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Subdivision & Development

12. Subdivision and Development

Explanatory Statement

Subdivision is a process by which existing land titles are divided to create legally distinct parcels of land. It generally results in new land titles that are capable of being developed for their zoned purpose.

Land use development is a process by which a multitude of activities are proposed on an existing title. These activities can be social, residential, commercial or industrial in nature and can also include building and civil construction activities. For ease of use this Section of the District Plan hereafter refers to *land use development* as *development*.

Subdivision creates opportunities and expectations for *development*. To provide for this *development*, *infrastructure* such as wastewater, water supply, stormwater and roads are required to provide for any *development* that may follow. Most of these services are vested in *Council* and need to be provided to a standard which enables them to properly fulfill their function effectively and efficiently.

The design of any subdivision in urban areas should also make provision for the future subdivision of adjoining land in order to ensure that urban *development* occurs in a coordinated and efficient manner. For new growth areas *Council* has prepared *structure plans* which provide a development framework for future *development* and which assist in coordinating subdivision in the identified areas.

The *structure plans* are supported by *Council's* Development Code. This sets out compliance with minimum standards for servicing subdivision and *development* so as to ensure health and safety requirements as well as long term operational and maintenance requirements are met. The standards also seek to provide for a degree of consistency of design within communities for efficiency in the future maintenance of services and to help maintain a coherent urban form.

Rigorous adherence to the Development Code has the potential to result in *development* that may be bland in character and design. *Council* wishes to promote innovation and flexibility in the design and servicing of subdivision and *development* acknowledging that this can lead to *developments* that are more responsive to the local environment. It may also result in more efficient use of *infrastructure* services. To this end *Council* has incorporated development guidelines within the Development Code which identify best practice approaches and consentable solutions to subdivision and *development* and encourage developers to consider these approaches when designing a *development*. Thus the Development Code is seen as being one means of compliance, and alternatives are encouraged.

In order to ensure that subdivision and *development* meets acceptable standards and to give confidence that *development* can proceed without causing adverse effects, *Council* requires a certain level of information at all stages of the *development* approval process.

This level of information is to be appropriate to the stage of the application in accordance with the package of plans approach. Reliable information is required on how the *development* will proceed, and on the identification of *development* constraints. Where necessary, certification is to be provided by appropriately qualified independent professionals.

12.1 Significant Issues

1. The Western Bay of Plenty *sub-region* has had significant population growth over the previous planning period and such growth is expected to continue. To assist the future planning for this growth *Council* has committed to the preparation and implementation of a SmartGrowth Strategy. The outcome of this strategy has been a substantial financial investment by *Council* in the provision of infrastructural services in urban centres. Future growth needs to be directed into these areas to ensure the efficient use of the services that have been provided and to recoup financial outlay.
2. A critical part of SmartGrowth is looking ahead to long term *infrastructure* needs and the identification of principal transport corridors. Such corridors provide important links to settlement areas as well as ensure unimpeded access to the Port of Tauranga and to other regions. Growth is proposed to be staged in a manner which ensures efficient provision and utilisation of *infrastructure*.
3. The main urban centres in the District have their own unique identity. *Council's* Built Environment Strategy seeks to ensure that these unique identities are maintained and enhanced. Subdivision has the potential to change or adversely affect these values if sufficient regard is not given to the existing form and function of the urban areas. Poorly designed, located and constructed subdivisions and *development* can adversely affect the amenity of an area. It can also affect the sustainable, safe and efficient operation of the *transport network*.
4. To ensure the efficient and coordinated provision of infrastructural services, *development* needs to comply with agreed levels of services and standards. *Council's* Development Code provides acceptable minimum standards that all *development* is required to comply with to ensure services provided by developers are to a standard that will last the test of time.

The standards also seek to provide for a degree of consistency of design within communities for efficiency in the future maintenance of the services and to help maintain a coherent urban form.

5. Quality design outcomes are an important part in community well-being by ensuring any new *development* is carried out in a way which creates safe, efficient and vibrant communities. These are easy to get around in by foot, bicycle and motor vehicle and are supported by a mix of community facilities, housing and centres for employment.
6. To encourage innovation and *development* that is designed to respond well to local environmental conditions and result in urban design outcomes that are consistent with the New Zealand Urban Design Protocol, provision needs to be made for developers to depart from Development Code requirements where it can be demonstrated that required standards of performance will still be met and that the desired environmental outcomes will result.
7. There is potential to encourage *development* and subdivision patterns that reflect the importance of the built environment and transport systems in improving the end use of energy and improving community well-being. Site orientation and building design can support the principles of optimum energy efficiency and solar energy gain while facilitating small-scale renewable energy generation and minimising transport requirements.
8. Subdivision of land results in greater intensity of *development* on a site. For there to be confidence that the land is capable of accommodating such *development*, an appropriate level of information prepared by suitably qualified resource management professionals needs to be submitted in conjunction with applications for resource consent and at other subsequent stages of the *development* process.

12.2 Objectives and Policies

12.2.1 Objectives

1. Subdivision and *development* that provides for and reinforces the existing built form and local character of an area.
2. Subdivision and *development* is planned in an integrated manner and provided with the necessary *infrastructure* and services to ensure that the land is able to be used for its intended purpose.

3. *Infrastructure* and services are designed and constructed to minimum standards which will result in improved environmental outcomes without significant additional cost to the community.
4. Sufficient *infrastructure* capacity is provided to ensure the efficient and equitable provision of services to all land in the catchment.
5. Comprehensive assessment of *development* proposals to ensure that the full effect of the proposal is able to be determined.
6. Subdivision and *development* that minimises the effects from stormwater run-off.
7. Subdivision design and *development* that takes into account the principles of optimum energy efficiency and the benefits of renewable energy.

12.2.2 Policies

1. All urban subdivision is to have regard to subdivision guidelines contained in the Development Code, Built Environment Strategy and urban design protocols and guidelines which provide urban design outcomes.
2. The design of subdivision is in accordance with *structure plans*.
3. Require subdivision to be undertaken in accordance with any staging requirements to ensure the effective and efficient servicing of land within the catchment.
4. Require subdivision and *development* to provide *infrastructure* and services to meet the reasonably foreseeable needs of other land in the vicinity of the *development*.
5. Require subdivision and *development* to comply with the minimum standards in the Development Code for the provision of *infrastructure* and services, or to an alternative standard which is as effective and efficient in the long term and results in improved environmental outcomes.
6. Require all subdivision and *development* proposals submitted to *Council* to include a comprehensive assessment prepared in accordance with the information requirements of the Development Code.
7. Subdivision and *development* practices that take existing topography, drainage and soil conditions into consideration with the aim of minimising the effects of stormwater run-off.

8. Require the design and *development* of subdivision to reflect the principles of optimum energy efficiency and solar energy gain (in relation to the size and shape of each proposed *lot*, and the design and orientation of the subdivision as a whole) and generation of renewable energy such as solar water heating.
9. Adverse effects of traffic generation from subdivision and *development* on the *transport network* will be avoided, remedied or mitigated.

12.3 Rules

12.3.1 Applicability

To the extent that they are relevant to the *development* application in question, the following rules shall apply to all subdivision and *development* in addition to the applicable zone standards set out in other sections of the District Plan.

12.3.2 Lots for Network Utilities, Electricity Generating Infrastructure, Reserves and Public Open Space – All Zones

12.3.2.1 In any zone the minimum standards for *lots* shall not apply in the following cases:

- (a) Where land is for a purpose required by a network utility operator or electricity generator.
- (b) Where land is to be set aside or vested as a reserve.
- (c) Where land is to become public open space owned by *Council*.

Provided that:

The balance area of any subdivision for the foregoing purposes shall comply with the relevant standards of 12.4;

Except that:

Where there is a strategic long term public benefit in acquiring an area of public land and this is likely to impact on the minimum *lot* size to the extent that the subdivision could not otherwise proceed then the adjacent *lot* size may be proportionately reduced. The determination of public benefit and any decision to reduce a *lot* or multiple *lot* sizes accordingly, shall be at the sole discretion of *Council*. Any allotment so reduced shall comply in all other respects with the rules of the District Plan.

12.3.2.2 *Council* may require the provision of fencing adjoining public land including existing or proposed reserves, pedestrian accessways, service lanes and roads in

accordance with the *Council's* Development Code and at the developer's expense.

- 12.3.2.3 Dimensions and widths of local purpose reserves (access) shall be in accordance with *Council's* Development Code.

12.3.3 Boundary Adjustments – All Zones

12.3.3.1 Controlled Activity Boundary Adjustments

As a Controlled Activity the boundaries between any existing land titles served by an existing legal public road currently maintained by *Council* and complying with all relevant provisions of this section of the District Plan may be adjusted subject to all newly formed *lots* also complying with the relevant provisions of this section and the minimum *lot* sizes rules that apply in the respective zones, provided that the minimum *lot* size for the applicable zone shall not apply where:

- One or more of the existing land titles subject of the boundary adjustment is/are already non-complying in respect of the relevant minimum *lot* size; and
- The number of non-complying *lots* will not be increased by the boundary adjustment.

Council shall exercise control over the following;

- (i) The need to impose financial contributions where the boundary adjustment is deemed either to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.

12.3.3.2 Restricted Discretionary Activity Boundary Adjustments

- (a) As a Restricted Discretionary Activity the boundaries between any existing complying land titles served by an existing legal public road currently maintained by *Council* and complying with the relevant provisions of this section of the District Plan may be adjusted in a manner which renders one or more of the newly formed *lots* non-complying in respect of the minimum *lot* size for the applicable zone subject to all newly formed *lots* also complying with the relevant provisions of this section.

Council's discretion is restricted to

- (i) An assessment of the extent to which the alignment of the existing boundary is illogical or otherwise inconsistent with:
- Existing topographical or other physical characteristics of the land concerned;

- Efficient and practical farm management.

(ii) The need to impose financial contributions where the boundary adjustment is deemed either to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.

(b) As a Restricted Discretionary Activity the boundaries between one or more land titles served by an existing legal public road not currently maintained by *Council* may be adjusted subject to the following matters to which *Council's* discretion is restricted:

- (i) The extent to which the boundary adjustment will result in any increase in traffic on the road concerned;
- (ii) The need to impose financial contributions where the boundary adjustment is deemed either to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.

12.3.4 Activity Status

12.3.4.1 In the case of a subdivision or land *development* proposal which would otherwise be a Controlled Activity, any non-compliance with an activity performance standard shall render the application a Restricted Discretionary Activity in respect of the standard concerned, provided that where the non-compliance relates to a specific *structure plan* or to performance standards 12.4.1(g) or 12.4.3.3, the status of the activity shall become that of a Non-Complying Activity unless otherwise stated.

12.3.4.2 Except in the case of boundary adjustments pursuant to Rule 12.3.3, any subdivision of land on which an *Identified Significant Feature* exists (as shown on the District Planning Maps) shall be a Discretionary Activity and shall be assessed in accordance with the relevant provisions of Sections 5, 6 and 7 of the District Plan.

Explanatory Note:

Permission to modify or destroy an archaeological site is required from the New Zealand Historic Places Trust.

12.3.5 Matters of Discretion

With respect to any Controlled Activity which is rendered Restricted Discretionary by virtue of non-compliance with an activity performance standard, *Council's* discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

In the case of a land use consent application made using *Council's* standard forms, where *Council* considers that the scale, complexity, technical aspects or potential effects of the proposal are significant, *Council* may require professional reporting and certification at the applicant's cost, generally in accordance with all or some of the requirements of 12.4.1.

12.3.6 Development Code

12.3.6.1 Explanatory Note

The former *Council* 'Code of Practice for Subdivision and Development' has been replaced by a new standards document entitled 'Development Code'. The Development Code document is in two parts:

- (a) Development Code – Design.
- (b) Development Code – Construction.

Where applicable, reference is made throughout this District Plan to the Development Code.

12.3.6.2 Development Code Status

The Development Code is a means of compliance with the activity performance standards set out hereunder. In the event of any conflict between the District Plan and the Development Code, the District Plan shall prevail.

12.3.6.3 Alternative Design

Any proposal involving an alternative means of compliance will require specific *Council* approval. Any such approval (if granted) will be limited to the particular *development* proposal in question. Procedures to be followed in respect of *Council* consideration of alternative means of compliance are set out in the Development Code.

12.3.7 Information Requirements – Subdivision Plan

In conjunction with an application for subdivision consent, six A2 or A3 size prints and one reduced A4 print of the plan of the proposed subdivision shall be submitted. Note that size A2 or A3 are preferred provided the layout can be clearly seen to a reasonable scale. An overall subdivision plan on one drawing shall be supplied and if necessary, larger scale layouts can be shown comprising portions of the overall scheme plan. A1 size is acceptable if necessary for an overall view or for extremely large *developments/areas*. Each subdivision plan is to comply with the following:

- (a) Legal description(s), scale (accurate to the supplied plan sizes), title references and surveyor's name shall all be shown.

