

15. Subdivision and Land Use Development

Explanatory Statement

Subdivision is the process by which existing land titles are divided into two or more smaller parcels. The primary purpose of subdivision is usually to facilitate the more intensive development of the land concerned. It is therefore important that the smaller land parcels being created are capable of development for their zoned purpose taking into account the physical characteristics of the land itself and the servicing needs of the likely future uses.

Subdivision often involves the extension or upgrading of Council owned and operated facilities such as reserves, roading, sewerage and water supply. It is important that any such new or upgraded facilities are provided to a standard which enables them to properly fulfill their role as public services. Similarly, appropriate provision should be made for services provided by other network utility operators.

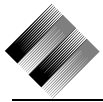
The more intensive development of land which usually follows subdivision may also have the potential to adversely affect the environment, particularly water and soil values and natural or other features recognised as being of significance to the wider community. In appropriate circumstances the subdivision consent process can be used to provide protection to such values or features.

By its nature subdivision involves matters requiring professional expertise throughout the design and construction phases. Certification of compliance with Council's standards is therefore required at all stages from suitably qualified independent professionals.

Council has planned the new urban area at Omokoroa as shown on the Structure Plan. The lack of provision of key infrastructure will necessitate Council's consideration of a resource consent application for a non-complying activity. In addition there is a Structure Plan over the gully system west of the Tralee Street commercial zone to the western harbour where Council requires a stormwater reserve with a walkway at either end. Council's Code of Practice prohibits the disposal of stormwater to soak pits within the Omokoroa urban area.

15.1 Significant Issues

- 15.1.1 Individual properties may not always comprise land that is suitable for development for its intended purpose or for development to the maximum intensity permitted by the District Plan.
- 15.1.2 Subdivision usually increases the potential intensity of development of the land concerned which may create the need to upgrade existing or provide new infrastructural services such as roading, sewerage, and public water supplies in order to ensure that the servicing needs of the land being subdivided and other adjacent land are or can be met. Demands can also be placed on services provided by other network utility operators.



- 15.1.3 Subdivision of land to provide for a greater intensity of development may also have the potential to adversely affect the environment, particularly water and soil values or features recognised as having ecological or other significance of value to the wider community.
- 15.1.4 The technical nature of many matters involved with subdivision requires the input of expertise from appropriately qualified professionals to ensure all potential adverse environmental effects are adequately addressed.
- 15.1.5 Due to historic management of horticulture and agriculture activities (particularly pre- mid 1970's) in this District, a low risk exists that persistent chemical residues may still exist on land to be converted from rural uses to higher intensity uses that may arise in exposure of persistent chemical residues to humans. These persistent chemical residues may result in potential adverse health effects for future occupants or users of the subject land. Investigating the potential for adverse affects to human health from persistent chemical residues where appropriate, at the time of subdivision or other development, provides an opportunity for environmental effects to be avoided or remedied before the land use changes to a more sensitive use.

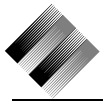
15.2 Objectives and Policies

15.2.1 Objectives

1. Newly-created land parcels that are able to be developed for their intended purposes in a complying manner.
2. Adequate servicing of the land being subdivided and other land in the vicinity.
3. Protection of water and soil values and of natural or other features recognised as being of significance to the wider community.
4. Subdivision applications which address all related matters in a professional manner.
5. Within Te Puke Structure Plan Area 5, development and subdivision that occurs with safe and efficient vehicular linkages to Jellicoe Street / State Highway 2 from Cannell Farm Drive, including any of its subsidiary cul-de-sac roads.

15.2.2 Policies

1. Ensure land is suitable for its intended purposes following subdivision, taking into account its physical characteristics and servicing needs.
2. Ensure the servicing needs of land being subdivided and other land within the vicinity are taken into account.



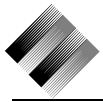
3. Ensure facilities to be taken over by Council as public services are designed and constructed to a standard commensurate with their purpose.
4. Ensure adequate protection is afforded to water and soil values and natural or other features recognised as being of significance to the wider community which may otherwise be adversely affected by subdivision and associated land development.
5. Ensure information submitted with subdivision applications is prepared and presented in such a manner that compliance with all relevant Council requirements can be confirmed at all stages of the subdivision process.
6. In the new urban growth areas at Katikati and Omokoroa use, where practical, the identified natural flowpaths:
 - for the treatment and disposal of stormwater to avoid, remedy or mitigate the potential adverse effects of reticulated stormwater discharges
 - to provide separation from potentially incompatible land uses
 - to provide linkages throughout the community to assist in the off road movement of people by walking, cycling and mobility scooters
 - to provide green space which provides relief from the built form and the opportunity for enclosure of neighbourhoods within the township
 - to provide for the enhancement of ecological values particularly in the Stage 2 Omokoroa Structure Plan area and to manage adjacent activities within the areas identified as unstable to avoid, remedy or mitigate potential hazard events.
7. To ensure the intersection of No. 1 Rd with Jellicoe Street / State Highway 2 operates safely, functionally, efficiently and sustainably, and that there are appropriate linkages from Te Puke Structure Plan Area 5 to Te Puke township from Cannell Farm Drive, including any of its subsidiary cul-de-sac roads.

