour) proposed as part of the subdivision; (b) 80% of the indigenous plants used in the Revegetation Plan shall be capable of a mature *height* of no less than 5 metres; (c) Any steep *slope*, gullies, watercourses, riparian and damp areas shall be revegetated; (d) Any on-*site* effluent disposal areas shall be revegetated with dense low indigenous cover such as flax and shrubs; (e) The plants shall only include indigenous species that occur naturally within the Tarawera Lakes Area/Rotorua Lakes Ecological District; and 9 Prior to the issue of a Certificate pursuant to Section 224(c) of the *RMA*, where the *site* is to be revegetated, an independent audit shall be carried out by a suitably qualified person to certify that the indigenous planting required by the Revegetation Plan has successful canopy closure of 90% with an average *height* of no less than 1.5 metres for 70% of the plants; and 10. Each *site* shall be of such dimensions so as to include a circle with a diameter of 30 metres that incorporates the *building platform* and is exclusive of *buffers;* and 11. A covenant shall be entered into with the Council to ensure that protection management is in place for any existing or planted *indigenous vegetation* including a maintenance programme, protection from *disturbance*

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		and grazing, and management of *pest plant* and *pest animal*s in perpetuity; and 12. The Standards of **Rule 40.3**. **B38.5 Non-Complying Activities** B38.5.1 Subdivision that does not comply with the standards for *Discretionary Activities*.
C:- • **PROTECTION**	C38.1.1 Subdivision is not a *Permitted Activity*.	**C38.2 Controlled Activities** There are no *Controlled Activities*. **C38.3 Restricted Discretionary Activities** There are no *Restricted Discretionary Activities*. **C38.4 Discretionary Activities** C38.4.1 Subdivision, provided that the *site* to be created is for the purpose of a reserve, conservation, or planting of indigenous or exotic forests. **C38.5 Non-Complying Activities** Subdivision that is not a *Discretionary Activity*.
D:- • **SENSITIVE RURAL**	D38.1.1 Subdivision is not a *Permitted Activity*.	**D38.2 Controlled Activities** There are no *Controlled Activities*. **D38.3 Restricted Discretionary Activities** D38.3.1 Subdivision complying with the following standards: 1. Each *site* shall have a minimum area of at least 40 ha; and 2. Each *site* shall contain a *building platform* of 250 m^2 that complies with the *conditions* for *building platform*s as a *Permitted Activity* (Refer **Rule 6.0**) and that would not necessitate the *disturbance* of *indigenous vegetation* or that any *land* use consent required or any *disturbance* of *indigenous vegetation* shall have been obtained; and

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		3. Each *site* shall be able to accommodate a *building* with a total *height* of 6 metres above *ground level*; and (a) That cannot be *seen* from a *viewpoint*; and (b) So that no part of the *building* would be *seen* against the sky when viewed from a *lake* or a *public reserve*; and 4. Each *site* shall at the time of subdivision comply with the *conditions* for *hard surface coverage* as a *Permitted Activity*. (Refer **Rule 11.0**); and 5. The Standards of **Rule 40.3**. Council shall restrict its discretion and may impose *conditions* in respect of the matters set out in **Rules RD38.1** and **RD38.2**. **D38.4 Discretionary Activities** There are no *Discretionary Activities*. **D38.5 Non-Complying Activities** D38.5.1 Subdivision that does not comply with the standards for *Restricted Discretionary Activities*.
E:- • **LESS SENSITIVE RURAL**	E38.1.1 Subdivision is not a *Permitted Activity*.	**E38.2 Controlled Activities.** There are no *Controlled Activities*. **E38.3 Restricted Discretionary Activities** E38.3.1 Subdivision complying with the following standards: 1. Each *site* shall have a minimum area of at least 40 ha; and 2. Each *site* shall contain a *building platform* that: a) Complies with the *conditions* for *building platform*s as a *Permitted Activity* (Refer **Rule 6.0**); and b) Can be located so that *building*s cannot be *seen* from a *viewpoint*; and