- (b) Each proposed *lot* boundary shall be clearly delineated, have a number, area, boundary dimensions, and in the case of a rear *lot* the net land area excluding access, as well as the total area.
- (c) Where existing boundaries are to become redundant as a result of the proposal, they shall be shown on the plan as a faded, dotted or otherwise delineated but recognisable line.
- (d) The whole of the property subject of the subdivision along with the immediate neighbouring titles shall be shown on the plan. Where the residue is too large to be shown, it shall be depicted on a scaled diagram.
- (e) Each proposed *lot* shall show a marked buildable area of not less than 300m² – as either a square, a rectangle with the shortest side being 10m or a 20m diameter circle that is free of encumbrances. The whole of this area shall be certified in accordance with Rule 12.4.1. Additionally the route of a practicable accessway from the complying vehicle entrance to the certified building platform shall also be shown.
- (f) Any plan of subdivision of land on which *buildings* exist shall be so arranged that the *buildings* will conform with the provisions of this District Plan after subdivision provided that *Council* may grant consent to a subdivision subject to a condition that *buildings* which will not conform be removed or modified so as to comply.
- (g) Existing *buildings* shall be shown in the correct position with their use and construction materials indicated. *Trees, hedges, fences* and power lines and distances from existing *buildings* to all new boundaries shall be shown.
- (h) *Privateways* to be created shall be marked on the plan "*Privateway*" with the proposed widths shown. Conditional *privateways* shall be set out in a schedule or memorandum of easements on the face of the plan. Any existing *privateways* affecting the land being subdivided shall also be shown in a similar manner.
- (i) Marked location of all existing and proposed vehicle entrance formations serving the land being subdivided.
- (j) A complying vehicle entrance point for each proposed *lot* shall be identified on the plan of subdivision including highlighting those that are 'fixed' in accordance with Rule 4B.4.3. Any existing non-complying entrance located in a Rural, Lifestyle or Future Urban Zone shall be subject to the provisions of Rule 4B.6.2.
- (k) Proposed roads shall be shown including dimensioned road widths and longitudinal gradients. Three suggested names for each proposed new road must be submitted by the subdivider.

- (l) Approval for the road names is required prior to *RMA* Section 224 approval.

Explanatory Note:

Proposed road names should be applied for as early as possible prior to a Section 224 application otherwise issue of the Section 224 certificate may be delayed.

- (m) The topography of the land shall be adequately shown including:
 - (i) Contours;
 - (ii) Existing watercourses, creeks and streams;
 - (iii) *Wetlands* and swampy areas;
 - (iv) Existing culverts or bridges (where proposed *privateways* or roads pass over).
- (n) The location and site reference number of any registered archaeological site existing on the land shall be shown.
- (o) Proposed esplanade reserves or strips and proposed access strips shall be shown.
- (p) The location of any *Identified Significant Features* referred to in the District Plan shall be shown.
- (q) The location of any areas within the subject site in respect of which subdivision is not a permitted activity under the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health.

12.3.8 Information Requirements – Application Report

In addition to the requirements of Sections 88 and 219 of the RMA, the following matters shall be included or addressed in the report accompanying an application for subdivision consent by a suitably qualified and experienced representative:

- (a) Description of any natural hazards or other physical constraints affecting the land to be subdivided and how these constraints are to be addressed.
- (b) Description of any ecological or other features of value to the community (including registered archaeological sites and *Identified Significant Features*) on the land proposed to be subdivided.

Explanatory Note:

The specific location and area of ecological or other *Identified Significant Features* may vary from the more general location identified in the District Plan.

The description provided in the report shall accurately reflect what exists on the site before any clearing or *earthworks* are undertaken.

- (c) Description of all existing and proposed vehicle entrance formations serving the land being subdivided including:
 - (i) Standard of formation and ability to meet compliance;
 - (ii) Available sight distances and ability to meet compliance.
- (d) Identification of any *lot* for which there is only one location where a complying standard entrance could be constructed.
- (e) Description of whether *privateways* can be formed to the *Council's* standard without encroaching on land outside the *privateway* easement boundaries.
- (f) Description of the current standard of formation of any existing or proposed *privateways* serving the land being subdivided.
- (g) Description of *development* works proposed to be carried out by the applicant to satisfy *Council's* standard requirements.
- (h) A concept stage safety audit in accordance with the Transfund manual is required for any proposed roads that intersect with an existing legal road maintained by *Council*.
- (i) A preliminary design that gives regard to the concept stage safety audit and that proves compliance for any proposed roads that intersect with an existing legal road maintained by *Council* is required.
- (j) The subjects of access, roading, water supply, wastewater and stormwater reticulation, treatment and disposal are to be addressed in accordance with Section 12.4 and *Council's* Development Code. A detailed description shall be given of how these are to be provided for as appropriate.
- (k) Aspects such as source of supply, discharge points, quantities likely, consents required and the location of any waterways, *wetlands* and ponding areas shall be addressed in the report.
- (l) Where on-site effluent treatment and disposal is involved the following additional matters shall also be addressed:
 - (i) Ground water level;
 - (ii) Soil permeability;
 - (iii) Ground slope;

- (iv) Soil stability;
- (v) Proximity to waterways and potable water supply wells.
- (m) Description of the extent to which the servicing (including roading) of subdividable land in the vicinity of the property subject of the subdivision has been taken into account.
- (n) Services to be supplied by other network utility operators and how these are to be provided for in accordance with the operator's respective requirements.
- (o) Matters to which the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health applies.
- (p) The identification of the location of any electricity transmission, sub-transmission and distribution feeder lines on a scheme plan is required. An assessment of the potential effects of the *development* on those lines must be included in the Assessment of Environmental Effects. This section of the report shall be undertaken by a suitably qualified person.

(q) For subdivisions using Transferable Subdivision Entitlements

For all:

- A copy of the sale and purchase agreement for the Transferable Subdivision Entitlement(s), dated and signed by all parties; or
- Confirmation from a lawyer of the purchase of the Transferable Subdivision Entitlement(s), details of dates of purchase, and full legal description (and physical address) of donor and recipient properties.

Specifically:

- Protection Lots: The ecological report detailing the feature to be protected, confirmation of the area by a surveyor, and a summary of the *lots* generated from the area protected.
- Rural Lot Entitlements: Evidence that the donor property qualifies to obtain the Rural Lot Entitlement(s); this should include details of the title and past *development* showing a clear right to the entitlement.
- Amalgamation Lots: Details of the subdivision under which the *lot* was approved, and a written statement

from the surveyor or agent that the title will be removed from the site, either by boundary adjustment or by variation to a subdivision consent that is live.

12.3.9 Certification of Compliance

Where compliance with District Plan subdivision rules is required to be certified, such certification shall be from an appropriately qualified and experienced professional person. Certification is explicit confirmation from the professional concerned that compliance with the District Plan is or can be achieved. However, *Council* reserves the right to reject any certification considered to have been incorrectly given. Where certification is required it shall be in accordance with the following:

- (a) The certifier shall be a registered land surveyor, a chartered professional engineer or any other appropriately qualified person experienced in subdivision design and engineering and who is specifically approved by *Council*.
- (b) The information contained within the report on the subdivision application shall, in relation to the rule with which compliance is required to be certified as a minimum, include:
 - (i) A clear and detailed (as appropriate) description of those onsite matters of relevance to the particular certification;
 - (ii) Specific reference to the relevant District Plan rule and any associated diagram, drawing or other approved specification;
 - (iii) Detail of any works required to achieve compliance;
 - (iv) An explicit statement that (subject to any necessary works being carried out) the relevant rule is or can be complied with;
 - (v) Confirmation of the need to obtain the consent of *Council* or other parties to carry out works on or affecting public or other private land.
- (c) The certification itself shall explicitly include the words "I certify" and shall specify any works necessary to achieve compliance with the relevant District Plan rule.

12.3.10 Engineering Design, Physical Works and Supervision

12.3.10.1 Information Requirements

- (a) Where applicable, consent conditions may require the submission of complete construction drawings, specifications, calculations, project cost estimate schedules and quality assurance plans covering all sections of work to be either vested or otherwise carried out. The engineering documents shall be provided in accordance with the requirements of *Council's* Development Code.
- (b) Engineering documents are to include:
 - (i) Proposed *earthworks* designs;
 - (ii) Programme of works.
- (c) Fees, in accordance with *Council's* fees and charges, will be payable by the applicant prior to *Council* officers undertaking any reviews of the engineering design.
- (d) Peer reviews of the designs may be requested by *Council* officers. These will be undertaken at the expense of the applicant.
- (e) Works shall not be undertaken without:
 - (i) *Council's* prior approval of the engineering design;
 - (ii) Proof that any necessary consents from other agencies have been obtained;
 - (iii) Proof that all necessary/required insurances are in place.
- (f) Supervision, monitoring and certification of the works subject to approved designs or as otherwise required by the consent conditions is to be undertaken by the applicant's representatives and shall be at the levels as required by *Council's* Development Code (including for *Council* inspections) and/or specifically by the engineering approval.

12.3.10.2 Insurance

- (a) In conjunction with an application for engineering document approval to construct vested assets, the applicant shall take out public liability insurance to a minimum limit of indemnity of \$2,000,000 (two million dollars) and supply with the application:
 - (i) A Certificate of Currency (signed by the insurance company not a broker).

- (ii) Proof that the premiums have been paid up to date.
- (iii) Proof that the professional representatives undertaking the design work have in place professional indemnity insurance.
- (iv) The insurance cover is to extend from the issue of *Council's* engineering document approval (at which time works can proceed), until the end of *Council* sign off for the maintenance period.

12.4 Activity Performance Standards

12.4.1 Site Suitability

Explanatory Note:

For the purpose of these rules 'conventional residential development' shall mean compliance with NZS 3604:1999. Any non-compliance with this standard shall be clearly stated and will be used to determine if the provisions of 12.4.1(h) and 12.4.1(k) as detailed below are to be applied.

- (a) Every existing or proposed site within the *development* shall have a building site suitable for any approved activity free from inundation, erosion, subsidence and slippage.
- (b) Every existing or proposed site intended for independent residential use shall accommodate a building site suitable for conventional residential development, and taking into account the *yard* requirements for the zone, such a site is to be identified on the plan of subdivision and its suitability certified in accordance with Rule 12.3.9.
- (c) The certification shall detail the level of consideration and investigation and to the extent appropriate shall include appropriate recommendations addressing constraints on *development* that do not involve specific foundation design or other issues (e.g. stormwater runoff) that may effect land stability.
- (d) Supporting geotechnical reports will be required where specific foundation design may be required or other issues affecting land stability, including for neighbouring properties, have been considered and assessed as requiring geotechnical investigation.
- (e) Any underground system for stormwater/wastewater disposal or treatment associated with a conventional residential dwelling may be located within *yards* subject to certification from a registered surveyor or geotechnical engineer that such is suitable and achieves compliance with the Building Code. Any appropriate separation

distances and measures to avoid effects on neighbouring properties shall be considered.

- (f) Requests for consent notices requiring geotechnical reports subsequent to Section 224 issue will not be permitted.
- (g) Each *lot* in a Residential, Commercial or Industrial Zone shall be capable of being connected to reticulated water supply, wastewater management and stormwater management *infrastructure* of adequate capacity, and formed and sealed roading in accordance with *Council's* Development Code.
- (h) *Council* may require either prior to granting subdivision consent or as a condition of any consent granted that a soils engineer submit a report and certify the suitability of a new *lot* for *building* on (including any restrictions on *development*).

Except that:

For the Omokoroa Stage 2 Structure Plan a soils suitability report shall be mandatory.

Explanatory Note:

Certification of compliance with this rule shall be included in the information submitted with the application for resource consent.

- (i) For *earthworks* associated with the *development*, *Council* requires:
- (i) Engineering designs of the *earthworks* in accordance with *Council's* Development Code;
- (ii) Identification of existing significant features (e.g. archaeological sites);
- (iii) Supervision, testing and certification in accordance with *Council's* Development Code;
- (iv) Any necessary consents from other resource management agencies.

- (j) Controlled *Earthworks* Omokoroa Stage 2 Structure Plan

Earthworks within the Stage 2 Structure Plan area that exceed the following standard shall be Controlled Activities:

- Maximum area of earth disturbed in any six monthly period - 300m².

Council shall exercise its control over the extent to which conditions ensure:

- (i) Adequate prior notice is given to hapu prior to excavation commencement; and
- (ii) The monitoring of *earthworks* and land disturbance by hapu is provided for. See Appendix 7 4.8.

Explanatory Note:

This rule shall not apply to land for which prior subdivisional or resource consent has been issued by *Council* where that consent provided for the matters in (i) and (ii) above.

- (k) *Council* may use the consent notice provisions of the *RMA* to specify the manner in which any particular *lot* may be developed.

12.4.2 Contaminants in Soil

Matters relating to contaminants in soil are the subject of the “National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health.” Any resource consent application for land subdivision or development shall demonstrate compliance with the applicable provisions of the NES. A copy of the NES is included in Appendix 8 of the District Plan.

12.4.3 Extension of Services

12.4.3.1 Future Servicing

Council will exercise control over the function and design of new services in relation to the needs of the subdivision, the existing levels of service and the likely future servicing needs of other potentially subdividable land in the vicinity.

12.4.3.2 Residential, Commercial and Industrial Zones

All existing utility services available shall be extended into all *developments* in accordance with all other relevant parts of this District Plan and the Development Code, allowing for the connection of each new site within the *development*, capacity for future land use in the catchment being serviced, and assessing the adequacy of the existing utility services available, including *upgrading* such services where inadequacy exists.

12.4.3.3 Rural, Lifestyle and Rural-Residential Zones

- (a) Where one or more of the utility services are within 100m of an existing *Council* service then the service shall be extended, otherwise the *development* shall be able to sustain the lack of the particular service in its own right.
- (b) Water supply is subject to other criteria. Refer to *Council's* Development Code.

- (c) For the purpose of interpretation the 100m proximity is to be measured from the nearest boundary point of the land or titles being subdivided.
- (d) At the discretion of *Council*, *developments* further than 100m from services may be provided on a cost sharing basis.
- (e) Any services through a railway designation or corridor must obtain formal consent from the Railways Owner or Operator. The above written consent must be provided to *Council* as part of any relevant resource consent application at the time of lodgement.

12.4.3.4 Easements

Where existing or proposed public services cross private property, the owner shall grant easements in favour of *Council*.