15.3 Rules (Applicable in All Zones)

15.3.1 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 the 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 size rules that apply in the respective zone(s).

Provided that



- (a) boundary adjustments involving one or more titles served by an existing legal public road not currently maintained by Council are a **discretionary activity**. Consent will be dependent on Council being satisfied that the boundary adjustment will not result in any increase in traffic on the road concerned. Financial contributions will be imposed 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.

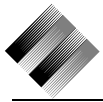
Except that

Titles created under the General Farming Lot Rule (2.3.5(s)3) shall not be eligible for boundary adjustments to adjust the size of lots to less than 40ha.

15.3.2 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 registered civil 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 on-site 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.
- (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.



15.3.3 Lots for Network Utilities, Reserves and Public Open Space

In any zone the minimum standards for lots (including balance areas) shall not apply in the following cases:

- (a) Where land is for a purpose required by a network utility operator.
- (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 rule 15.3.5.

15.3.4 Code of Practice for Subdivision and Development

The current approved Subdivision and Development Code of Practice (February 2001 and subsequent amendments) 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 Code of Practice, the District Plan shall prevail.

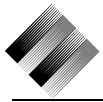
15.3.5 Activity Performance Standards

Where relevant, the following activity performance standards shall apply to all controlled activity subdivisions and shall be used as a guide for all other subdivisions and land use developments. In the case of a proposed subdivision which would otherwise be a controlled activity, any non-compliance shall render the application a restricted discretionary activity in respect of the standard concerned (except if the non-compliance relates to specific structure plan or performance standards 15.3.5.3(a)(ii), 15.3.5(b)(ii) or 15.3.5.5(a)(ii) b(ii) and d(i), where the activity status defaults to non-complying). In such cases Council's discretion shall be limited to the actual or potential adverse environmental effects (if any) likely to be created by the particular matter of non-compliance.

15.3.5.1 Structure Plans

- (a) **Katikati and Omokoroa**
 - (i) All subdivision and development in the identified Structure Plan areas shown on the Planning Maps and in Appendix IX shall provide Stormwater Management Reserves¹ and access thereto, roading and road widening, public reserves, walkways/cycleways and green buffer areas, ecological areas and water and sewage mains as applicable in the general locations shown on the plan. Non-compliance with the Structure Plan will require a resource consent approval for a non-complying activity.

¹ The term "Stormwater management reserves" includes areas shown on the Omokoroa Stage 2 structure plan and thereon labeled "Ecological and Stormwater Reserve". See 15.3.5.5.e.iii.c for a more detailed description



- (ii) For Omokoroa, new roads shall be designed and constructed to provide for the future roading access and needs of adjoining undeveloped land.

(b) **Waihi Beach, Island View and Athenree**

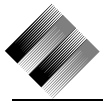
- (i) All subdivision use and development in the identified Structure Plan areas shown on Planning Maps A5, B5, Waihi Beach 1,2, and 3, Island View, Pios Beach and Athenree 1 and 2, and Appendix IX shall provide Stormwater Management Reserves and access thereto, roading, ecological buffer areas as applicable in the general proximity of the locations shown on the Structure Plan. Non-compliance with the Structure Plans will require a resource consent approval for a non-complying activity.”
- (ii) New roads shown on the Structure Plan shall be designed and constructed to provide for the future roading access and needs of adjoining undeveloped land.

(c) **Rangiuru Business Park**

- (i) All subdivision use and development in the Rangiuru Business Park Zone shall be generally in accordance with the Structure Plans in Appendix IX and without limiting the above, shall provide the infrastructure set out in Rule 7A.3.0 (c) and (d) as applicable. Rule 7A.3.0 sets out infrastructure requirements for the following categories of infrastructure:
 - Roothing
 - Water supply
 - Wastewater
 - Stormwater
 - Local Purposes Reserves (Amenity)
- (ii) Local Roads: In addition to the structure plan roads required by (i) above, local roads shall be designed and constructed where necessary to provide for the future roading access and needs of adjoining undeveloped land.
- (iii) Local Purpose Reserves:

Vesting: The local purposes reserves shall be vested at the time of subdivision.

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.

Landscaping: Prior to vesting of the local purpose reserves (amenity and stormwater), or at such other time as may be approved by Council, reserves shall be landscaped in a similar manner to that required by Rule 7A.3.6(d) "Landscaping".

Landscaping plans shall be submitted for Council approval at the same time as engineering plans are submitted for approval prior to construction

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).