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38.0 SUBDIVISION RULES FOR THE MANAGEMENT AREAS

		c) Would not necessitate the *disturbance* of *indigenous vegetation* or that a *land* use consent required for any *disturbance* of *indigenous vegetation* shall have been obtained; and 3. Each *site* shall at the time of subdivision comply with the *conditions* for *hard surface coverage* as a *Permitted Activity* (Refer **Rule 11.0**); and 4. The Standards of **Rule 40.3**. Council shall restrict its discretion and may impose *conditions* in respect of the following matters: •The location of *building platform*s away from *viewpoint*s; •Controlling the disturbance of indigenous vegetation; •The extent to which natural hazard risks are avoided or mitigated and the worsening of any hazard. **E38.4 Discretionary Activities** E38.4.1 Subdivision that does not comply with the standards for *Restricted Discretionary Activities*. **E38.5 Non-Complying Activities** There are no *Non-Complying Activities*.

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RD 38 SUBDIVISION IN THE SENSITIVE RURAL MANAGEMENT AREA AS A RESTRICTED DISCRETIONARY ACTIVITY

RD 38.1

Council shall restrict its discretion to the following matters:

RD 38.1.1 ~~Assessment of risk under section 106 of the *RMA* and in particular any risk to *building platforms* from; geothermal activity, erosion, subsidence, slippage, inundation, seismic activity, or flooding (including from *ephemeral watercourses*).~~ The extent to which natural hazard risks are avoided or mitigated and the worsening of any hazard.

RD 38.1.2 Assessment of the location of *building platform*s and access to them:

(a) To avoid; prominent landforms, skylines, and ridgelines.

(b) To meet the requirements of **Policies P2.4.4, P2.5.3** and **P2.6.3**.

RD 38.1.3 Assessment of the naturalness of views obtained from any *viewpoint*.

RD 38.1.4 Consideration of **Policy P14.2**.

RD 38.1.5 Assessment of the design of *site*s, *building platform*s and access to *building platform*s within the subdivision to:

a) Avoid the *disturbance* of *indigenous vegetation* without *land* use consent.

b) Avoid adverse *effect*s on areas of *indigenous vegetation* and habitat of indigenous fauna identified:

(i) As *Recommended Areas for Protection* (*RAP*s) in Beadel SM, Shaw WB, Nicholls JL (March 1998): Rotorua Lakes Ecological District Natural Area Survey; and/or

(ii) As *Protected Natural Area*s (*PNA*s) identified on the Planning Maps and in **Appendix 14** (**Volume 2**) of the Lakes A Zone; and/or

RD 38.2

Council may impose *conditions* in respect of the following matters:

1. Specifying measures to avoid, remedy or mitigate the risk of natural hazards.
2. Specifying the location of *building platform*s:
   a) Away from prominent landforms, skylines, ridgelines, and *viewpoint*s; and
   b) To meet the requirements of **Policies P2.4.4, P2.5.3** and **P2.6.3**.
3. Specifying a subdivision design that accommodates complying *building platform*s and access to them.
4. (a) Specifying the precise location of the *disturbance* of *indigenous vegetation* and specifying methods, staging, time of day, season and weather *conditions* when *indigenous vegetation disturbance* is to be undertaken.
   (b) Measures to manage *pest plant* and *pest animal*s to avoid the *disturbance* or predation of wildlife or unwanted invasion of *pest plant*s within *Protected Natural Area*s (*PNA*s) and *Recommended Areas for Protection* (*RAP*s).
5. Specifying the *land* to be revegetated and how and when this is to be done. This may include requiring a landscape plan specifying *site* rehabilitation and restoration methods, and plant species including protection and/or establishment of ecological corridors.
6. Preference will be given to the use of locally sourced indigenous plants.
7. Specifying a subdivision design that accommodates complying *building platform*s and access to them.