12.4.4 Transportation and Property Access

12.4.4.1 General

- (a) *Council* will exercise control over:
 - (i) The function and design of new roading in relation to the needs of the subdivision, the existing roading pattern and the likely future roading needs of other potentially subdividable land in the vicinity;
 - (ii) The *upgrading* of any existing roading necessary to serve the subdivision;
 - (iii) The potential impact of the subdivision on the function of strategic roads as identified within the *roading hierarchy* and proposed mitigation measures.
- (b) Where a subdivision or *development* includes the vesting of a new road or has access to a District road or State Highway it shall be designed to ensure safe and efficient movement of traffic (including heavy vehicles), while providing for pedestrian and cycleways, public transport, landscaping and tree planting.

12.4.4.2 Proposed Roads

Road reserve and pavement widths shall be as set out below. The measurements are minimums and may need to be widened to accommodate matters such as cycleways and geometry.

Table 1: Urban Roads (Residential, Rural-Residential, Commercial and Industrial Zones)

Classification	Minimum width – m		Max grade - %	Road function
	Road Reserve	Carriageway (includes parking bays)		
Privateway serving up to 2 units	2.7	2.5	20	Private access: max length 35m
Privateway serving 3-6 units	5.0	3.5	12.5	Private access: max length 100m with provision for mid point passing if greater than 70m
Roads serving up to 30 household units (with dispensation)	12.0	6.0	12.5	Local access, connects with local roads
Roads serving up to 30 household units	15.0	6.0	12.5	Local access, connects with local roads
Roads serving 30 – 100 household units (with dispensation)	15.0	8.0	12.5	Local access, connects with local roads
Roads serving 30 – 100 household units	17.0	8.0	12.5	Local access, connects with local roads
Roads serving 101 - 200 Household Units (With Dispensation)	17.0	8.0	10	Local access, connects with Through Road
Roads serving 101 - 200 Household Units	20.0	8.0	10	Local access, connects with Through Road
Road serving 201 – 300 Household units	20.0	11.0	8	Local Access. Some Through function.
Roads serving > 300 Household units	Specific	Specific	specific	Local Access to & Through function.
Classification	Minimum width – m		Max grade - %	Road function
	Road Reserve	Carriageway (includes parking bays)		
Local road in Industrial or Commercial Zone <1000 pce	20	11	5	Local and cul-de-sac
Industrial and commercial roads or >1000 pce	26.0	13.0	5	Access through industrial and commercial areas
Service lane	7.0	6.0	5	Loading of goods – no frontage

Table 2: Rural Roads (Rural and Lifestyle Zones)

Maintenance Group Category	Traffic Volume (PCE)	Road Reserve (m)	Carriageway width (m) Excl kerb and channel	Maximum Length	Maximum Gradient - %
7, 6	< 100	20	5	< 2km	12.5
7, 6	< 100	20	5.5	> 2km	12.5
5	100 - 200	20	5.5		12.5
4	201 - 500	20	6.5		12.5
3	501 - 1000	20	7.5		12.5
3	1001 - 2500	20	8.5		12.5
3	> 2500	20	Specific Design		
Cycle Lane within carriageway	Additional carriageway width as shown in Clause 4.2.3 of Section DS4 of the Development Code				

Reduced Public Road Reserve width, sealed with kerb and channel	4-10 <i>lots</i>	10	5.5	500m	20
<i>Privateway</i> , sealed or unsealed, without kerb and channel	1-3 <i>lots</i>	6.0	3.0	<i>Lots</i> up to 1ha – 250m; greater than 1ha – 500m	Permanent hard sealed surface – 20% Any other unsealed surface – 16.7%
<i>Privateway</i> , sealed or unsealed, without kerb and channel	4-6 <i>lots</i>	12	5.0		
<i>Privateway</i> , sealed, with kerb and channel	4-6 <i>lots</i>	8.0	5.0		

**PCE = passenger car equivalents*. The multiplying factors and additional guidance are to be found in section DS4 Transportation of the Development Code.

12.4.4.3 Streetscape Landscaping

Where a subdivision proposes to include a road to be vested in *Council*, any streetscape landscaping to be provided to enhance the amenity of the area shall be designed to ensure continued traffic and pedestrian safety.

12.4.4.4 Property Access

(a) Lots to be served by formed legal roads

Land comprising each proposed *lot* shall be served by a new road constructed by the subdivider in accordance with the foregoing Rules 12.4.4.1(a) and (b) and 12.4.4.2 or shall at the time subdivision consent is applied for, be served by a roading network comprising legal public roads each of which are formed, metalled or sealed, and currently maintained by *Council*.

Provided that:

- (i) This rule shall not apply in the case of boundary adjustments pursuant to 12.3.3 or subdivisions not creating additional *lots* to be served by a roading network which fails to meet the foregoing criteria.
- (ii) Notwithstanding anything to the contrary in this District Plan, where any land being subdivided abuts a section of road which fails to meet the standard set out in clause (a) above subdivision of that land shall be a Discretionary Activity in respect of access.

In addition to the objectives and policies of the District Plan and other matters to be considered pursuant to Section 104 of the *RMA*, an application shall be assessed in terms of the extent to which provision for access to any proposed *lot* is considered to have been

designed so as to negate the need to upgrade a section of substandard road.

In any such case *Council* may decline consent to the subdivision or may impose consent conditions to avoid the potential for de facto access to any *lot* being from the section of substandard road concerned.

(b) Access to Strategic Roads

Refer to 4B.4.2.

(c) Access on to Omokoroa Road (Future Urban and Residential Zones), Athenree Road (between State Highway 2 and Koutunui Road), Steele Road, Emerton Road (excluding the first 500m from Seaforth Road) and Waihi Beach Road (between Wilson Road and Fergus Road)

- (i) The number or potential number of *dwelling*s or other activities gaining direct access to these roads shall not be increased. On subdivision or *development*, *Council* may apply a segregation strip to the certificate of title to ensure that access is gained from elsewhere in the Zone;
- (ii) The number of new roads intersecting with these roads shall be minimised and the minimum separation distances from other intersections shall be 150m for both same side and alternative side spacing.

Provided that:

For Omokoroa Structure Plan Areas Stages 1 and 2, the number and location of new street intersections are shown on the *Structure Plans*.

(d) Access to District roads other than (a) and (b) above

Refer to 4B.4.3 and 4B.4.4.

(e) *Privateways*

- (i) Maximum number of *lots* served - no more than six *lots* shall be dependant on a *privateway* for legal vehicle access, provided that *Council* may allow other *lots*, up to a maximum of two, with alternative legal vehicle access to a public road but where that access is unable to comply with *Council's* minimum standards, to also have rights over a *privateway* subject to the following:

- (a) Alternative legal vehicle access must be proved to be either (a) non-complying or (b) impractical to construct due to topography or other constraints or (c) would be within 30m of the *privateway* entrance boundaries using *Council's* Development Code standard drawings as a guide.
 - (b) Any such latter *lots* shall be excluded from the calculation of maximum number of *lots* served.
- (ii) *Privateways* of convenience - convenience rights over an existing or proposed *privateway*, whether those rights increase the number of users above any threshold as in the rules above or not, will only be considered subject to the following:
- (a) It must be demonstrated that the proposed right is for occasional access only;
 - (b) If the area of land being accessed contains a *dwelling* or a *structure* supporting a commercial enterprise, then that *dwelling* or *structure* must have a separate principal, formed, complying and legal access to a public road.

Explanatory Note:

In this instance 'principal' means that this access is the main access used most of the time.

- The occasional access right must be reflected in the wording of the easement document.
- The wording of the easement document is to be agreed by *Council*.

- (iii) Public access over *privateways*
- (a) Where proposed *privateways* will enable direct access to a public reserve, waterway, esplanade or other feature of significance and that access is not practical to construct elsewhere due to topography or other constraints, then *Council* may require public or *Council* access rights over all or part of the *privateway*. Access shall be for pedestrians only.

- (b) This rule does not apply to existing *privateways*.
 - (c) Compensation shall be payable.
- (iv) Construction
- (a) Any existing or proposed *privateway* serving or over the land being subdivided shall be formed, metalled and sealed in accordance with the standards specified in *Council's* Development Code subject to the following exceptions applying in the Rural and Lifestyle Zones.
 - (b) Where written statements are received from all landowners adjoining a *privateway* and all those parties having an interest in the *privateway* confirm that they do not require the *privateway* to be constructed with a sealed surface in which case a standard metalled surface will be acceptable;
- or
- (c) Where written statements are received as described above from adjacent/affected landowners and the *privateway* will serve only one *lot*, or if written statements are received as described above and it is a *privateway* for convenience only, then no *construction* or *upgrading* will be required;
- or
- (d) Where the subdivision or *development* will not lead to increased usage of the *privateway* in which case no *upgrading* will be required.
- (v) In the Rural, Lifestyle, Rural-Residential, Commercial, Industrial, Residential, and Future Urban Zones the following width exceptions apply:
- (a) The reserve and pavement widths required in the Development Code tables can be reduced at the point where the number of *lots* dependant on access defaults to the next (lower) standard in the tables.

- (b) In the case of this occurring, the easements must be set up in such a way that the *lot* dependency is in accordance with the above.

- (vi) In the Rural and Lifestyle Zones where land being subdivided fails to meet the *privateway* standards in *Council's* Development Code recognition may be given to the ability of existing *priveways* and accessways to extend their use to a maximum of six *lots* with a minimum 6m *privateway* reserve width subject to an application for a Discretionary Activity which addresses the following criteria:
 - (a) Proof that the *privateway* or accessway existed as at 15 June 2007;
 - (b) Provision of written approvals from affected parties; and
 - (c) A description of the topography of the site and how this affects compliance with 12.4.4.2.
 - (d) The additional two lot allowance as in Rule 12.4.4.4 (e)(i) above shall not apply.

- (vii) No *privateway* shall be created where any proposed *lots* bound an unformed road such that it negates the need to construct the unformed road to provide access to land beyond the boundaries of an existing road formed and maintained by *Council*.

- (viii) Where the subdivision of an existing *lot* served by an existing *privateway* will negate or reduce the subdivision potential of any other existing *lot* served by the same *privateway* because of the resultant increase in the number of *lots* that will be dependent on the *privateway* for access, then the written approvals of the owners of any such other existing *lots* to the subdivision applied for shall be submitted with the application to *Council*. Where the foregoing circumstances apply and any necessary written approvals are not submitted, the application shall undergo limited notification.

- (ix) In the Rural and Lifestyle Zones any subdivision or *development* shall have no more than one *privateway/road* as access to the subdivision/site. Access points should be combined into one larger

standard road/*privateway* to reduce multiple conflict points and increase road safety.

This includes proposed *lots* that would otherwise have access to a legal formed *Council* road from an existing or proposed *privateway*, unless it can be proved that it would be physically impractical to provide access to these properties from the proposed road/*privateway*.

- (x) In the Rural and Lifestyle Zones for any staged *development* the access shall be formed, in accordance with Table 2, to service the final total number of proposed *lots* of all stages.
- (xi) In the Rural and Lifestyle Zones where an unsealed *privateway* joins any sealed public road, or any unsealed road programmed for sealing within 10 years, the entranceway shall be formed and sealed to a point a minimum of 10m back from the edge of the road carriageway.

(f) Minden Lifestyle Zone – Privateways

- (i) Maximum number of *lots* served - no more than 12 *lots* shall be dependant on a *privateway* for legal vehicle access, provided that *Council* may allow other *lots*, up to a maximum of two, with alternative legal vehicle access to a public road but where that access is unable to comply with *Council's* minimum standards, to also have rights over a *privateway* subject to the following:
 - (a) Alternative legal vehicle access must be proved to be either:
 - (i) non-complying;
 - (ii) impractical to construct due to topography or other constraints; or
 - (iii) would be within 30m of the *privateway* entrance boundaries using *Council's* Development Code standard drawings as a guide.
 - (b) Any such latter *lots* shall be excluded from the calculation of maximum number of *lots* served.
- (ii) Where the *privateway* will only serve a maximum of three *lots* then Rule 12.4.4.4(e)(iv) will apply.

(iii) *Privateways* of convenience - convenience rights over an existing or proposed *privateway*, whether those rights increase the number of users above any threshold as in the rules above or not, will only be considered subject to the following:

(a) It must be demonstrated that the proposed right is for occasional access only;

(b) If the area of land being accessed contains a *dwelling* or a *structure* supporting a commercial enterprise, then that *dwelling* or *structure* must have a separate principal, formed, complying and legal access to a public road.

Explanatory Note:

In this instance "principal" means that this access is the main access used most of the time.

- The occasional access right must be reflected in the wording of the easement document.

(iv) Public Access:

(a) Where proposed *privateways* will enable direct access to a *public reserve*, waterway, esplanade or other feature of significance and that access is not practical to construct elsewhere due to topography or other constraints, then *Council* may require public or *Council* access rights over all or part of the *privateway*. Access shall be for pedestrians only.

(b) This rule does not apply to existing *privateways*.

(c) Compensation shall be payable.

(v) No *privateway* shall be created where any proposed *lots* bound an unformed road such that it negates the need to construct the unformed road to provide access to land beyond the boundaries of an existing road formed and maintained by *Council* unless it can be proved to *Council's* satisfaction that the formation of the unformed road would be untenable, uneconomic or

of little benefit due to topography or other severe constraints. In such cases reporting would need to include any negative effects of other subdividable land in the vicinity that would otherwise gain access from the formed public road. Consideration shall be given for alternative public access to esplanade or other reserves. *Council* would also need to consider alternatives such as relocation of the public road reserve to more viable alignments.