Financial contribution items within local purpose reserves: Land costs, fencing and landscaping, and stormwater works are all financial contribution items where development costs may be recouped from (or offset against) financial contributions collected by Council (refer rules in Chapter 16). In contrast, noise bunds are a mitigation measure that are a cost for the adjacent developer and costs associated with these bunds will not be covered by financial contributions.

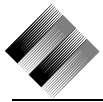
- (iv) Finished contours

All subdivision use and development in the Rangiuru Business Park Zone shall result in finished contours that are in accordance with those shown in the Structure Plan in Appendix IX (refer to "Finished Contours" plan).

- (v) Non-compliance with the Structure Plans will require a resource consent approval for a non-complying activity.

(d) **Te Puke**

- (i) All subdivision and development in the identified Structure Plan areas shown on the Planning Maps and in Appendix IX shall provide Stormwater Management Reserves and access thereto, roading and walkways/cycleways, rural buffer areas and water and sewerage mains in the general locations shown on the plan. Non-compliance with the Structure Plan will require resource consent for a non-complying activity.



- (ii) With the exception of “Area A” as shown on the Te Puke Structure Plan Area 5, which may have access directly via No 1 Rd, access to all subdivision and development of land included in Area 5 shall only be from the Cannell Farm Drive extension (shown as “proposed road” on Village Heights/Area 5 Overall Layout Plan 4), including any of its subsidiary cul-de-sac roads. Non compliance with the Structure Plan will require resource consents for a non-complying activity.

- (iii) Subdivision or development within Area A of the Te Puke Structure Plan Area 5 shall be limited to a maximum of 4 dwellings within the total of Area A. Subdivision or development failing to comply with this activity performance standard shall require consent as a non-complying activity.

15.3.5.2 Environmental Protection

(a) **Identified Significant Features**

Except in the case of boundary adjustments pursuant to 15.3.1 above 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 9, 10 and 11 of the District Plan.

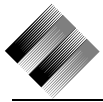
Council may require the legal protection in perpetuity of any identified feature as a condition of subdivision consent. Any such required protective measures shall be taken into account when assessing the reserves contribution that would otherwise apply to the subdivision.

(b) **Other Features**

Where a significant feature other than those identified on the District Planning Maps is found to exist on the land subject of subdivision and Council considers the subdivision and consequential use of the land has the potential to adversely affect the feature concerned its legal protection in perpetuity or other protective measures may be required as a condition of subdivision consent.

Any such required protective measures shall be taken into account when assessing the reserves contribution that would otherwise apply to the subdivision.

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



15.3.5.3 Development Suitability

(a) **Residential, Future Urban, Rural-Residential, Residential (Rural Community)/Papakainga and Rural Zones**

- (i) Each proposed lot 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 site to be identified on the plan of subdivision and its suitability certified in accordance with rule 15.3.2 including any appropriate recommendations addressing constraints on development.

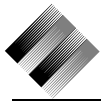
Except that

Any underground system for stormwater/wastewater disposal or treatment associated with a conventional residential dwelling may be located within the yards subject to certification from the surveyor that such is suitable and achieves compliance with the building code and any appropriate separation distances.

Note: For the purpose of this rule 'conventional residential development' shall be 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 15.3.5.3(a)(iii) and 15.3.5.3(a)(iv) as detailed below are to be applied. Generally, additional engineering detail will not be requested where any non-compliance is limited to specific foundation design which is more appropriately addressed at the building consent stage when house design and location have been finalized.

- (ii) Each lot in a Residential Zone shall be connected to reticulated water supply, wastewater management and stormwater management infrastructure of adequate capacity, and formed and sealed roading in accordance with Council's current adopted Code of Practice.
- (iii) 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). Consideration is to be given to the need for a building line restriction in appropriate circumstances.

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



Except that:

For the Omokoroa Stage 2 Structure Plan rule (iii) above a soils suitability report shall be mandatory.

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

(b) **Commercial, Rangiuru Business Park and Industrial Zones**

- (i) Each proposed lot intended for independent use shall be demonstrated as being capable of development in a complying manner so as to accommodate a permitted activity within the zone concerned, including:

- suitable building site.
- provision for off-street parking, manoeuvring and loading.
- landscaping.
- building setbacks (yards).
- other relevant District Plan requirements.

- (ii) Each lot shall be connected to reticulated water supply, wastewater management and stormwater management infrastructure of adequate capacity, and formed and sealed roading in accordance with Council's current adopted Code of Practice.

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

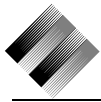
(c) **Earthworks and Land Stability**

Every lot or building within the subdivision shall have a foundation suitable for any approved activity free from inundation, erosion, subsidence and slippage. Certification of compliance with this rule shall be included in the information submitted with the application for resource consent.

(d) **Controlled Earthworks – Omokoroa Stage 2 Structure Plan**

Earthworks within the Stage 2 Structure plan area that exceed the following standards and terms shall be controlled activities:

- (a) Standards and terms for Earthworks:



	Maximum Area of Earth Disturbed in any 6 Month Period
	300m ²

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

- (a) Adequate prior notice is given to Hapu prior to excavation commencement; and
- (b) The monitoring of earthworks and land disturbance by Hapus provided for.