RD 38 SUBDIVISION IN THE SENSITIVE RURAL MANAGEMENT AREA AS A RESTRICTED DISCRETIONARY ACTIVITY

RD 38.1	RD 38.2
(iii) As Wildlife and Wildlife Habitats in the Bay of Plenty Region (Rasch 1989); and/or (iv) On relevant Wildlife and Wildlife Habitat Schedules included in Environment Bay of Plenty Regional Plans. c) Facilitate protection of *indigenous vegetation*, habitat of indigenous fauna, including threatened species of indigenous flora and fauna, *waterbodies*, *wetland*s and their margins, erosion prone *land* and *ephemeral watercourse*s. d) Enable re-vegetation and or afforestation of steep *land* with a preference for *indigenous vegetation*. e) Avoid adverse *effect*s on any *geothermal feature* including its associated geothermal vegetation, or feature of scientific importance. RD 38.1.6 Assessment of the design of *site*s, *building platform*s and access to *building platform*s within the subdivision to: a) Protect any heritage feature including *historic place*s, archaeological sites and *waahi tapu*, both recorded and unrecorded. Prior to the granting of consent for vegetation *disturbance* which may adversely affect the historical cultural or spiritual significance of any recorded site or *waahi tapu*, Council shall require documentation from the applicant that consultation has been entered into with the Tangata Whenua and that necessary authority has been obtained from the Historic PlacesTrust. b) Limiting *earthworks* in accordance with **Policies P5.3** and **P10.1**. c) Avoid *riparian areas* and promotes maintenance of their values as set out in **Policy P8.0**. d) Manage stormwater as set out in **Policy P5.4**.	8. Require procedures including an historic heritage site assessment or consultation with the Tangata Whenua where a feature of historical, cultural or spiritual significance has not been previously recorded. 9. Specifying the extent and location on *site* of *earthworks* associated with the subdivision or future *development*. 10. Specifying the method, staging, time of day, season and weather *conditions* when *earthworks* are to be undertaken. 11. Specifying retirement and restoration of the shoreline or *riparian areas*. 12. Exclusion of *structure*s or *building*s from specified *land*. 13. Specifying the precise location of the construction of *roads*. 14. Construction methods to be used to develop the subdivision and mitigation measures. 15. Specifying: - a *site* size that is greater than the minimum *site* area or average *site* area, - the shape of a *site*, - the precise location of any *building platform*, - minimum floor levels of *building*s, - the area of *hard surface*, - *buffer* requirements from adjoining *site*s. 16. Specifying any matter to be addressed under **Rule 40.0** and including: - supply of *water*, - connection to services, - design of any reticulated systems, - the alignment and position of roadways and accessways, - the design and standards of any roading, access, pedestrian or cycleway,

RD 38 SUBDIVISION IN THE SENSITIVE RURAL MANAGEMENT AREA AS A RESTRICTED DISCRETIONARY ACTIVITY

RD 38.1	RD 38.2
e) Avoid the placement of *structure*s, *building*s, and accessways on *land* over 15° or in *ephemeral watercourse*s. f) Avoid or remediate polluted soils. g) Maximise solar access to existing and proposed *building*s. h) An assessment of the extent to which the subdivision increases the requirements for access and roading. i) An assessment of the extent to which there are adverse *effect*s on existing traffic levels, the roading network, access and stormwater management. j) Accommodate parking and *manoeuvring* areas on-*site*. k) Facilitates cycleway and pedestrian facilities. RD 38.1.7 General requirements in meeting the above. RD 38.1.8 The matters set out in the General Subdivision in **Rule 40.0**. RD 38.1.9 The provision of reserves and open space areas. RD 38.1.10 Compliance.	- storm disposal measures or off-set works such as re-vegetation. 17. Requiring the creation of *esplanade reserve*s or *esplanade strip*s or *Access Strip*s. 18. Specifying reserve requirements or financial contributions for heritage or reserve purposes under **Rule 1.1** of the Lakes A Zone. 19. The imposition of a bond to ensure satisfaction of *conditions* of consent. 20. The imposition of a charge to cover monitoring costs. 21. Requiring the completion of any works or compliance with any *condition* relating to a *land* use consent (e.g. for *earthworks*, vegetation *disturbance*, etc) prior to the issue of a certificate under section 224(c) of the *RMA*. 22. Requiring a consent notice or covenant to ensure on-going compliance with any *condition* of consent.

RD 38 SUBDIVISION IN THE SENSITIVE RURAL MANAGEMENT AREA AS A RESTRICTED DISCRETIONARY ACTIVITY

Explanation and Principal Reasons

The process of subdivision and the creation of additional *land* titles can have *effect*s on the *land* in terms of establishing boundaries, and in the longer term housing and further capital investment. The ease by which landowners can carry out *development*s in ways that protect natural character and landscapes is strongly affected by the design of *site*s at the time of subdivision.