In the case of unformed road closures, compensation may be payable to *Council*.

(vi) Where the subdivision of an existing *lot* served by an existing *privateway* will negate or reduce the subdivision potential of any other existing *lot* served by the same *privateway* because of the resultant increase in the number of *lots* that will be dependent on the *privateway* for access, then the written approvals of the owners of any such other existing *lots* to the subdivision applied for shall be submitted with the application to *Council*. Where the foregoing circumstances apply and any necessary written approvals are not submitted, the application shall undergo limited notification.

(vii) Any subdivision or *development* shall have no more than one *privateway/road* as access to the subdivision/site. Access points should be combined into one larger standard road/*privateway* to reduce multiple conflict points and increase road safety.

This includes proposed *lots* that would otherwise have access to a legal formed *Council* road from an existing or proposed *privateway*, unless it can be proved that it would be physically impractical to provide access to these properties from the proposed road/*privateway*.

(viii) For any staged *development* the access shall be formed, in accordance with section 4.7.3 of *Council's* Development Code, to service the final total number of proposed *lots* of all stages.

(ix) Construction & Design

(a) Any existing or proposed *privateway* serving or over the land being subdivided shall be formed, metalled and sealed in accordance with the standards specified in section 4.7.3 of *Council's* Development Code and other sections of *Council's* Development Code as

referred to and to the widths and gradients as specified in table 3 below:

Table 3

Category	No. of lots served	Minimum private way reserve widths (m)	Carriageway width (excl kerb and channel and passing bays)	Maximum length (including combinations of intersecting private ways)	Maximum gradient (sealed)
Sealed without Kerb & channel	4 - 14	8	3.5m	1200m	20%
Sealed with Kerb & channel	4 - 14	6	3.5m	1200m	20%

Note:

The minimum *private way* reserve widths in the above table are to be increased as may be necessary to accommodate passing bays, cut/fill batters, curves and other important features.

- (b) Where existing or proposed *private ways* are to serve 4 or more *lots*, a certified professional (or geotechnical) engineer's report will be required detailing testing and investigation, the standard of construction of any existing formation or proposed alignment, its suitability to accommodate new *construction* or *upgrading* and recommendations for enabling or *upgrading* works in terms of alignment, passing, foundation strengths, slope stability, hazards, stormwater control/runoff and the meeting of *Council's* minimum Development Code requirements.
- (c) The *private way* shall be upgraded in accordance with the engineer's report recommendations (subject to *Council* approval), *Council's* Development Code and any other specific *Council* requirements.
- (d) Where along the *private way* alignment, proposed *lot* building platform locations are 'confined' and/or likely access points are known or sight-distances are limited to $\leq 30\text{m}$, sealed entrances shall be provided to these *lots* at the time of subdivision (to minimise the impacts of later poor *construction* that may affect the longevity and overall safety of that section of *private way*).

The entrances shall as a minimum be constructed in accordance with *Council's* Development Code.

- (e) In some cases *Council* may require specific design for all or parts of the *privateway*.
- (f) Where culverts discharge onto private property not subject to the consent application, stormwater discharge consents and/or easements shall be obtained from the affected landowners.

(x) Rural Numbering:

- (a) Prior to Sec 224 approval, an accurate *Council* issued RAPID (Rural Address Property Identification) plate must be displayed at the start of the *privateway*. There shall be sufficient pavement area in the vicinity for grouped letterboxes to be installed and for a 90th percentile vehicle to deliver mail and then execute a maximum of a 3 point turn to exit the *privateway*.

(xi) Maintenance responsibility – Consent notices:

- (a) Consent notices shall be registered on all *lots* having an interest in the *privateway* stating that in accordance with the easement arrangements, the property owners maintenance obligation extends to the entire formation of the portion of *privateway* they have an interest in including: original ground built upon, *earthworks*, cuts and fills, pavement, sealed surface, culverts, drainage *structures*, plantings and any other *structures* or features serving the *privateway*.

The costs shall be shared evenly with any other property owners having an interest in that portion of the *privateway*. Under no circumstances shall *Council* take any responsibility for the maintenance and upkeep of the *privateway* formation.

12.4.4.5 Streetlighting

- (a) Where required, streetlighting shall be provided in a manner to ensure safety of vehicles, cyclists and pedestrians using the roading network and to the appropriate New Zealand standards except in Rural and Lifestyle Zones where streetlighting is only required at or opposite intersections.
- (b) The requirements for the provision of streetlighting shall meet with the approval of the relevant network utility operator.
- (c) Streetlighting is to be designed, approved and installed according to the requirements of *Council's* Development Code.
- (d) Streetlights are limited to those specified in *Council's* Development Code.
- (e) Proposed streetlighting that is not in the Development Code schedule or is subject to specific approval may:
 - Attract a levy payable by the applicant to *Council* prior to issue of a Section 224 certificate.
- (f) The streetlight levy will be made up of:
 - the full replacement cost of one in every eight streetlights required, and
 - the difference in maintenance and operating costs over the lifetime of the streetlights for every streetlight proposed or required.
- (g) The streetlight levy will be calculated from:
 - the replacement cost as advised by the applicant and agreed by *Council*; and
 - the review of the proposal in terms of increased (or otherwise) maintenance and operating costs by *Council's* officers and service providers.

12.4.5 Stormwater

12.4.5.1 Stormwater systems shall be provided or extended in accordance with Rule 12.4.3 and reticulation shall be provided for the subdivision in such a manner as to enable each *lot* to be connected to the *Council* system.

12.4.5.2 The *Regional Council* discharge consents shall be provided as applicable.

- 12.4.5.3 Each new or existing site shall be individually connected to the reticulated stormwater system in accordance with *Council's* Development Code.
- 12.4.5.4 In Rural and Lifestyle Zones, developers are required to assess the potential downstream effects on neighbouring properties of the future residential *development, dwelling, driveway, private way, hard stand area* and re-contouring in terms of existing flowpaths, stormwater collection and discharge. In these zones, where effects are considered more than minor, *Council* may require some level of mitigation including reticulation (private or public), outfall controls, easements, discharge consents and notices restricting *development*.
- 12.4.5.5 A stormwater reticulation and disposal system shall be provided that is adequate to safeguard people from injury or illness and to protect property from damage caused by surface water.
- 12.4.5.6 A primary flow path for flood waters shall be provided as a system of stormwater pipes (or other alternative proven designs, including swales and *wetlands*, giving regard to operation and *maintenance* approved by *Council*) designed to cope with the runoff from the design flood.
- 12.4.5.7 A secondary flow path shall be provided as the overland route taken by floodwaters when the primary path is unable to cope either because of blockages or because the hydraulic capacity of the primary path is exceeded by a larger than design flood.
- 12.4.5.8 The secondary flowpaths shall be designed and sized assuming full blockage of the upstream reticulation system.
- 12.4.5.9 Where practical, overland stormwater flowpaths shall be combined with pedestrian or cycle access if these are required.
- 12.4.5.10 Secondary flowpaths that either:
- (a) Provide connection between two existing or proposed public roads (or combination of the two); or
 - (b) Provide connection between an existing or proposed public road and an existing or proposed esplanade reserve and provide a tangible benefit in terms of pedestrian access shall be vested in *Council* as local purpose reserve (access) with provision made for the flowpath. Where there is no tangible benefit they shall be vested and developed as local purpose reserve (drainage).
- 12.4.5.11 In the case of a local purpose reserve, the flowpaths may be required to be hardsurfaced, or otherwise developed in accordance with specific consent conditions and *Council's* Development Code including calculation and design of required capacity.

- 12.4.5.12 The balance of the local purpose reserve (access) shall otherwise be developed in accordance with specific consent conditions or *Council's* Development Code requirements.
- 12.4.5.13 Where flowpaths provide connection to only one existing or proposed road or other feature and otherwise run through private property (e.g. *privateway*) the flowpath shall be within a defined channel or swale including calculation and design of capacity. The flowpath shall be protected by an easement in favour of *Council* and a consent notice on the title prohibiting ground re-shaping and the erection of any barriers to the flowpath.
- 12.4.5.14 Where a *dwelling* is to be built in an area that is not possible to be serviced with a stormwater system, a stormwater disposal system shall be provided exclusive of any identified natural hazard area, that will safeguard people from injury or illness and protect property from damage caused by surface water.
- 12.4.5.15 Discharge to ground soakage may be allowed subject to the criteria as outlined in *Council's* Development Code.
- 12.4.5.16 No additional stormwater is to be discharged into the rail corridor or designation without the prior approval from the Railway Owner or Operator.

12.4.6 Wastewater Drainage

- 12.4.6.1 Wastewater systems shall be provided or extended in accordance with Rule 12.4.3 and reticulation shall be provided for the subdivision in such a manner as to enable each *lot* to be connected to the *Council* system.
- 12.4.6.2 Each new or existing site shall be individually connected to the reticulated wastewater system in accordance with *Council's* Development Code.
- 12.4.6.3 Where an extension to the wastewater reticulation system or the provision of a new system inclusive of a disposal facility is not possible in accordance with *Council's* District Plan or Development Code then the treatment and disposal of effluent is to be contained within the property boundaries, subject to the requirements of the *Regional Council* including obtaining a discharge consent where necessary. Connections to *Council* pressurised systems are discretionary.
- 12.4.6.4 The foregoing clauses will not be regarded as complied with until all necessary consents from other agencies have been obtained.
- 12.4.6.5 Where a *dwelling* is to be built in an area that is not possible to be serviced with a wastewater system, an effluent disposal area for disposal of all effluent and foul water shall be provided exclusive of any identified natural hazard area.
- 12.4.6.6 Effluent disposal by way of soak holes or bores are not permitted.

12.4.7 Water Supply

12.4.7.1 Water Supply Systems shall be:

- (a) Provided or extended in accordance with Rule 12.4.3 and reticulation provided for the subdivision in such a manner as to enable each *lot* to be connected to the *Council* system.
- (b) Installed such that each new or existing site is individually connected to the reticulated water supply system in accordance with *Council's* Development Code.

12.4.7.2 Within Residential, Industrial and Commercial Zones

- (a) A compliant, reliable, safe and efficient supply of potable and wholesome water shall be provided in accordance with *Council's* Development Code and the Public Health Act 1956: Health (Drinking Water) Amendment Act 2007.
- (b) A reticulation system which is compliant for fire-fighting purposes and for estimated domestic, commercial and industrial consumption shall be provided taking into account the peak demands and the latest version of the New Zealand Fire Service Code of Practice.
- (c) All *lots* shall be able to be serviced by connections from water mains within the adjacent berm and not by connections crossing road carriageways. Individual *lots* and individual *dwellings* whether joined or separate shall be separately serviced.

12.4.7.3 Within Rural and Lifestyle Zones in those areas where:

- (a) An existing potable and/or firefighting compliant water supply is available or can be extended, then the appropriate portions of the Residential, Industrial and Commercial Zone rules will apply.
- (b) An existing potable water supply is available or can be extended but may not be able to provide sufficient pressures or flows then *development* shall be in accordance with the requirements of *Council's* Development Code Section 4 DS7.2.

12.4.8 Network Utilities – Electricity, Telecommunication, Broadband and Gas

12.4.8.1 The requirements for the provision of electricity, telecommunication, broadband and gas shall meet with the approval of the relevant network utility operator.

12.4.8.2 Adequate provision shall be made for the supply and installation of electricity, telecommunication, broadband and gas services in accordance with *Council's* Development Code.

Except that:

The provision of broadband is not mandatory for subdivisions in the Rural, Rural-Residential, Lifestyle, Post Harvest, and All Terrain Park Zones.

12.4.9 Structure Plans – General

12.4.9.1 All subdivision and *development* in the identified *structure plan* areas shown on the Planning Maps shall provide for the following in the general locations shown on the *structure plans*:

- (a) Stormwater management reserves and access thereto.
- (b) Roading and road widening including any upgrades needed to connect with the *transport network* (including consultation with *infrastructure* providers).
- (c) New roads shown on the plans shall be designed and constructed to provide for the future roading access and needs of adjoining undeveloped land.
- (d) Public reserves.
- (e) Walkways and cycleways, *park and ride facilities*, public transport and green/ecological buffer areas.
- (f) Ecological areas.
- (g) Stormwater, water and wastewater mains.
- (h) Where a proposed access reserve is shown in a *Structure Plan*, the location in the plan is indicative of *Council's* intent and the specific location shall be determined by the Authorising Officer for *Council* following a site evaluation. The provision, formation and fencing of the access-way shall be funded in accordance with the requirements of the relevant *structure plan*.

12.4.9.2 Local purpose reserves shall be vested at the time of subdivision.

12.4.9.3 Some *structure plans* have specific stormwater requirements.

12.4.9.4 Non-compliance with the *structure plans* will require a resource consent approval for a Discretionary Activity.

12.4.10 Structure Plans – Stormwater General

12.4.10.1 The stormwater disposal systems shall be a combination of reticulated pipework, swales or appropriate open channels in the subdivision areas and open channels within the stormwater management reserves and ecological and stormwater reserves identified on the *structure plans* and Planning Maps.

Stormwater treatment shall generally be provided within the identified stormwater management reserves.

12.4.10.2 Within the stormwater management reserve, where the open channel is indistinct, pipework may be provided to connect to a defined open channel or stormwater treatment device.

12.4.10.3 Stormwater management reserves are areas identified for the retention of existing swales, gullies, watercourses, trees and vegetation that provide a means of collection, disposal and natural treatment of stormwater. Stormwater management reserves are identified having regard to natural landscape features such as tops of banks.

Ecological and stormwater reserves include land for stormwater management but also include land that has an important ecological function and values.