See Appendix (ix)(c).

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 (a) and (b) above.

15.3.5.4 Existing Buildings

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.

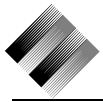
15.3.5.5 Services

(a) **General**

- (i) All existing utility services available shall be extended wherever practically possible, allowing for the connection of each new property within the subdivision, 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.
- (ii) Except in Residential, Industrial, Rangiuru Business Park and Commercial Zones, where the requirements of 15.3.5.3.(a)(ii) and 15.3.5.3(b)(ii) apply, where one or more of the utility services are not available, the subdivision shall be able to sustain the lack of the particular service in its own right.

(b) **Water Supply and Reticulation (except Rural G and Rural H)**

- (i) An adequate, reliable, safe and efficient supply of potable and wholesome water shall be provided.



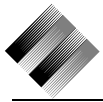
- (ii) Except in Residential, Industrial, Rangiuru Business Park and Commercial Zones, where the requirements of 15.3.5.3.(a)(ii) and 15.3.5.3(b)(ii) apply, in those areas where a potable water supply is not available, then evidence of a satisfactory water supply system shall be provided as part of the consent application.
- (iii) A reticulation system which is adequate for fire-fighting purposes and for estimated domestic, commercial and industrial consumption shall be provided.
- (iv) 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 buildings shall be separately serviced.

(c) **Water Supply - Rural G and Rural H Zones**

If the land being subdivided lies within or adjoins an area served by a Council water supply, water reticulation shall be provided for the subdivision in such a manner as to enable each lot to be connected to the Council supply system.

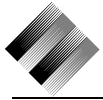
(d) **Stormwater and Wastewater**

- (i) except in Residential, Industrial, Rangiuru Business Park and Commercial Zones, where the requirements of 15.3.5.3.(a)(ii) and 15.3.5.3(b)(ii) apply, each proposed lot shall be completely self-contained in respect of stormwater and wastewater treatment and disposal or be served by a reticulation system approved by Council.
- (ii) except in the Rural G and Rural H Zones if the land being subdivided lies within or adjacent to an area served by a Council disposal system, reticulation shall be provided for the subdivision in such a manner as to enable each lot to be connected to the Council system.
- (iii) where an extension to the wastewater reticulation system or the provision of a new system inclusive of a disposal facility is not practicable, then disposal of effluent is to be contained within the property boundaries, subject to a discharge consent being obtained from Environment BOP where necessary.
- (iv) the foregoing clauses will not be regarded as complied with until all necessary consents from other agencies have been obtained.



- (v) where a dwelling is to be built in an area that is not serviced with a wastewater system, an effluent disposal area for disposal of all effluent, foul water and stormwater shall be provided exclusive of any identified natural hazard area.
 - (vi) effluent disposal by way of soak holes or bores will not be permitted.
- (e) **Stormwater and Land Drainage**
- (i) 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.
 - (ii) A primary flow path for flood waters shall be provided as a system of stormwater pipes designed to cope with the runoff from the design flood. A secondary flow path shall be provided as the 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.
 - (iii) **Stormwater Management Areas – Katikati and Omokoroa Structure Plan Areas**
 - (a) The Katikati stormwater disposal system shall be a combination of reticulated pipework swales or appropriate open channels in the subdivision areas and open channels within the Stormwater Management Reserves identified on the Structure Plan and planning maps. Stormwater treatment shall generally be provided within the identified Stormwater Management Reserves.

Pipework may be provided where the open channel is indistinct or to connect to a defined open channel within the Stormwater Management Reserve.
 - (b) In the case of Omokoroa Structure Plan areas, the stormwater disposal system 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 Plan and planning maps.



Stormwater treatment shall generally be provided within the identified Stormwater Management Reserves and Ecological and Stormwater reserves. Pipework may be provided to connect to a stormwater treatment device within the Stormwater Management Reserve. At Omokoroa all works shall be in accordance with the Omokoroa Peninsula Stormwater Management Plan (June 2002).

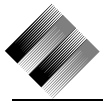
- (c) Stormwater management reserves are areas identified for the retention of existing swales, gullies, watercourses, trees and vegetation that provide a means of collection, disposal and natural treatment of stormwater. Stormwater Management Reserves are identified having regard to natural landscape 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.

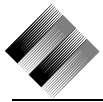
- (d) All new subdivisions shall be designed for attenuation of the 2 year and 100 year floods to pre-development levels. This may be achieved by a combination of subdivision design, land use restrictions, drainage design features (eg low impact design) and end of pipe solutions. Pre-development levels are defined as those relating to the Greenfield situation (as distinct from the existing situation).

