



## 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.

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 fulfil 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 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 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 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 predicted 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. The main urban centres in the Western Bay of Plenty 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, as poorly designed and constructed subdivisions and development can adversely affect the amenity of an area. It can also affect the safety and efficient operation of the adjacent road network.
3. 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.
4. 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.
5. 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 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.

### 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 existing and proposed 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. 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. Subdivision and development will provide trunk infrastructure including roading sufficient to service the surrounding catchments.
7. 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.



## 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, reserves and public open space – all zones

12.3.2.1 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 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

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 that apply in the respective zones,



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;
- (b) 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 the 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 12.3.8(g) or 12.4.3.3, the status of the activity shall become that of a Non-Complying Activity.

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.

**Note:** Permission to modify or destroy an archaeological site is required from the 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 (including the imposition of conditions) is restricted to any actual or potential adverse environmental effects created by the particular matter of non-compliance.

In the case of a landuse 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:



- Development Code - Design
- 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 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) 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 300m<sup>2</sup> that is free of encumbrances. The whole of this area shall be certified in accordance with Rule 12.4.1.



- (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 1, 2, 3 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.
- 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:
- Contours;
  - Existing watercourses, creeks and streams;
  - Wetlands and swampy areas;
  - 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 known hazardous substance 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.

### 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.

**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:
  - Standard of formation and ability to meet compliance
  - 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:
  - ground water level;
  - soil permeability;
  - ground slope;
  - soil stability;
  - 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) 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 or 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.

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

**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 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.
  - (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 applicants 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:
- (b) A Certificate of Currency (signed by the insurance company not a broker).



- (c) Proof that the premiums have been paid up to date.
- (d) Proof that the professional representatives undertaking the design work have in place professional indemnity insurance.
- (e) 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 site 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.

**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      300m<sup>2</sup>

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 7.3(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 (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 Persistent chemical residues or other potentially hazardous soil residues**

### **12.4.2.1 Greenfield development of Residential and Future Urban Zones**

**Note:** For the purpose of this rule, “greenfield development” shall be defined as development where the parent lot or development area size is greater than 3000m<sup>2</sup>.

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 required 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 12.3.8 (o)) shall be used to establish this.

### **12.4.2.2 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 required to make the building platform appropriate for its future use. Remediation and Certification of remediation is required prior to issuing of a 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 12.3.8 (o)) 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.

### **12.4.2.3 Commercial and 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 12.3.8 (o)) 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.

### **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 1, 2, 3 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

#### 12.4.3.4 Easements

Where existing or proposed public services (including for access) 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 relevance of the roading hierarchy (Section 4B.4.1) to the scope and scale of the development.
- (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 cycle ways, 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
Privateway serving 3-6 units	3.0	2.5	12.5	Private access
Roads serving up to 30 household units	15.0	8.0	12.5	Local access, connects with local roads
Roads serving 30-200 household units	20.0	8.0	10	Local access, connects with through road
Road serving > 200 household units or >2000 and <3000 pce	22.0	10.0	8	Local access, some through function
Roads >3000 pce	24.0	12.0 (or 15.0m with 3m raised median)	8	Local access to and through function
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 1, 2 and 3 Zones)

Classification	Traffic volume (PCE*)	Road reserve (m)	Carriageway width (m)	Maximum length (km)
Public	Less than 100	20	5.0	2
Public	Less than 100	20	5.5	NA
Public	100-200	20	5.5	NA
Public	201-500	20	6.5	NA
Public	501-1000	20	7.5	NA
Public	1001-2500	20	8.5	NA
Public	2500+	20	Specific design	NA
	<b>No of Lots</b>			
Public-sealed with kerb and channel	4-10	10	5.5	NA
Privateway	1-3	6.0	3.0	Lots up to 1ha -250
Privateway	4-6	12.0	5.0	
Privateway sealed with kerb and channel	4-6	8.0	5.0	Greater than 1ha – 500m

\*PCE = passenger car equivalents



#### 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 Omokoroa Streetscape Design Code

1. Within the Omokoroa Stage 1 and 2 Structure Plan areas, residential roadways (local and collector roads) shall conform with the following design code:
  - (i) Subdivision, use and development shall where practicable, provide access to each lot via shared footpath crossings of a width between 3.5 and 4m.
  - (ii) On-site parking may be provided by way of rear lanes to the back of properties; and
  - (iii) Canopy street trees shall be provided at no less than 16m centres
2. 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.