12.4.10.4 All new subdivisions shall be designed for attenuation of the defined return period storm event (AEP) to pre-development levels. This may be achieved by a combination of subdivision design, land use restrictions, drainage design features (e.g. low impact design) and end of pipe solutions. Pre-development levels are defined as those relating to the natural ground level and stormwater flowpaths situation (as distinct from the existing situation) as assessed by *Council's* Authorised Officer.

12.4.10.5 All new subdivisions are to treat stormwater for removal of sediment to a standard of at least 75% gross removal (according to Auckland Regional Council TP10 methods or equivalent). This may be achieved by a combination of drainage design features (e.g. swales) and end-of-pipe solutions (e.g. ponds).

Where an individual subdivision cannot achieve this, or a combined approach is more effective, a financial contribution shall be levied towards provision of a comprehensive facility by *Council*.

12.4.10.6 All *developments* shall be required to demonstrate how they will address on or adjacent to the site:

- (a) Passage of surface flows from upstream and from the site itself to avoid risk of erosion.
- (b) Protection of houses from flooding in the defined storm AEP event.
- (c) Improvement of stormwater quality.
- (d) Management of runoff peaks to downstream so they are no greater than prior to *development*, or are fully managed through to the receiving environment (e.g. the Tauranga Harbour).

- (e) All site *developments* (both subdivision *earthworks* and subsequent building excavations and *earthworks*) shall comply with the provisions of the *Regional Council* publication, "Erosion and Sediment Control Guidelines No 2001/3" and subsequent revisions.
- (f) Mitigate any detrimental effects of flow concentration at outlets.

12.4.10.7 Access for maintenance purposes shall be provided within the Stormwater management reserve in accordance with *Council's* Development Code.

12.4.10.8 Stormwater management reserves shall be vested in *Council*.

12.4.11 Omokoroa Structure Plan

12.4.11.1 Stormwater

- (a) All new subdivisions shall be designed for attenuation of the two year and 100 year floods to pre-development levels.
- (b) All works shall be in accordance with the Omokoroa Peninsula Stormwater Management Plan (June 2002).
- (c) The construction plans for any instream works identified in the Omokoroa Peninsula Stormwater Management Plan (June 2002) shall be provided to the *Regional Council* prior to construction commencing in order to obtain confirmation that they comply with the provisions of the stormwater discharge consent for Omokoroa.
- (d) An erosion and sedimentation control plan for any instream capital works required by the Omokoroa Peninsula Stormwater Management Plan (June 2002) and stormwater discharge consent shall be provided to the *Regional Council* prior to construction commencing in order to obtain confirmation that it complies with the provisions of the latest Guidelines for Erosion and Sediment Control for Earthworks.
- (e) The stormwater reserve areas at Omokoroa are shown on the Planning Maps and described in more detail in the Omokoroa Peninsula Stormwater Management Plan (June 2002).

12.4.11.2 Omokoroa Streetscape Design Code

- (a) Within the Omokoroa Stage 1 and 2 Structure Plan areas, residential roadways (local and collector roads) shall conform with the following design code:
 - (i) On-site parking may be provided by way of rear lanes to the back of properties; and

- (ii) Canopy street trees shall be provided at no less than 16m centres.
- (b) *Council* shall require that Omokoroa Road/Hamurana Road be planted in Oaks (*Quercus*) Red, Turkey and English – (apart from Pinoaks) or similar species. For secondary roads, a mixture of Elms, Ash (not Claret) and Gleditsias is preferred. The final determination on the species and spacing of trees on Omokoroa and Hamurana Roads chosen will provide for the minimising of negative impacts on views, following consultation with affected landowners. The tree spacing will be approximately 40m (centres).

12.4.11.3 Formed Public Access Required

- (a) Land contained within Lot 2 DPS 312635, Pt Allot 64 PSH Te Puna, Pt Lot 2 58259 shall provide for a formed public road access (landscaped to a higher standard than provided for in the Development Code) to either Lot 1 DPS 58259 or Allot 63 Te Puna Parish SO 423 and such access shall be provided in conjunction with the first residential subdivision of Pt Allot 64 Te Puna Parish and Pt Lot 2 DPS 58259 and no *RMA* Section 224 certificate shall be issued unless such has been provided. In finalising the location and standard of the landscaping of such an access road *Council* will give consideration to the owners of Lot 1 DPS 58259 or Allot 63 Te Puna Parish SO 423.

12.4.11.4 Specific Requirements for Pt Allot 63 SO 423

- (a) For residential *lots* on Pt Allot 63 SO 423 that adjoin the esplanade reserve the following apply:
 - (i) *Lot width*: All *lots* shall have a minimum width of 30m;
 - (ii) *Yards*: All *side yards* shall be a minimum of 5m;
 - (iii) *Building Height*: *Building height* shall be a maximum of 6m except that a chimney may be at a *height* of 7.5m;
 - (iv) Reflectivity:
All external surfaces of *buildings* (excluding glazing) shall comply with the following reflectivity standards:

Walls – 35%
Roofs – 25%

Note:
 The above shall be in accordance with British Standard BS 5252 Reflectance Value.
 - (v) No mirrored glass shall be used;

- (vi) Planting: That a minimum landscape strip of 5m from the esplanade reserve shall be provided that will provide a sustainable long term indigenous vegetation cover;
 - (vii) The subdivision plan shall be supported by a landscape and maintenance plan to be approved by *Council*. The landscape strip shall be planted at the time of subdivision.
- (b) A *public reserve* is to be provided within Pt Allot 63 SO 423 in a location to be agreed with the *Council*. Attributes for the final location of the reserve area are:
- (i) Outlook;
 - (ii) Sunny aspect;
 - (iii) Generally level;
 - (iv) Central location to the catchment (reserve area to be approximately 2000m² in area).

12.4.11.5 Compliance with the Omokoroa Structure Plan

All subdivision, use and *development* in the identified *Structure Plan* areas on Planning Maps U57 to U66 (as applicable) shall provide stormwater management reserves and access thereto, roading and road widening, public reserves, walkways/cycleways, and green buffer areas, ecological areas and water and sewage areas as applicable in general proximity of the locations shown on the plan (except in relation to Pt Allot 63 SO 423 where Rule 12.4.11.4 applies in relation to the location of the public reserve area). Non compliance with the *Structure Plans* and/or Rule 12.4.11.4 will require a resource consent approval for a non-complying activity, except that non compliance with the provision for new road access to Omokoroa Road in the vicinity of the proposed town centre shall be a Discretionary Activity.

12.4.12 Waihi Beach, Island View and Athenree Structure Plans

12.4.12.1 Stormwater

- (a) In the Waihi Beach, Island View and Athenree Structure Plan areas all new subdivision *developments* shall be designed for attenuation of the five year and 50 year flood flows to pre-development levels.
- (b) For all subdivision *development* in Athenree, in addition to the above all subdivision *development* will need to be in accordance with the Athenree Stormwater Plan (June 2001).

12.4.13 Rangiuru Business Park Structure Plan

12.4.13.1 General

- (a) Local purpose reserves

Fencing: Prior to vesting (or otherwise as approved by *Council*), reserves shall be fenced both sides using a post and wire fence (stockproof where adjoining a rural property).

The local purpose reserve (walkway/cycleway) leading to the community service area shall be fenced both sides using a 1.8m high solid board and batten fence.

Noise bunds: Prior to vesting (or otherwise as approved by *Council*), noise bunds shall be constructed at the developers cost in the locations shown on the *Structure Plan* (refer to the "Roading and Land Use" Plan, Appendix 7).

- (b) Finished contours

All subdivision use and *development* in the Rangiuru Business Park shall result in finished contours that are in accordance with those shown in the *Structure Plan* in Appendix 7 (refer to "Structure Plan Proposed Contours with Proposed Layout Details" Plan).

- (c) To ensure the remediation of contaminated soil all *earthworks* shall comply with Condition 8 of Resource Consent No. 66312 issued by the *Regional Council*.

12.4.13.2 Stormwater - General

- (a) The Rangiuru Business Park stormwater system shall be a combination of reticulated pipes, swales or appropriate open channels as identified on the *Structure Plan* (together with any other low impact design engineering solution suitable for contaminant reduction).

- (b) Stormwater systems shall be in accordance with the Stormwater Management Plan that formed part of the application to the *Regional Council* for stormwater discharge permits for the Rangiuru Business Park (dated August 2005), specifically those in relation to the discharges from Stormwater Ponds 1 (Carrs) and 2 (Diagonal) as shown on the *Structure Plans*.

- (c) The stormwater reticulation shall be designed to cater for the following sized storm events:

- Piped reticulation - five year event;
 - Open stormwater channels - 50 year event;
 - Culverts under proposed Tauranga Eastern Motorway - 100 year event;
 - Stormwater detention ponds - 50 year event.
- (d) The stormwater detention ponds shall be designed to cater for attenuation of stormwater run-off from the 50 year event to pre-development levels for the whole Business Park, without coverage limitations or individual on-site detention being required (although on-site low impact design measures at the subdivision and building *development* stage are encouraged). A financial contribution is levied in respect of these facilities (see Section 11.3.3(e)).
- (e) The stormwater management areas shall be kept free of *buildings* or any *structures* that would impede their stormwater function. They shall be designed to treat stormwater from the whole Business Park for removal of sediment to a standard of 75% total suspended sediments (according to Auckland Regional Council TP10 methods or equivalent).

12.4.13.3 Interim Development (Stage 1)

An interim *development*, Stage 1, shall comprise not more than 25ha (gross) of the land in the area indicated on the *Structure Plan* as "Stage 1 Area" (plus the stormwater management areas north-east of the Proposed Tauranga Eastern Motorway) provided that all of the following *infrastructure* provision/upgrading required by the *Structure Plan* and Appendix 7 has been completed, or will be completed (generally to the standard and form as specified in the *Structure Plans*) prior to the issuing of a Section 224 certificate for any subdivision or building consent or any industrial use of the land:

(a) Roading

- (i) *Collector* and entrance roads within the interim development area, including associated roundabouts and associated road reserve widening for Young Road and an 'entrance threshold' feature and associated signage to advise of a Bylaw restricting Business Park traffic from using Young Road east of the Seeka packhouse site (including the Maketu Road/State Highway 2 intersection);
- (ii) Upgrading of Young Road between the interim development area and the Pah Road intersection, including associated road reserve widening;
- (iii) Pah Road/Young Road intersection upgrade (roundabout);

- (iv) Upgrade of Pah Road to 10m wide sealed rural road standard;
- (v) Upgrade of the Pah Road/State Highway 2 intersection to a roundabout subject to final design and construction methodology being approved by the New Zealand Transport Agency;
- (vi) Installation of barrier arms at the Pah Road railway crossing;
- (vii) The area of road subject to the "access restriction" notation on the *Structure Plans* in Appendix 7 cannot be used to provide direct access from the Tauranga Eastern Motorway or Entrance Road to adjacent land.

(b) Water supply

- (i) Water reticulation within the interim development area;
- (ii) New reservoir at Rangiuru Road (5,500m³);
- (iii) Gravity supply main from Rangiuru Road reservoir to Business Park (450mm diameter, approximately 7.8km length);
- (iv) Rising main from existing Eastern Supply water source to new reservoir at Rangiuru Road (225mm diameter, approximately 9.0km length);
- (v) Temporary pump station, Stage 1;
- (vi) Pah Road/Young Road/State Highway 2 reticulation loop (375mm diameter, approximately 5.3km length).

(c) Wastewater

- (i) Sewer reticulation within the interim development area;
- (ii) Main pump station in Stage 1 area and associated emergency generator and emergency storage;

- (iii) Sanitary sewer rising main to the Te Puke Wastewater Treatment Plant (350mm diameter, approximately 5.8km length), including associated pipeline crossings under the Kaituna River and Waiari Stream;
- (iv) Partial upgrade of the capacity of the Te Puke Sewage Treatment Plant (22.5% of the total capacity upgrade needed).

(d) Stormwater

- (i) Stormwater Pond 1 (Carrs), including vesting of associated local purpose reserve, creation of 60% of the pond (starting from the outlet structure at the northern end) and the corresponding proportion of *earthworks*, landscaping, walkways, boardwalks and associated works, and all inlet and outlet structures;
- (ii) Stormwater reticulation (drains and pipes) within the interim development area;
- (iii) Stormwater reticulation between the interim development area and Stormwater Pond 1, namely:
 - Swale (9m bottom width) north-east of proposed Tauranga Eastern Motorway;
 - Swale (35m bottom width) north-east of proposed Tauranga Eastern Motorway;
 - Swale (4m bottom width) south-west of proposed Tauranga Eastern Motorway;
 - Swale (9m bottom width) south-west of proposed Tauranga Eastern Motorway;
 - Creation of associated easements north-east of proposed Tauranga Eastern Motorway and vesting of associated local purpose reserves (stormwater), including associated landscaping, fencing and walkways, south-west of proposed Tauranga Eastern Motorway.

(e) Local purpose reserves (amenity)

Local purpose reserves within the interim development area, including associated landscaping, fencing and walkways.

12.4.13.4 Subsequent Development (Stage 2)

Any subdivision or *development* beyond the above specified interim development (Stage 1) provided that all of the following *infrastructure* provision/upgrading (as applicable) and as specified on the *Structure Plans* and in Appendix 7 has been completed or will be completed (generally to the standard and form as specified in the *Structure Plans*) prior to the issuing of a Section 224 certificate for any subdivision or a building consent or any industrial use of the land:

(a) Roading

- (i) The Tauranga Eastern Motorway and its associated interchange and portion of entrance road to join with that in the interim development area (also see stormwater infrastructure below for multiple box culverts to be installed under Tauranga Eastern Motorway at time of construction). The location of the Tauranga Eastern Motorway interchange as shown on the *Structure Plans* in Appendix 7 may not be the optimal location in terms of access to the business park *development* and the wider transport network. Therefore, following further analysis, the affected parties may agree to alter the location of the interchange. A further plan change or variation, and associated notice of requirement, may be required to give effect to such agreement.