Financial contributions based on the provision of services for stormwater services defined in Council policy and urban growth structure plans are also payable upon subdivision. Contributions are fairly apportioned across all household units as beneficiaries within a defined stormwater catchment. Provision of on-site measures to achieve attenuation within a subdivision shall not be taken into account in assessing the payment of any financial contributions.

- (e) All new subdivisions to treat stormwater for removal of sediment to a standard of 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 (eg 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.

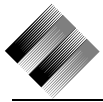


- (f) All developments shall be required to demonstrate how they will address on or adjacent to the site:
- Passage of surface flows from upstream and from the site itself to avoid risk of erosion
 - Protection of houses from flooding in the 1% AEP event
 - Improvement of stormwater quality
 - Management 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 Harbour).
 - All site developments (both subdivision earthworks and subsequent building excavations and earthworks) shall comply with the provisions of EBOP publication, Erosion and Sediment Control Guidelines No 2001/3 and subsequent revisions.
 - For Omokoroa, Council shall assess the flood plain based on the design flow rates given in the Omokoroa Peninsula Stormwater Management Plan (June 2002).
- (g) Reasonable and safe access for maintenance purposes shall be provided within the Stormwater Management Reserve. The Stormwater Management Reserve shall be vested in Council.
- (h) The construction plans for any instream works identified in the Omokoroa Peninsula Stormwater Management Plan (June 2002) shall be provided to Environment Bay of Plenty prior to construction commencing in order to obtain confirmation that they comply with the provisions of the Stormwater Discharge Consent for Omokoroa.
- (i) 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 Environment Bay of Plenty prior to construction commencing in order to obtain confirmation that it complies with the provisions of the latest Guidelines for Erosion and Sediment Control for Earthworks.
- (j) In the case of the Katikati Structure Plan area consent for stormwater management shall be gained from Environment BOP.



Advice Note:

- (i) In the case of Katikati it is anticipated that applicants for subdivision will hold discussions with Council to clearly determine the overall extent of the Stormwater Management Areas using aerial photographs and matching the planning maps to contour plans.
 - (ii) The Stormwater Reserve areas at Omokoroa are shown on the Structure Plan and planning maps and described in more detail in the Omokoroa Peninsula Stormwater Management Plan June 2002.
- (iv) **Stormwater Management – Waihi Beach, Island View and Athenree Structure Plan Areas**
- (a) In the Waihi Beach, Island View and Athenree Structure Plan areas all new subdivision developments shall be designed for attenuation of the 5 year and 50 year floods flows to pre-development levels. Where an individual subdivision cannot achieve this, or a combined approach is more effective, a financial contribution may be levied towards provision of a comprehensive facility by Council.
 - (b) All developments shall be required to demonstrate how they will address on or adjacent to the site:
 - Passage of surface flows from upstream and from the site itself to avoid risk of erosion
 - Protection of houses from flooding in the 2% AEP event
 - Improvement of stormwater quality
 - Management of runoff peaks to downstream so they are no greater than prior to development, or are fully managed through to the receiving environment
 - (c) For all subdivision development in Athenree, in addition to (a) and (b) above all subdivision development will need to be in accordance with the Athenree Stormwater Plan (June 2001)."



(v) **Stormwater management - Rangiuru Business Park Structure Plan Area**

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).

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

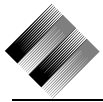
The stormwater reticulation shall be designed to cater for the following sized storm events:

- piped reticulation - 5 year event
- open stormwater channels - 50 year event
- culverts under proposed Tauranga Eastern Arterial - 100 year event
- stormwater detention ponds - 50 year event

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 16).

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). A financial contribution is levied in respect of these facilities (see section 16).

Reasonable and safe access to stormwater management reserves for maintenance purposes shall be provided. Local Purpose (Stormwater) reserves as identified on the Structure Plan shall be vested in Council at the time of subdivision (or appropriate parts thereof where development is staged).



15.3.5.6 **Roading**

(a) **Road Design - New Roads**

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 cycle ways, landscaping and tree planting.

Compliance with the performance standards in Councils Subdivision and Development Code of Practice is one means of compliance.

(b) **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.

Compliance with the performance standards in Council's Subdivision and Development Code of Practice is one means of compliance.

(c) **Road Widths**

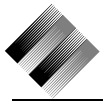
Road widths shall be as set out in Table 1 and Table 2, Appendix VII.

(d) **Omokoroa Stage 2 Streetscape Trees**

(2) Council shall require 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 impact on views, following consultation with the affected landowners. The tree spacing will be approximately 40m (centres)

15.3.5.7 **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 rule 15.3.5.6 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, currently maintained by Council.



Provided that

- (i) this rule shall not apply in the case of boundary adjustments pursuant to 15.3.1 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.