#### 12.4.4.5 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 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 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.

(ii) 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 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.

**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.



- (iii) Public access over privateways
  - (a) Where proposed privateways can or will provide 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.
  - (b) This rule does not apply to existing privateways.
- (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 1, 2 and 3 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, 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 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 privateways and accessways to extend their use to a maximum of six lots with a minimum 6m 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 12.4.4.5 (e)(i) above shall not apply
- (vii) 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 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 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 Zones in any one subdivision or development, including those that are staged, no privateways shall be created in the vicinity of another privateway such that it negates the requirement to form any privateway or road access.
- (xi) In the Rural Zones where an unsealed privateway 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.

#### 12.4.4.6 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 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 will:
  - 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, plus
  - 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
  - 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 General

- (a) 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.
- (b) Regional Council discharge consents shall be provided as applicable.
- (c) Each new or existing site shall be individually connected to the reticulated stormwater system in accordance with Council's Development Code
- (d) In Rural Zones, developers are required to assess the potential downstream effects on neighbouring properties of the future residential development 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.
- (e) 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.
- (f) A primary flow path for flood waters shall be provided as a system of stormwater pipes (or other alternative proven designs giving regard to operation and maintenance approved by Council) designed to cope with the runoff from the design flood.
- (g) 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.
- (h) The secondary flowpaths shall be designed and sized assuming full blockage of the upstream reticulation system.
- (i) Where practical, overland stormwater flowpaths shall be combined with pedestrian or cycle access if these are required.
- (j) Secondary flowpaths that either:
  - provide connection between two existing or proposed public roads (or combination of the two) or
  - 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).

- (k) 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.
- (l) The balance of the local purpose reserve (access) shall otherwise be developed in accordance with specific consent conditions or Council's Development Code requirements.
- (m) Where flowpaths provide connection to only one existing or proposed road or other feature and otherwise run through private property (e.g. private way) 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.
- (n) 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.
- (o) Discharge to ground soakage may be allowed subject to the criteria as outlined in Council's Development Code.

#### 12.4.5.2 Structure plan areas

- (a) **General :**
  - (i) 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.
  - (ii) 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



- (iii) 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.

- (iv) 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 greenfield situation (as distinct from the existing situation).

- (v) All new subdivisions are 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 (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.

- (vi) 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 defined storm 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 Tauranga Harbour).
- 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.
- Mitigate any detrimental effects of flow concentration at outlets



- (vii) Access for maintenance purposes shall be provided within the Stormwater management reserve in accordance with Council's Development Code.
  - (viii) Stormwater management reserves shall be vested in Council.
- (b) **Omokoroa**
- (i) All new subdivisions shall be designed for attenuation of the two year and 100 year floods to pre-development levels.
  - (ii) All works shall be in accordance with the Omokoroa Peninsula Stormwater Management Plan (June 2002).
  - (iii) The construction plans for any instream works identified in the Omokoroa Peninsula Stormwater Management Plan (June 2002) shall be provided to the Bay of Plenty Regional Council prior to construction commencing in order to obtain confirmation that they comply with the provisions of the stormwater discharge consent for Omokoroa.
  - (iv) 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 Bay of Plenty 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.
  - (v) The stormwater reserve areas at Omokoroa are shown on the Structure Plan and described in more detail in the Omokoroa Peninsula Stormwater Management Plan (June 2002).
- (c) **Katikati**
- (i) All new subdivisions shall be designed for attenuation of the two year and 100 year floods to pre-development levels.
  - (ii) In the case of the Katikati Structure Plan area consent for stormwater management shall be gained from the Bay of Plenty Regional Council. It is anticipated that developers contemplating subdivision or landuse will hold pre-application 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.