Provided that:

The area of road subject to the "access restriction" notation on the *Structure Plans* in Appendix 7 cannot be used to provide direct access from the Tauranga Eastern Motorway or Entrance Road to adjacent land;

- (ii) Collector and entrance roads within the relevant *development* stage area, including associated roundabouts and road reserve widening for Young Road;
- (iii) Upgrade of Young Road from the Business Park to Maketu Road to 10m wide sealed rural road standard.

(b) Water supply

- (i) Water reticulation within the relevant *development* stage area;
- (ii) New primary water supply bore adjacent to Rangiuru Road reservoir (applicable for stages of *development* after the first 40ha);

- (iii) Treatment plant adjacent to Rangiora Road reservoir (applicable for stages of *development* after the first 40ha);
- (iv) New secondary water supply bore adjacent to Rangiora Road reservoir (applicable for stages of *development* after the first 80ha);
- (v) New primary water supply bore adjacent to Business Park (applicable for stages of *development* after the first 120ha).

(c) Wastewater

- (i) Sewer reticulation, including pump stations and associated emergency storage, within the relevant *development* stage area;
- (ii) Partial upgrades of the capacity of the Te Puke Sewage Treatment Plant (upgrades triggered by stages of *development* above 60, 100 and 140ha).

(d) Stormwater

- (i) Stormwater Pond 1 (Carrs), creation of remaining 40% of the pond (in two stages as required by *development* staging) and the corresponding remaining proportions of *earthworks*, landscaping, walkways, boardwalks and associated works;
- (ii) Stormwater Pond 2 (Diagonal), including vesting of local purpose reserve, all associated *earthworks*, inlet and outlet structures, landscaping and associated works (applicable only to *development* stages wholly or partly in the associated stormwater catchment for Pond 2, as shown in the *Structure Plans*);
- (iii) Stormwater reticulation (drains and pipes) within the relevant *development* stage area including vesting of associated local purpose reserves (stormwater), stormwater reticulation between the relevant *development* stage area and the stormwater pond serving that catchment, including swales, culverts (under the Tauranga Eastern Motorway) and vesting of associated local purpose reserves (stormwater) including associated landscaping, fencing and walkways.

(e) Local purpose reserves (amenity)

Local purpose reserves within the relevant *development* stage area, including associated landscaping, fencing and walkways/cycleways.

(f) Local Roads

In addition to the *Structure Plan* roads required by (a) above, local roads shall be designed and constructed where necessary to provide for the future roading access and needs of adjoining undeveloped land.

12.4.14 Te Puke Structure Plan

12.4.14.1 Village Heights Structure Plan Area

- (a) With the exception of Lot 2 DP 309162 (which may have access directly via No 1 Rd), access to all subdivision and *development* of land included in the Village Heights area shall only be from the Cannell Farm Drive extension (shown on the *Structure Plan*), including any of its subsidiary cul-de-sac roads. Non compliance with the *Structure Plan* will require resource consents for a Non-Complying Activity.
- (b) Subdivision or *development* of Lot 2 DP 309162 shall be limited to a maximum of four *dwellings* having direct access to No 1 Road. Subdivision or *development* failing to comply with this activity performance standard shall require consent as a Non-Complying Activity.

12.4.14.2 MacLoughlin Drive/Whitehead Avenue Structure Plan Area

- (a) Prior to 1 July 2016 or the completion of the upgrade of the intersection of State Highway 2 and No. 3 Road to a two lane roundabout (whichever is earlier):
- (i) No more than a total of 100 residential *lots* shall be granted subdivision consent or certification under s224(c) of the RMA 1991; or
- (ii) The application and grant of subdivision consent will not result in any increase in traffic accessing State Highway 2 via No. 3 Road intersection.
- (b) Access to the first 50 *lots* granted subdivision consent shall be via MacLoughlin Drive or Dunlop Road or a street off either of these. This rule shall cease to apply at the earlier of either:
- (i) 1 July 2026; or

- (ii) When a two-lane roundabout at the intersection of No. 3 Road and State Highway 2 is complete.
- (c) Subdivision or *development* not in accordance with (a) or (b) above shall be a Non-Complying Activity.

12.4.15 Te Puke West Structure Plan

12.4.15.1 General

- (a) Development within the Te Puke West industrial area shall be undertaken in general accordance with the *Structure Plan* and specifications set out in Appendix 7.
- (b) Any non-compliance with the foregoing shall render the *development* concerned a Non-Complying Activity.

12.4.15.2 Roading and access

- (a) The provision of all new or upgraded roading works shall be undertaken in accordance with the Te Puke West Infrastructure Prerequisites Table contained in Appendix 7.
- (b) Provision shall be made for legal road access to all *lots* generally in accordance with the Te Puke West Structure Plan. There is to be no direct access from vehicle entrances to State Highway 2, Manoeka Road or Te Puke Quarry Road.
- (c) The exception shall be a Marketstore on that land legally described as Part Te Puke 1A20 block, Part Te Puke 1A21 block and Lot 1 DPS 19980. 'Marketstore' means "the storing, mixing and dispatching of fertiliser products for local distribution and use." Access to and from the Marketstore shall be in accordance with the Environment Court's decision ENV-2006-AKL-000472 dated 13 November 2006.

Written approval will be required from the New Zealand Transport Agency as an affected party to any Manoeka Road/State Highway upgrade proposed as an alternative to the resource consent plan approved by the Environment Court. Failure to provide such written approval will result in any application be considered a Non-Complying Activity.

- (d) If the Marketstore does not proceed or there are alterations in the consented use, including alterations in use for other industrial uses, the site use will default to fall within the general provisions of the Zone, including site vehicle access to be required via the *Structure Plan* roads, and any Manoeka Road access from the site accordingly be required to be closed after access through Stage 2 becomes available.

- (e) The only Te Puke West industrial area vehicle access to/from State Highway 2 shall be via a single access point as shown on the Te Puke West Structure Plan, regardless of whether a site has legal frontage to State Highway 2.
- (f) All existing direct access and crossing places to State Highway 2 shall be permanently stopped, with access to State Highway 2 restricted to via Road 1 and the existing local roading network, at the time such land is subdivided or *development* traffic is generated.
- (g) Any *land use development* or subdivision failing to comply with the above will require resource consent approval for a Non-Complying Activity.

12.4.15.3 Stormwater Management

- (a) Widening of the Raparapahoe flood channel shall be provided as required as part of each subdivision or *land use development*.
- (b) Subdivision or *development* of land shall make provision for stormwater detention and treatment infrastructure in general accordance with the Te Puke West Structure Plan. Stormwater areas shall be provided as part of the *development* of each stage.

12.4.15.4 Subdivision and Development

- (a) Subdivision or *land use development* of any sites adjoining the Raparapahoe Stream shall provide a 20m wide esplanade reserve.
- (b) For sites adjoining Manoeka Road, a 50mm separation strip shall be provided along the road boundary to prohibit vehicle access to Manoeka Road.
- (c) Subdivision and *development* of the land shall occur sequentially from stages 1-3 as shown on the Staging Plan in Appendix 7.
- (d) Any subdivision or *land use development* failing to comply with the Rules (a)-(c) above (where applicable) shall require resource consent for a Non-Complying Activity.

12.4.15.5 Restricted Discretionary Activities

Unless specified as a Non-Complying Activity, any subdivision or land use activity which does not comply with the Te Puke West Industrial Area provisions shall be considered as a Restricted Discretionary Activity. In the case of Restricted Discretionary Activities *Council* shall limit its discretion to avoiding, remedying or mitigating the potential adverse effects arising from the particular matter of non-compliance/s with the Te Puke West Industrial Area Special Provisions.

12.4.16 Te Puna Business Park

The Te Puna Business Park shall be developed (including staging) in accordance with the Te Puna Business Park Structure Plan in Appendix 7.

Stage 3 or 4 shall not commence until Stages 1 and 2 are complete (including screening requirements of the Business Park and any conditions of resource consent granted (except those to which Section 224(c) of the RMA apply).

12.4.16.1 Structure Plan

Any subdivision or *development* of land within the Business Park shall be designed, approved and developed to incorporate and illustrate amenity screen landscaping, acoustics earth bunds/fences and a stormwater collection system generally in accordance with the *Structure Plan* and Appendix 7.

12.4.16.2 Road Upgrading

(a) To mitigate the impact on the State Highway:

Prior to commencement of any industrial or business activity on the Te Puna Business Park land, the Te Puna Road/State Highway 2 intersection must be upgraded to a roundabout (or similar traffic management alternatives) and, in addition, the Te Puna Station Road/State Highway 2 intersection must be upgraded by widening for left turn traffic movements onto the State Highway (or similar traffic management alternatives).

Written evidence is to be provided to *Council* that the design and construction of both the roundabout and the State Highway widening, or similar traffic management alternatives, is to the satisfaction of the Regional Manager New Zealand Transport Agency, and the *Council's* Group Manager Engineering Services.

(b) To mitigate the impact on the Te Puna Road/Te Puna Station Road Intersection:

Prior to commencement of any industrial or business activity on the Te Puna Business Park land, the Te Puna/Te Puna Station Road intersection must be upgraded to include provision for left turn and right turn movements or similar traffic management alternatives. Written evidence is to be provided to *Council* that the design and construction of the intersection upgrade, or similar traffic management alternatives, is to the satisfaction of the *Council's* Group Manager Engineering Services.

(c) To mitigate the impact on Clarke Road:

Prior to commencement of any industrial or business activity on the Te Puna Business Park land, a minimum of two traffic calming thresholds shall be installed at the northern end of Clarke Road. Written evidence is to be provided to *Council* that the design and *construction* of the road improvements are to the satisfaction of the *Council's* Group Manager Engineering Services.

(d) To mitigate the impact of access onto Te Puna Station Road:

(i) Access to the Business Park for industrial and business activities shall be by no more than three roads, with a minimum separation of 200m as measured along the road centre, as shown on the *Structure Plan*.

(ii) Prior to the commencement of any industrial or business activity in the Business Park land, access from the land onto Te Puna Station Road must be formed for traffic safety reasons up to and including compliance with Diagram D "Moderate Use Access Standard" from the Transit Planning Policy Manual at the direction and to the satisfaction of *Council's* Group Manager Engineering Services.

(e) To mitigate the impact of the traffic generated by the development on the existing road network (mid-block)

(i) A financial contribution of \$29,545 (based on 2002 figure adjusted annually by the CPI for inflation) per hectare estimated net developable area shall be paid prior to commencement of any industrial or business activity on the Business Park land or at a later date with the approval of *Council's* Group Manager Engineering Services.

(ii) For the purpose of these rules "net developable area" means any land within the Business Park, less any areas required for stormwater management, roading and landscaping, and "estimated net developable area" means 22ha.

(f) To control the impact of the traffic generated by the development on the roading network

- (i) Subject to clauses (f)(ii) – (v) below, traffic generation from Te Puna Business Park shall not exceed 2,600 vehicles per day until such time as the proposed Northern Arterial (bypass) route is constructed and operational, without approval from the *Council's* Group Manager Engineering Services and the Regional Manager New Zealand Transport Agency;
- (ii) Monitoring shall be undertaken by a suitably qualified traffic engineer, and the results provided to the *Council's* Group Manager Engineering Services and the Regional Manager New Zealand Transport Agency in the manner specified in clause (f)(iii) below to confirm:
 - (a) That the relevant traffic generation limits under clause (f)(i) above or clause (f)(v) (as appropriate) are not being exceeded; and
 - (b) That the capacity of the intersection of the State Highway 2 and Te Puna Station Road remains adequate, particularly in so far as the performance of the right turn bay into Te Puna Station Road and the left hand turn from Te Puna Station Road are concerned.
- (iii) For the purpose of clause (f)(ii)(b), the adequacy of the intersection performance shall be assessed by reference to the outcome of monitoring in respect of the following matters (at a minimum):
 - (a) The duration of delays for all traffic movements at the intersection which shall be determined having regard to whether:
 - The 95th percentile of the measured queue lengths as a result of right turns from State Highway 2 impedes the flow of through traffic on the State Highway i.e. the 95th percentile queue length must not exceed the storage length of the existing right turn bay;

And

- Side road time delays for traffic in Te Puna Station Road during peak periods exceed an average of 50 seconds when measured over a maximum one hour period or increase by more than 50% from the baseline monitoring (whichever is the greater).

(b) Crash rates, which shall be determined having regard to whether:

- The crash rates at the intersection (including vehicles queuing or turning) exceed either five in any one year, or an average of three per annum over the previous five years (as at the date of assessment);

And

- The injury crash rates at the intersection increase from the baseline monitoring by any statistically significant amount.