In essence, the subdivision rules require the design of new *site*s to be such that subsequent *development* can be carried out in ways that promote the objectives of the Lakes A Zone. All subdivisions therefore must ensure that future built *development* is able to comply with the *Permitted Activity* Rules for *building platform*s and *building*s for the Lakes A Zone. The *building platform* rules in turn require the key matters of *indigenous vegetation disturbance* and *earthworks* to be addressed. The requirements of this *Plan* are more stringent in the Sensitive Landscape Policy area than for the Less Sensitive Landscape Policy area. Minimum lot sizes have been set as a reflection of the potential housing density relative to the degree of natural character present.

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39.0 SUBDIVISION RULES FOR ROADS, PRIVATE ROADS AND PRIVATE WAYS, RESERVES, UTILITY SERVICES AND BOUNDARY ADJUSTMENTS

MANAGEMENT AREA	39.1 PERMITTED ACTIVITIES	39.2 to 39.5 OTHER ACTIVITIES
ALL MANAGEMENT AREAS	39.1.1 Subdivision is not a *Permitted Activity*.	**39.2 Controlled Activities** There are no *Controlled Activities*. **39.3 Restricted Discretionary Activities** Notwithstanding any other subdivision rule: 39.3.1 **Subdivision for Roads** Subdivision to create *site*s for *road*s complying with the following standards: 1. The *hard surface coverage* shall comply with the *Permitted Activity conditions* for *road*s; and 2. The matters specified in **Appendix 2.0** of **Volume 2** of the Lakes A Zone. Council shall restrict its discretion and may impose *conditions* in respect of the following matters: • Vesting of the *land* in the appropriate Roading Authority. • The standard of formation in relation to the function of the *road* and traffic characteristics in accordance with the standards specified in **Appendix 2.0** of **Volume 2** of the Lakes A Zone. 39.3.2 **Subdivisions for Private Roads and Private Ways**

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39.0 SUBDIVISION RULES FOR ROADS, PRIVATE ROADS AND PRIVATE WAYS, RESERVES, UTILITY SERVICES AND BOUNDARY ADJUSTMENTS

MANAGEMENT AREA	39.1 PERMITTED ACTIVITIES	39.2 to 39.5 OTHER ACTIVITIES
		Subdivision to create *site*s for *private road*s and *private ways* complying with the following standard: 1. The matters specified in **Appendix 10.0** of **Volume 2** of the Lakes A Zone. Council shall restrict its discretion and may impose *conditions* in respect of the following matter: • The standard of formation in relation to the function of the *private road* and *private way*s in accordance with the standards specified in **Appendix 10.0** of **Volume 2** of the Lakes A Zone. 39.3.3 **Subdivision for Reserves** Subdivision to create *site*s for reserves complying with the following standard: 1. No *building*s shall be erected. Council shall restrict its discretion and may impose *conditions* in respect of the following matters: • Nominating the purpose of the reserve. • Vesting of the reserve in the appropriate management authority. 39.3.4 **Subdivision for Boundary Adjustments**

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39.0 SUBDIVISION RULES FOR ROADS, PRIVATE ROADS AND PRIVATE WAYS, RESERVES, UTILITY SERVICES AND BOUNDARY ADJUSTMENTS

MANAGEMENT AREA	39.1 PERMITTED ACTIVITIES	39.2 to 39.5 OTHER ACTIVITIES
		Boundary Adjustments between existing *site*s complying with the following standards: 1. The *site*s shall be abutting; and 2. There shall be no additional Certificates of Title created before and after the subdivision; and 3. Any *site* created shall comply with the standards for the relevant Management Area or the degree of non-compliance with those standards shall not be increased before and after the subdivision; and 4. Each *site* created after the boundary adjustment shall be able to meet the *conditions* for *building platform*s as *Permitted Activities* (refer **Rule 6.0**); and 5. Each *site* created after the boundary adjustment shall be able to meet the *site coverage* requirements for the relevant management area (refer **Rule 17.0**) or the degree of non-compliance with those rules shall not be increased; and 6. The Standards of **Rule 40.3**. But not where existing *site*s have been created through the following circumstances: a) The stopping or closing of a *road*; and