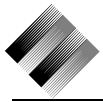
In addition to the objectives and policies of the District Plan and other matters to be considered pursuant to Section 104 of the Act, an application shall be assessed in terms of the extent to which provision for access to any proposed lot is considered to have been designed so as to negate the need 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 on to Omokoroa Road (between State Highway 2 and Beach Grove), Athenree Road (between State Highway 2 and Koutunui Road), Steele Road, Emerton Road (excluding the first 500 metres from Seaforth Road) and Waihi Beach Road (between Wilson Road and Fergus Road)**

- (ii) The number or potential number of dwellings 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.
- (iii) The number of new roads intersecting with these roads shall be minimised and shall have a minimum separation distance from other intersections with these roads of
 - 350m (same side spacing)
 - 150m (alternative side spacing).

Provided that for Omokoroa Structure Plan Areas Stages 1 & 2 the number and location of new street intersections shall be as shown on the Structure Plans in Appendix (ix) (c).



(c) **Access on to District Roads other than (b) above**

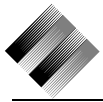
- (i) each proposed lot shall have legal access to a point on a road complying with clause (a) above which point is suitable for the construction of a vehicle entrance complying with rule 18.3.1 without requiring road realignment works or works on land which is outside of that subject of the subdivision application.
- (ii) a complying vehicle entrance point for each proposed lot shall be identified on the plan of subdivision, **provided that**, any existing non-complying entrance located in a Rural G, H or Future Urban Zone shall be subject to the provisions of rule 18.3.2.

(d) **Access on to State highways** - a crossing place on to a state highway shall not be permitted to serve any proposed new lot unless:

- (i) the boundaries of the lots in the subdivision have been positioned so as to both minimise the number of crossing places and permit safe access to the State highway with minor adverse effect to its function; and
- (ii) it is impractical for the lot to have alternative legal access to some other road; and
- (iii) an assessment of the effects of such access on the highway including written consent from Transit New Zealand is submitted with the application for subdivision consent. Council will take such written consent into account when considering possible conditions of subdivision consent.

Should Transit consent not be provided the application shall default to a non-complying activity and shall be considered on its merits subject to all relevant statutory considerations including the need for notification.

- Note:**
- (1) Transit New Zealand retains control of the design and construction standards of crossing places and road intersections with state highways.
 - (2) Where any new crossing is proposed onto a State Highway, approval for that crossing needs to be obtained from Transit New Zealand pursuant to the Transit New Zealand Act 1989.

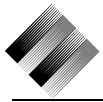


(e) **Private Ways**

- (i) Maximum Number of Lots served - no more than six lots shall be dependant on a private way for legal vehicle access, provided that Council may allow other lots with alternative legal vehicle access to a public road to also have rights over a private way. Any such latter lots shall be excluded from the calculation of maximum number of lots served.
- (ii) Construction - any existing or proposed private way serving or over the land being subdivided shall be formed, metalled and sealed in accordance with the standards specified in Table1 or Table 2 and Council's Standard Drawing AFQ4 (see Appendix VII) subject to the following exceptions applying in the Rural G and H Zones:
- Where written statements are received from all landowners adjoining a private way and all those parties having an interest in the private way confirm that they do not require the private way to be constructed with a sealed surface in which case a standard metalled surface will be acceptable; or
 - Where written statements are received as described above from adjacent/affected landowners and the private way will serve only one lot or if written statements are received as described above and it is a private way for convenience only then no construction or upgrading will be required; or
 - Where the subdivision or development will not lead to increased usage of the private way in which case no upgrading will be required.

In the Rural Zones where land being subdivided fails to meet the private way standards in Table 2 of Appendix vii, recognition may be given to the ability of existing private ways and accessways to extend their use to a maximum of 6 lots with a minimum 6m width subject to an application for a discretionary activity which addresses the following criteria:

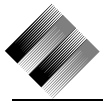
- proof that the private way or accessway existed as at 15 June 2007;
- provision of written approvals from affected parties; and
- a description of the topography of the site and how this affects compliance with Table 2 standards.



- (iii) No privateway shall be created in the vicinity of an unformed road such that it negates the need to construct the unformed road to provide access to land beyond the end of an existing road formed and maintained by Council.
 - (iv) 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.
 - (v) In the Rural Zones any subdivision or development shall have no more than one private way / road as access to the subdivision / site. Access points should be combined into one larger standard road / private way 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 private way, unless it can be proved that it would be physically impractical to provide access to these properties from the proposed road / private way.
 - (vi) In the Rural Zones in any one subdivision or development, including those that are staged, no private ways shall be created in the vicinity of another private way such that it negates the requirement to form any private way or road access to the standards specified in Table 2 in Appendix (vii).
 - (vii) In the Rural Zones where an unsealed private way joins any public road, the entranceway shall be formed and sealed to a point a minimum of 10m back from the edge of the road carriageway.
- (f) **Certification** - in conjunction with an application for subdivision consent certification of compliance with the foregoing clauses (a) to (e) shall be provided by a registered land surveyor or registered civil engineer.

15.3.5.8 Electricity, Street Lighting, Telecommunication and Gas (except Rural G and Rural H)

- (a) Adequate provision shall be made for the supply and installation of electricity, street lighting, telecommunication and gas services where appropriate.
- (b) Where required, street lighting 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.