(iv) Traffic monitoring results shall be provided to the *Council's* Group Manager Engineering Services and the Regional Manager New Zealand Transport Agency on the following basis:

- Within three months of the Plan Change becoming operative, monitoring shall be undertaken to establish the baseline for future monitoring of the matters by which the adequacy of the intersection performance are to be assessed (as outlined above), and the results of that monitoring provided promptly to the *Council's* Group Manager Engineering Services and the Regional Manager New Zealand Transport Agency.
- A report shall be provided no less than annually in June of each year until the Northern Arterial route is operational and in any event:
- Prior to traffic generation exceeding 1000 vehicles per day; and

- Prior to traffic generation exceeding 2000 vehicles per day.
- (v) If the traffic monitoring results do not demonstrate the existing or continuing adequacy of performance of the intersection of State Highway 2 and Te Puna Station Road to the reasonable satisfaction of the *Council's* Group Manager Engineering Services and the Regional Manager New Zealand Transport Agency, then traffic generation shall not commence or increase further without:
- The upgrading or relocation of the intersection, to the satisfaction of the *Council's* Group Manager Engineering Services and the Regional Manager New Zealand Transport Agency; or
 - Completion of the Northern Arterial (whichever comes first); or otherwise
 - Written approval of the *Council's* Group Manager Engineering Services and the Regional Manager New Zealand Transport Agency.
- (vi) Nothing in this rule shall require the provision of money or works which do not fairly and reasonably relate to effects of activities within the Te Puna Business Park.

12.4.16.3 Landscape planting and stormwater management

- (a) The area of the planted land around the Business Park boundary, the area of land subject to the Te Puna Station Road roadscape planting, and the stormwater ponds and overland flow path/wetland as shown in the Te Puna Business Park Structure Plan shall all be established and vested in *Council* prior to commencement of any industrial or business activity within the Business Park. The plantings and the stormwater ponds and the overland flow path/wetland shall be maintained for a period of three years with maintenance secured by way of an appropriate legal mechanism to *Council's* satisfaction.
- (b) Secondary planting shall be provided on boundaries between land parcels in accordance with the *Structure Plan*. Landscape plans for the Business Park boundary, Te Puna road roadscape, and stormwater ponds and overland flowpath/wetland shall be prepared by a qualified landscape designer and approved by *Council*. The plan for the overland flowpath/*wetland* shall be prepared in consultation with Pirirakau.

- (c) Earth bunds or earth bunds with fences shall be constructed along the north-western, southern and north-eastern peripheral Business Park boundaries of the site as illustrated on the Te Puna Business Park Structure Plan prior to any industrial or business activity commencing on the land within the Business Park
- (d) Except to the extent already provided, additional amenity screen planting shall be provided to the satisfaction of *Council* for each new building over 100m². To that end, a landscape plan by a qualified landscape designer shall be submitted with the application. The landscape plan shall specifically identify the plant species. The landscape plan shall also include a landscape maintenance programme for three years.

12.4.16.4 Maintenance Programme and Costs

Establishment and maintenance of landscaping, and establishment of the acoustics earth bunds/fences, in accordance with the approved landscape plan, shall be at the developer's cost and shall be a condition of consent. The approved three year landscaping maintenance programme shall be determined from the date on which a Section 224 Certificate is obtained under the RMA or the planting undertaken, whichever is the latter.

12.4.16.5 Water Supply

- (a) Prior to commencement of any industrial or business activity on the Business Park land, an adequate water supply shall be provided to meet *Council's* Development Code for Class C fire risk and a peak hour flow of 1.0l/s/ha. Written evidence is to be provided to the *Council* that the design and construction of the water supply upgrade is to the satisfaction of *Council's* Group Manager Engineering Services.
- (b) A financial contribution at the rate of \$20,052 (based on 2002 figures and adjusted annually by the CPI for inflation) per hectare net developable area shall be paid to the *Council* when requested on approval of any subdivision building or resource consent or required as a condition thereof and calculated according to the proportion of net developable area occupied by the activity.

12.4.17 Katikati (South of Marshall Road) Industrial Structure Plan

12.4.17.1 Stormwater

- (a) All new subdivisions shall be designed for attenuation of the two year and 100 year floods to pre-development levels.

12.4.17.2 Development Restrictions – Intersection Upgrades

- (a) No more than a maximum of 12.64ha of the Industrial Zone may be developed before both of the following have occurred:
- (i) Either:
- Traffic signals have been installed at the Marshall Road/State Highway 2 intersection; or
- An alternative upgrade of the Marshall Road/State Highway 2 intersection or an alternative intersection which provides a similar level of service has been completed; or;
- The Carisbrooke Street extension to Middlebrook Drive has been completed; and
- (ii) Measures have been put in place along Tetley Road and at the Tetley Road/Rereatukahia Road intersection to reduce the attractiveness of Tetley Road for use by heavy vehicles, as described in Explanatory Note (b) to this Rule.
- (b) No more than a maximum of 20ha of the Industrial Zone, may be developed before a link road is in place from State Highway 2 through the Industrial Zone to Tetley Road.

Explanatory Notes:

(a) SH2 Intersection Design

The New Zealand Transport Agency (NZTA) is the road controlling authority for State Highway 2.

The intersection of the proposed link road with State Highway 2 and any upgrade of the Marshall Road/State Highway 2 or alternative intersection will need to be satisfactory to the NZTA and consistent with the NZTA's network strategy.

(b) Tetley Road/SH2 Intersection

The *Council* will adopt the following approach to the management of the Tetley Road/State Highway 2 intersection, being:

Construction of a turning head at the southern end of Tetley Road where it joins Rereatukahia Road and physical works on the section of Tetley Road between Rereatukahia Road and State Highway 2 which would result in a safe operating speed of no more than 50km/h and reduce the attractiveness of that road for use by heavy vehicles (such works to be designed in consultation with Te Rereatukahia Marae Tribal Committee and the wider community). There will be ongoing monitoring of the safety and performance of the Tetley Road/State Highway 2 intersection, including obtaining the impressions of local residents and analysing crash statistics. Such works to be carried out in accordance with Appendix A of the consent memorandum.

12.4.17.3 Limited Access

- (a) Access to Tetley Road is limited to vehicle crossings (including the upgrading or relocation of existing vehicle crossings) at minimum 50m spacings. Except that existing entrances already at spacings less than 50m will be permitted.
- (b) Existing or proposed access shall meet the minimum sight distance and formation requirements contained in the District Plan and Council's Development Code, except that where the access is to serve more than three *lots* or activities, the sight distance requirement will default to the next highest in Table A (standard drawing W415 of Council's Development Code).
- (c) *Privateways*:
 - (i) The rules as set out in (ii) to (v) below only apply to *privateways* that are not accessed via Tetley or Marshall Roads and shall not apply to "interim access roads" as per rule 12.4.17.5 below.
 - (ii) New *privateways* (including the increased use of existing *privateways*) located along Tetley Road are not permitted.
 - (iii) Proposed *privateways* having access to future Structure Plan roads may have up to eight *lots* plus the two additional *lot* allowance as per Rule 12.4.4.4 (e) (i) of the District Plan, except that, apart from the first activity on each *lot*, proposed subsequent activities within each *lot* will be deemed as having the same effect as an additional *lot*.

- (iv) Proposed *privateways* shall be formed in accordance with section DS4 - 4.14.2 of Council's Development Code and other relevant sections of that Code, except that the minimum reserve width shall be 8.0m.
- (v) Quality assurance documentation shall be forwarded to *Council's* officers for approval as part of any section 224 application or in the case of land-use consents, prior to commencement of the activity.

12.4.17.4 Structure Plan Road Requirements

- (a) Structure Plan roads are to be designed, constructed, supervised and certified in accordance with *Council's* Development Code at the time that *Council* require, except that, pavement widths are to comply with those shown on the Katikati Industrial Zone Financial Contributions Schedule – May 2012.
- (b) All Structure Plan roads shall have vertical and horizontal alignments that are capable of being later integrated into other future Structure Plan roads identified on any *lots* beyond those subject to the development.

12.4.17.5 Interim Access Road Requirements

For the purpose of the rules in (a) to (e) below, interim access roads shall mean pavements or carriageways which are set up as *privateways*, constructed within the identified Structure Plan road reserve (or alternative alignment as otherwise agreed with *Council*) for the purpose of allowing full, interim access into developments within the Industrial Zone before the construction of that Structure Plan road is required by *Council*.

- (a) Structure Plan roads may be constructed as interim access roads subject to *Council's* prior approval.
- (b) Interim access roads shall;
 - (i) Be temporarily set up as *privateways*.
 - (ii) Be designed, constructed, supervised and certified in accordance with *Council's* Development Code, and in accordance with DS4 Table 1 – Service Lanes, except that the reserve width shall be as per (viii) below, at the time that Council require.
 - (iii) Be built on sub-grade of a strength and quality that is capable of supporting future Structure Plan roads including all expected traffic loadings for a 25 year design life.

- (iv) Have pavement depths which are in accordance with 12.4.17.3 (c)(iv) above but of a material quality and construction that is compatible with and capable of being later integrated into the full Structure Plan road design without major changes.
 - (v) Be to the dimensions as in 12.4.17.3 (c)(iv) and have a minimum one coat chip seal and may have berm water table drains for the collection and disposal of stormwater in lieu of kerbing.
 - (vi) Have vertical and horizontal alignments that are capable of being later integrated into the full Structure Plan road design and construction and capable of being later integrated into other future Structure Plan roads identified on any *lots* beyond those subject to the *development*.
 - (vii) Include a reserve width that matches the Structure Plan road reserve width (minimum 20m) including for intersections, roundabouts and splays.
 - (viii) Have no limit to the number of *lots* or activities that can be served by it.
 - (ix) Be subject to maintenance provisions imposed by way of consent notice on the properties having access to them.
- (c) The extension of services within interim access roads shall meet the following;
- (i) Stormwater, wastewater, water, power and telecommunications shall be extended into the interim access roads in conjunction with the construction of these.
 - (ii) These services shall be located vertically and horizontally such that the later upgrading of the interim access roads to Structure Plan roads renders the services in complying positions, except that *Council* may accept temporary non-compliance in some circumstances (e.g. stormwater to suit the temporary nature of water-tables).
 - (iii) These services shall be sized to serve the overall Structure Plan catchments when fully developed.
 - (iv) Stormwater, wastewater and water services shall be protected by easements in favour of *Council*.

The maximum length of an interim access road shall not exceed the boundary of the property that it services.

At time of either subdivision or *development*, consent notices shall be imposed on relevant titles requiring the *privateway* reserve area upon which the interim access road is constructed to be vested in *Council* at such time that *Council* requires.

12.4.17.6 Reimbursement for Provision of Infrastructure

- (a) *Council* shall reimburse developers for the full costs of providing completed *infrastructure* that is identified in the Katikati Industrial Zone Financial Contributions Schedule - May 2012. For the purpose of this rule "completed" shall mean *infrastructure* that is constructed, approved by *Council*, and vested in *Council*.
- (b) For interim access roads, *Council* shall reimburse developers for the land within the vested road reserve and the costs of construction for the pavement and underlying sub-grade of the interim access road and utility services that form part of the permanent *infrastructure* that they have not already been reimbursed for.
- (c) Temporary *infrastructure* that is constructed by the developer to facilitate *development* will not be considered for reimbursement e.g. temporary power, utility services or vehicle crossings.
- (d) The level of reimbursement given for all relevant *infrastructure* identified in the Katikati Industrial Zone Financial Contributions Schedule - May 2012 shall be based on an agreed engineers estimate presented at the time of design.
- (e) Reimbursement shall be paid in accordance with *Council's* Annual Plan, and shall not occur until *Council* has collected sufficient funding from financial contributions from within the Industrial Zone, except that, reimbursement can occur earlier if negotiated as a progress payment with *Council*.
- (f) *Council* reserves the right to complete any of the works itself to facilitate *development*.

12.4.18 Katikati Binnie Road Residential Structure Plan

12.4.18.1 Any subdivision or *development* of land within the Residential Zone at Binnie Road, Katikati is subject to the following:

- (a) Subdivision or *development* shall be designed, approved and developed in general accordance with the associated *structure plan*, incorporate a buffer area as shown on the *structure plan*, and shall be in accordance with the design controls stated in 12.4.18(e).

- (b) The construction of a new type C hammerhead turning area on Binnie Road in accordance with drawing W407 of *Council's* Development Code within the Residential Zone as shown on the *structure plan*;
- (c) The provision of a planting plan detailing the location and layout of planting, species, grades and planting density within the residential *lots*;
- (d) The provision for a public right of way which shall link Riverside Place through the proposed Residential Zone to Binnie Road and from Binnie Road in a southerly direction connecting to the Uretara Stream Esplanade Reserve for the purpose of general pedestrian access. Any fencing adjoining this public right of way must comply with Rule 13.4.1(e)(i).
- (e) Design controls:

(i) Fencing along buffer area	Any fencing required along the buffer area boundary shall be low visibility post and wire farm style or posts and mesh type
(ii) Building site works and roading	Houses shall be located on a formed terrace with the escarpment behind. Any exposed cuts shall be mitigated with screen plantings. <i>Buildings</i> shall have a background of land or vegetation when viewed from the Uretara Stream.
(iii) Building bulk and form, design	Roofs shall be low pitched to prevent reflective glare (less than 32 degrees). Facades visible from Uretara Stream exceeding a length of 15m shall have the roofline broken with plantings of either pohutukawa, rewarewa, puriri, kanuka or other tall species as recommended by a suitably qualified ecologist. <i>Dwellings</i> shall be designed with 600mm eaves and veranda features to cast shadows and reduce glare from glazing.
(iv) Building <i>height</i>	That the <i>building height</i> shall not exceed the lower of (i) a single storey with a <i>height</i> not exceeding 11.5m Motiriki Datum 1953 or (ii) the maximum residential building <i>height</i> .
(v) Building colour	Colours shall be restricted to <i>reflectivity</i> of <40% for roofs, and <60% for walls. Local natural materials such as timber and local stone are also acceptable. Colours shall be limited to groups A, B & C BS5252. <i>Reflectivity</i> shall be measured in accordance with Australian Standard 1580.

12.4.19 Lemon Road Industrial

12.4.19.1 Any subdivision or *development* of land zoned Industrial on the northern side of Lemon Road shall be subject to the following:

- (a) The construction of a right hand turn bay for vehicles turning into Lemon Road from State Highway 33.
- (b) The provision of a painted splitter island on Lemon Road.