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MANAGEMENT AREA	39.1 PERMITTED ACTIVITIES	39.2 to 39.5 OTHER ACTIVITIES
		b) The creation of a separate certificate of title under the Public Works Act 1981, or under the Local Government Act 1974, or by way of survey office plan, or under any previous enactment for *land* severance purposes and where such *site*s have an area of less than 5 ha and are not being used for a public work or *network utility*; and c) Where there is no *building platform* that could comply with the *conditions* for *building platform*s as a *Permitted Activity* (Refer **Rule 6.0**). Council shall restrict its discretion and may impose *conditions* in respect of the following matters: • Limits on the area of *land* involved in the boundary adjustment to ensure: - Boundaries are in practical locations. - *Site coverage* requirements can be met. - The degree of non-compliance is not increased.

39.0 SUBDIVISION RULES FOR ROADS, PRIVATE ROADS AND PRIVATE WAYS, RESERVES, UTILITY SERVICES AND BOUNDARY ADJUSTMENTS

MANAGEMENT AREA	39.1 PERMITTED ACTIVITIES	39.2 to 39.5 OTHER ACTIVITIES
		• Complying *building platform*s ensured and where necessary nominated. 39.3.5 **Subdivision for *Network Utilities*** Subdivision to create *site*s for *network utilities* complying with the following standards: 1. Each *site* shall contain a *building platform* that: Complies with the *conditions* for *building platform*s as a *Permitted Activity* (refer **Rule 6.0**); and Can be located so that *building*s cannot be *seen* from a *viewpoint*; and Would not necessitate the *disturbance* of *indigenous vegetation* or that a *land* use consent required for any *disturbance* of *indigenous vegetation* shall have been obtained. 2. The General Subdivision Standards in **Rule 40.3.1 (1-6)**. Council shall restrict its discretion and may impose *conditions* in respect of the following matters: • The size and shape of the *site*.

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MANAGEMENT AREA	39.1 PERMITTED ACTIVITIES	39.2 to 39.5 OTHER ACTIVITIES
		• The location of *building platform*s away from skylines, ridgelines and *viewpoint*s. • The size and placement of *building*s. • Controlling the *disturbance* of *indigenous vegetation*. • Controlling *earthworks*. • Where required for a particular *network utility*, the provision of any relevant services as listed in the General Subdivision Standards in **Rule 40.3.1(1-12)**. **39.4 Discretionary Activities** 39.4.1 Subdivision to create *site*s for *road*s, *private road*s and *private way*s, *network utilities* or reserves that do not comply with the standards for *Restricted Discretionary Activities*. **39.5 Non-Complying Activities** 39.5.1 Subdivision for Boundary Adjustments that does not comply with the standards for *Restricted Discretionary Activities*.

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39.0 SUBDIVISION RULES FOR ROADS, PRIVATE ROADS AND PRIVATE WAYS, RESERVES, UTILITY SERVICES AND BOUNDARY ADJUSTMENTS

MANAGEMENT AREA	39.1 PERMITTED ACTIVITIES	39.2 to 39.5 OTHER ACTIVITIES

Explanation and Principal Reasons

Council will consider subdivision proposals where minor changes are to be made to the boundaries of *land* held in existing certificates of title. In such situations it is to be demonstrated that levels of non-compliance with the *development* rules of this *Plan* can be met. In this way the integrity of objectives and policies of this *Plan* is upheld.

Subdivision for *road*s and reserves is largely a procedural matter to provide for public facilities. Similarly, *Development* rules are to be complied with.

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SECTION 10.0 DEFINITIONS

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Overland Flowpath: Means the land overflown by a concentrated flow of water in an intense rainfall event, as it flows towards the stormwater network, streams, rivers, or lakes. Overland flowpath includes a secondary flowpath which is activated when the primary (often piped) stormwater system gets blocked or when the capacity of the piped system is exceeded. For the purposes of this definition, an overland flowpath includes, but is not limited to, an artificially designed route using formed or hard surfaces.

Overland flowpaths referred to in rules and performance standards shall be limited to those with a catchment of 4000m^2 or more.

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