- (c) Electricity, telecommunication and gas services (where available) shall be installed underground.
- (d) The requirements for the provision of electricity, street lighting, telecommunication and gas shall meet with the approval of the relevant network utility operator.

15.3.5.9 Persistent Chemical Residues or other Potential Hazardous Soil Residues (Greenfield Development of Residential, Future Urban, Residential (Rural Community)/Papakainga Zones)

For the purpose of this rule, Greenfield development shall be defined as development where the parent lot or development area size is greater than 3000m².

Should the site have any history of horticulture, agriculture or any other use that could have resulted in persistent chemical residues in the soil and in particular any known hotspots, Council may require, prior to granting subdivision consent or resource consent, or as a condition of any such consent granted, that soil testing is undertaken to confirm that the land is fit for increased exposure to humans in those locations. Use of Ministry for the Environment Contaminated Land Management Guidelines shall be used to establish this.

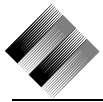
If Council is satisfied that the land has no history of activities involving the above uses, soil testing shall not be necessary.

In addition, if deemed necessary by the testing, remediation of the hotspot or area concerned will be necessary to make the location appropriate for its future use. Remediation and Certification of remediation is required prior to issuing of Section 224 certificate or the issuing of a building consent as may be applicable. Use of Ministry for the Environment Contaminated Land Management Guidelines (assisted by the explanatory note for soil acceptance criteria in rule 15.3.7.2 (l)) shall be used to establish this.

15.3.5.10 Persistent Chemical Residues or other Potential Hazardous Soil Residues (Rural and Rural-Residential Zones)

Should the location of proposed building platforms and probable lawn/garden area have a history of horticulture, agriculture or any other use that could have resulted in persistent chemical residues in the soil and in particular any known hotspots, Council may require, prior to granting subdivision consent or resource consent, or as a condition of any such consent granted, that soil testing is undertaken to confirm that the land is fit for its future purpose in that location. Use of Ministry for the Environment Contaminated Land Management Guidelines shall be used to establish this.

If Council is satisfied that the land has no history of activities involving the above uses, soil testing shall not be necessary.



In addition, if deemed necessary by the testing, remediation of the hotspot or area concerned will be necessary to make the building platform appropriate for its future use. Remediation and Certification of remediation is required prior to issuing of Section 224 certificate or the issuing of a building consent as may be applicable. Use of Ministry for the Environment Contaminated Land Management Guidelines (assisted by the explanatory note for soil acceptance criteria in rule 15.3.7.2 (l)) shall be used to establish this.

In addition, if hotspots or areas concerned are on the land but are not in the vicinity of the proposed building platform and probable lawn/garden area, a notice will be placed on the property file to identify this location to future uses.

15.3.5.11 Persistent Chemical Residues or other Potential Hazardous Soil Residues (Commercial & Industrial Zones)

Should the site have any history of horticulture, agriculture or any other use that could have resulted in persistent chemical residues in the soil and in particular any known hotspots, Council may require, prior to granting subdivision consent or resource consent, or as a condition of any such consent granted, that soil testing is undertaken to confirm that the land is fit for its future use in that location. The potential for contamination due to dust drift during earthworks shall also be considered.

Use of Ministry for the Environment Contaminated Land Management Guidelines (assisted by the explanatory note for soil acceptance criteria in rule 15.3.7.2 (l)) shall be used to establish this. In addition, if hotspots or areas of concern are on the land a notice will be placed on the property file to identify this location to potential future users of the subject land.

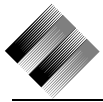
15.3.6 Other Matters Over Which Control May Be Exercised

15.3.6.1 Utility Services (Water supply, stormwater and wastewater disposal)

- (a) The manner and extent to which provision is to be made for the future servicing of other land in the vicinity of the subdivision.
- (b) The necessity to create easements in favour of Council for public services.

15.3.6.2 Rooding

- (a) The function and design of new rooding in relation to the needs of the subdivision, the existing rooding pattern and the likely future rooding needs of other potentially subdividable land in the vicinity.
- (b) The upgrading of any existing rooding necessary to serve the subdivision.



15.3.6.3 Miscellaneous

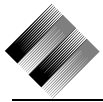
- (a) The extent of control and supervision over earthworks associated with the subdivision including the necessity to obtain consents from other resource management agencies.
- (b) The need to obtain the consent of Council or other parties to carry out works on or affecting public or other private land.
- (c) The necessity for control over other aspects of works associated with the subdivision including commencement, completion, bonding, damage liability, insurance, maintenance requirements and certification of compliance.
- (d) The necessity to require the provision of fencing adjoining public land including existing or proposed reserves, pedestrian accessways, service lanes and roads.
- (e) In relation to the Rangioru Business Park zone to ensure the remediation of contaminated soil all earthworks shall comply with condition 8 of Resource Consent No. 66312 issued by Environment Bay of Plenty.