- (c) The provision of a pedestrian refuge on State Highway 33 between Lemon Road and Old Coach Road and footpaths to link the site.
- (d) The undertaking of seal widening on the western side of State Highway 33 to assist right turning vehicles to merge onto State Highway 33 from Old Coach Road.
- (e) The undertaking of seal widening on the western side of State Highway 33 to assist left hand turning vehicles to merge onto State Highway 33 from Lemon Road.
- (f) The upgrading of Lemon Road in accordance with Rule 12.4.4 and *Council's* Development Code 2009.
- (g) The relocation of the service station's existing access.
- (h) Any vehicular access off Lemon Road shall be a minimum of 80 metres from the edge of the State Highway carriageway at the intersection with Lemon Road as it existed at 30 January 2010.

Provided that:

Alternative mitigation to (a) – (h) above may be undertaken as approved by the State Highway Manager – Bay of Plenty, New Zealand Transport Agency

12.4.19.2 Subdivision and *development* prior to this infrastructure provision shall be considered a Non-Complying Activity.

12.4.20 Comvita Campus Structure Plan

12.4.20.1 General

- (a) Any subdivision or *development* (including staging) within the Comvita Campus Structure Plan area shall be undertaken in general accordance with the Structure Plan and specifications set out in Appendix 7.
- (b) Maximum *Building Coverage* within the Comvita Campus Structure Plan Area shall be 50%.

12.4.20.2 Subdivision and *Development*

- (a) Any subdivision or *development* of land zoned Industrial within the Comvita Campus Structure Plan area shall occur sequentially from stage 1 to stage 2 as shown on the staging plan in Appendix 7.
- (b) The provision of *infrastructure* shall be undertaken in accordance with the Comvita Campus Structure Plan Infrastructure Prerequisites Table in Appendix 7.

- (c) Any subdivision or *development* of land within the Comvita Campus Structure Plan area shall incorporate amenity screen planting in accordance with the requirements of the Comvita Campus Structure Plan in Appendix 7 for the particular area of land to be developed.

12.4.20.3 Roading and Access

- (a) Provision shall be made for roading and access generally in accordance with the Comvita Campus Structure Plan in Appendix 7.
- (b) The provision of all new or upgraded roading and access works shall be undertaken in accordance with the Comvita Campus Structure Plan Infrastructure Prerequisites Table in Appendix 7.
- (c) The only vehicle access from State Highway 33 shall be via a single left turn only access point as shown on the Comvita Campus Structure Plan, regardless of whether a site has legal frontage to State Highway 33.
- (d) The single left turn only access point from State Highway 33 shall be designed and submitted to the New Zealand Transport Agency (NZTA) for approval prior to *construction*.
- (e) The portion of Wilson Road South adjoining the Structure Plan area shall be provided with kerb and channel in accordance with *Council's* Development Code.

12.4.20.4 Stormwater Management

- (a) Any subdivision or *development* of land shall make provision for stormwater detention and treatment *infrastructure* in general accordance with the Comvita Campus Structure Plan in Appendix 7. Stormwater areas shall be provided as part of the *development* of each stage.

12.4.20.5 Wastewater

- (a) Any subdivision or development of land shall make provision for wastewater detention and treatment infrastructure in general accordance with the Comvita Campus Structure Plan in Appendix 7. Wastewater areas shall be provided as part of the *development* of each stage.

12.4.20.6 Water Supply

- (a) Any subdivision or *development* of land shall make provision for water supply infrastructure in general accordance with the Comvita Campus Structure Plan Infrastructure Prerequisites Table in Appendix 7. Water supply shall be provided as part of the *development* of each stage.

12.4.21 Section 224(c) Certification

12.4.21.1 Basis and information requirements

- (a) Particular conditions of resource consent require certification. Certification shall be provided by a registered surveyor, a chartered professional engineer or other appropriately qualified person as required by the conditions of consent or as *Council's* Development Code requires, except that all road pavements are required to be supervised and certified by a chartered professional engineer or an engineer that has been specifically approved to undertake these tasks by *Council's* Authorizing Officer.
- (b) Certification shall provide explicit confirmation from the certifier that compliance with the conditions of subdivision consent or *Council's* Development Code has been achieved, and shall include the words "I Certify".
- (c) Certifications shall be based upon:
 - (i) The required and documented quality assurance data in accordance with *Council's* Development Code.
 - (ii) The certifier's own reported levels of supervision and random testing.
- (d) The format for Section 224 certification as related to the engineering conditions of a consent are as set out in *Council's* Development Code.
- (e) *Council* reserves the right to reject any certification considered to have been incorrectly given.
 - (i) Rejected certifications may require *Council* to invoke the mis-certification procedures as outlined in *Council's* Development Code.
 - (ii) The standard forms in *Council's* Development Code are to be completed and supplied as part of the Section 224 application.

12.4.21.2 Uncompleted works bonds

Council may allow uncompleted works to be bonded as detailed in Section 4.1 DS 1.17.4 of *Council's* Development Code.

12.4.21.3 Maintenance (defects liability) period

- (a) From the date of Section 224 issue, all vested assets are subject to a minimum 12 month (or 18 months for landscaping) maintenance period as required in *Council's* Development Code.
- (b) A maintenance cash bond is held by *Council* for the duration of the maintenance period. The value of the bond is 5% of the supply and installation costs for the vested assets and as agreed with *Council*.
- (c) Where there are outstanding non-compliances at the end of the maintenance period, the bond monies will not be released until these have been rectified to *Council's* satisfaction and certified as complying by the developer's representative.

12A. Proposed Esplanade Reserves, Esplanade Strips and Access Strips

Explanatory Statement

Preservation of the natural character of and public access to and along, the coastal marine area, lakes and rivers are matters of national importance listed in the *RMA*. To give effect to these principles, *Council* has adopted a Recreation and Leisure Strategy as part of the *LTP* which, along with the ward reserves management plans, documents the future requirement for recreation reserves in the *District*. This is in order to ensure that the needs of future generations can be met.

Reserves serve functions additional to recreation. The *RMA* particularly specifies the need for esplanade reserves and strips to provide access and for riparian protection. For *lots* less than 4ha an esplanade reserve or strip will be required in all cases; if it is not required for access purposes it shall be set aside for conservation purposes. For *lots* of 4ha or greater *Council* will secure esplanade reserves or strips for access purposes as provided for in the District Plan or for conservation purposes if the *riparian area* is covered predominantly in native vegetation. In these circumstances *Council* may engage more cost effective techniques than purchase or compensation e.g. Regional Council Environment Plans and Department of Conservation acquisition/protection (See also Section 5), or riparian protection utilizing Section 18.4.2(h) combined with Access and Esplanade Strips.

The existence of, or an intention to acquire, an esplanade does not mean that public access will be formed over that reserve or strip but it gives a right of legal public access and makes provision for future generations where the opportunity might otherwise be lost. The intention to form public access, and the timeframe for such, shall be determined by the Recreation and Leisure Strategy and the Reserves Management Plan process.

12A.1 Significant Issues

1. The *District* has a rapidly growing population and a visitor industry that is placing increased demands on reserves assets.
2. The integration of available methods to secure appropriate access to and along key waterways.
3. Esplanades have an important conservation role regarding riparian protection and water quality.

12A.2 Objectives and Policies

12A.2.1 Objectives

1. The provision of a network of reserves and facilities which satisfies the sport and leisure needs and aspirations of residents and visitors to the *District* whilst enhancing the natural, historic, educational and amenity values of the *District*.
2. The protection of high quality *riparian areas* for conservation purposes.
3. The integration of methods to secure strategic access along *riparian margins* and protect riparian conservation values.

12A.2.2 Policies

1. Gain reserve lands for sport and leisure, walkways and esplanades in line with the priorities identified in *Council's LTP*, through the criteria as set out in the District Plan, and by any other appropriate means.
2. Provide better access to natural features and recreational opportunities of public interest and provide better access to public land and facilities within reserves that enhance informal and unstructured leisure activities.
3. Require the protection of *riparian areas* covered in native vegetation as esplanade reserves or strips or by other appropriate means where esplanades may not be the preferred option, e.g. *riparian margin* retirement.
4. Ensure that significant ecological values are not adversely affected by the provision of public access to reserves.

12A.3 Rules

12A.3.1 Subdivision (taking of esplanade reserves or strips for access or recreation purposes)

- (a) Land required for esplanade reserves or strips (regardless of *lot* size) is shown on the Planning Maps and listed in Appendix 4.

- (b) In addition to (a) above, the requirement for an esplanade reserve or esplanade strip may be applied to provide access to swimming holes, picnic sites, waterfalls, cascades, Department of Conservation land, harbours and estuaries, known fishing areas, and where such access provides linkages to existing legal public access such as formed and unformed roads and existing reserves or strips.
- (c) Provision of public access may be required through the proposed subdivision to allow the public access from a public road to an esplanade reserve or esplanade strip, particularly at strategic access locations. *Council* shall consider the following:
 - (i) The effects of the proposed *development* and the need for public access to the esplanade, including the closeness of alternative access points to the esplanade;
 - (ii) The value and level of public benefit that is likely to result by providing access to the esplanade;
 - (iii) Compensation shall generally be payable.
- (d) *Council* may, and generally will, acquire an esplanade reserve on both banks along all those portions of creeks, streams and drains which exceed 3m in width within all Residential Zones.
- (e) Where a subdivision establishes a *lot* of 4ha or less adjacent to a *riparian margin*, *Council* may require an esplanade reserve or esplanade strip for access, recreation and conservation purposes to be established.
- (f) Esplanade reserves and strips may be waived in part or in full in the following circumstances:
 - (i) Where the land is already, or will be protected in perpetuity by way of subdivision consent notice, Queen Elizabeth II National Trust covenant, Reserves Act 1977 covenant or other registerable legal instruments acceptable to *Council* subject to appropriate alternative provision being made for public access along the water body concerned;
 - (ii) Where the subdivision is a boundary adjustment;
 - (iii) Where an existing *structure* is located within the 20m reserve and an appropriate esplanade reserve or esplanade strip or access strip cannot be established;

- (iv) Where an existing *structure* is located within the 20m reserve and an appropriately smaller esplanade reserve or esplanade strip and/or access strip can be established;
 - (v) Where by reason of security an esplanade reserve would be inappropriate and security cannot be assured by some other means. For example where there is defence lands, sensitive machinery, irrigation works or activities. Where appropriate, alternative access to deviate around the facility and maintain a continuous public access route in the vicinity may be required;
 - (vi) Where by reason of public safety, an esplanade reserve would be inappropriate and public safety cannot be assured by some other means. For example physically dangerous sites, port activities, including reclamations, defence lands, industrial subdivisions for activities including *hazardous substances*. Where appropriate, alternative access to deviate around the facility and maintain a continuous public access route in the vicinity may be required;
 - (vii) Where a public work or an electricity generation facility of regional or national significance is or is to be located on the foreshore or bank of a waterway, and for reasons of public safety and security the reserve and public access is not appropriate. Where appropriate, alternative access to deviate around the facility and maintain a continuous public access route in the vicinity may be required;

Where appropriate an esplanade for conservation purposes or other registrable legal instrument may be required to protect conservation values;
 - (viii) Where a work or *network utility* is or is to be located on the foreshore or bank of a waterway and for reasons of public safety and security the reserve and public access over the full 20m is not appropriate;
 - (ix) Where there are exceptional circumstances such as undue hardship, impracticality or cultural sensitivity.
- (g) Esplanade reserves and strips of greater width than 20m may be taken in the following circumstances:
- (i) Where there is an Identified Significant Ecological or Historic Heritage Feature that extends beyond 20m.

- (ii) Where *Council* considers the river bank or foreshore is prone to erosion or slippage;
 - (iii) Where topography or ecological values creates the need to form public access at a greater distance from the river bank or foreshore.
- (h) *Council* may substitute an esplanade strip for an esplanade reserve. Instances where esplanade reserves will be required are where there is a higher level of recreational use. An esplanade strip is more likely to be required where only infrequent access is necessary. Where an esplanade strip substitutes for an esplanade reserve and protection of native bush or vegetation is required then the esplanade strip instrument shall include provisions to this effect.
- (i) *Council* shall consider a Maori Reservation set aside under Section 338 and Section 440 of the Maori Land Act 1993 (Te Ture Whenua Maori) in lieu of an esplanade reserve or strip.

12A.3.2 Subdivision (protection of riparian areas through the taking of esplanade reserves or strips for conservation purposes)

- (a) Where *lots* which are less than 4ha are being formed, an esplanade strip or similar instrument shall be created for conservation purposes except where an esplanade has been identified for access in accordance with Rule 12A.3.1 in which case it shall be created in accordance with that rule.
- (b) Where *lots* which are 4ha or more are being formed and the *riparian area* is covered in predominantly native vegetation, an esplanade strip or similar instrument shall be created for conservation purposes except where an esplanade has been identified for access in accordance with Rule 12A.3.1 in which case it shall be created in accordance with that rule.
- (c) If an esplanade strip is set aside as part of a riparian protection *lot* subdivision then compensation from *Council* shall not be payable on the esplanade strip.

12A.3.3 Resource consents

As a condition of a resource consent *Council* may require the setting aside of an esplanade reserve or strip or access strip to mitigate the effects of an activity.

12A.4 Other Methods

- 12A.4.1 The *Regional Council* management plans are suitable for targeting specific areas, particularly where *lot* sizes are 4ha or greater.
- 12A.4.2 The use of other public land will be considered such as road reserve and Department of Conservation land.