15.3.7 Information Requirements

15.3.7.1 Subdivision Plan

In conjunction with an application for subdivision consent six full size prints and one reduced A4 print of the plan of proposed subdivision shall be submitted, each such plan to comply with the following:

- (a) legal description(s), scale, title references and surveyor's name shall all be shown.
- (b) each lot shall be edged green, have a number, area, boundary dimensions, and in the case of a rear lot the net area excluding access, as well as the total area.
- (c) the whole of the property subject of the subdivision shall be shown on the plan. Where the residue is too large to be shown, it shall be depicted on a scaled diagram.
- (d) 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.
- (e) rights of way to be created shall be marked on the plan "Right of Way". Conditional rights of way shall be set out in a schedule or memorandum of easements on the face of the plan. Any existing rights of way affecting the land being subdivided shall also be shown in a similar manner.

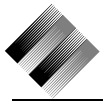


- (f) proposed roads shall be shown with the road width and the proposed grades shown. Three suggested names for each proposed new road may be submitted by the subdivider.
- (g) the topography of the land shall be adequately shown including contours where appropriate.
- (h) the location and site reference number of any registered archaeological site existing on the land shall be shown.
- (i) proposed esplanade reserves or strips and proposed access strips shall be shown.
- (j) the location of any identified significant features referred to in the District Plan shall be shown.
- (k) the location of any known hotspots or areas that may be subject to persistent chemical residues because of previous land use management, such as from historic agriculture or horticulture use

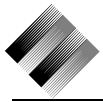
15.3.7.2 Subdivision Report

In addition to the requirements of Sections 88 and 219 of the Act, 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) sufficient detail as is necessary to demonstrate that each lot is suitable for the development and use of a permitted or controlled activity within the zone concerned.
- (b) description of any natural hazards or other physical constraints affecting the land to be subdivided and how these constraints are to be addressed.
- (c) 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.
- (d) description of all existing entrance formations serving the land being subdivided.
- (e) identification of any lot for which there is only one location where a complying standard entrance could be constructed.
- (f) description of whether privateways can be formed to the Council's standard without encroaching on land outside the privateway easement boundaries.



- (g) description of the current standard of formation of any existing or proposed privateways serving the land being subdivided.
- (h) description of development works proposed to be carried out by the applicant to satisfy Council's standard requirements.
- (i) the subjects of water supply, wastewater and stormwater reticulation, treatment and disposal are to be addressed and a detailed description given of how these are to be provided for as appropriate. 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. Where on-site effluent treatment and disposal is involved the following additional matters shall also be addressed:
 - ground water level
 - soil permeability
 - ground slope
 - soil stability
 - proximity to waterways and potable water supply wells.
- (j) 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.
- (k) services to be supplied by other network utility operators and how these are to be provided for in accordance with the operators' respective requirements.
- (l) the known historical use of the site, including any history of horticulture, agriculture or any other use that could have resulted in persistent chemical residues in the soil and in particular any known hotspots.
 - If so, soil testing may be required to confirm that the land is fit for purposes that may increase the potential for exposure to humans. Use of Ministry for the Environment Contaminated Land Management Guidelines (assisted by the soil acceptance criteria listed below) shall be used to establish this. In addition, if deemed necessary by the report, remediation of the hotspot of area concerned may be necessary depending on proposed future use of the area. Ministry for the Environment Contaminated Land Management Guidelines shall be used to guide the remediation requirements.
 - If the land has no history of activities involving the above uses, soil testing shall not be necessary.



Explanatory Note (not a rule)

The following soil trigger levels have been interpreted from the current (May 2007) Ministry for the Environment Contaminated Land Management Guideline No. 2 – Hierarchy and Application in New Zealand of Environmental Guideline Values. They are intended to be used as a guide for maximum acceptable levels of the below elements or chemicals in the soil. In the event of a discrepancy between the values below and the Ministry for the Environment Guidelines, the guidelines shall prevail. Trigger levels of substances other than the ones listed shall be derived from the Ministry for the Environment Contaminated Land Management Guideline No. 2 – Hierarchy and Application in New Zealand of Environmental Guideline Values.

Chemical/Element	mg/kg of soil
Arsenic	30
Total DDT	28
Copper	370
Lead	270

15.3.7.3 Engineering Documents

As a condition of its consent to the subdivision and where applicable the submission of complete construction drawings, specifications, calculations and project cost estimate schedules covering all sections of work to be carried out shall be required in accordance with the current Council approved Code of Practice for Subdivision and Development.

15.3.8 Section 224(c) Certification

- (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 the condition of consent or Subdivision and Development Code of Practice requires.
- (b) Certification shall provide explicit confirmation from the certifier that compliance with the conditions of subdivision consent has been achieved, and shall include the words “*I certify.*”
- (c) Council reserves the right to reject any certification considered to have been incorrectly given.