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

- (i) 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.
- (ii) 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).

(e) **Rangiuru Business Park**

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 the Bay of Plenty 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.

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

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 11.3.4(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).



## 12.4.6 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 Bay of Plenty 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, Public Health Act, 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 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 7.2.

**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 that involve the creation of two lots or less in the Rural 1 and 2 Zones.

**12.4.9 Structure plans – general**

1. General

All subdivision and development in the identified Structure Plan areas shown on the Planning Maps shall provide as applicable in the general locations shown on the plans:

- (i) Stormwater management reserves (including areas shown on the Omokoroa Stage 2 Structure Plan labeled "Ecological and Stormwater Reserve) and access thereto.
- (ii) Roading and road widening.
- (iii) New roads shown on the plans shall be designed and constructed to provide for the future roading access and needs of adjoining undeveloped land
- (iv) Public reserves



- (v) Walkways/cycleways and green/ecological buffer areas
  - (vi) Ecological areas
  - (vii) Stormwater, water and wastewater mains
  - (viii) Where a proposed access reserve is shown in a Structure Plan, the location in the plan is indicative of Council 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 at the sole cost of the developer.
- 2. Local purpose reserves shall be vested at the time of subdivision
  - 3. Some structure plans have specific stormwater requirements – refer to Section 12.4.5.
  - 4. Non-compliance with the structure plans will require a resource consent approval for a Non-Complying Activity.

#### 12.4.10 Rangioru Business Park

- 1. General
  - (i) 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).
  - (ii) Finished contours  
All subdivision use and development in the Rangioru Business Park shall result in finished contours that are in accordance with those shown in the Structure Plan in Appendix 7 (refer to "Finished Contours" Plan).
  - (iii) To ensure the remediation of contaminated soil all earthworks shall comply with Condition 8 of Resource Consent No. 66312 issued by the Bay of Plenty Regional Council.



2. 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:

- (i) Rooding
  - (a) 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).
  - (b) Upgrading of Young Road between the interim development area and the Pah Road intersection, including associated road reserve widening.
  - (c) Pah Road/Young Road intersection upgrade (roundabout)
  - (d) Upgrade of Pah Road to 10m wide sealed rural road standard
  - (e) Upgrade of the Pah Road/State Highway 2 intersection.
  - (f) Installation of barrier arms at the Pah Road railway crossing.
- (ii) Water supply
  - (a) Water reticulation within the interim development area
  - (b) New reservoir at Rangiuru Road (5,500m<sup>3</sup>)
  - (c) Gravity supply main from Rangiuru Road reservoir to Business Park (450mm diameter, approximately 7.8km length)
  - (d) Rising main from existing Eastern Supply water source to new reservoir at Rangiuru Road (225mm diameter, approximately 9.0km length)





- (e) Temporary pump station, Stage 1
- (f) Pah Road/Young Road/State Highway 2 reticulation loop (375mm diameter, approximately 5.3km length)
- (iii) Wastewater
  - (a) Sewer reticulation within the interim development area
  - (b) Main pump station in Stage 1 area and associated emergency generator and emergency storage
  - (c) 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.
  - (d) Partial upgrade of the capacity of the Te Puke Sewage Treatment Plant (22.5% of the total capacity upgrade needed)
- (iv) Stormwater
  - (a) 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.
  - (b) Stormwater reticulation (drains and pipes) within the interim development area.
  - (c) 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.



- (v) Local purpose reserves (amenity)  
Local purpose reserves within the interim development area, including associated landscaping, fencing and walkways.

3. 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:

- (i) Rooding
  - (a) 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).
  - (b) collector and entrance roads within the relevant development stage area, including associated roundabouts and road reserve widening for Young Road.
  - (c) upgrade of Young Road from the Business Park to Maketu Road to 10m wide.
  - (d) sealed rural road standard.
- (ii) Water supply
  - (a) Water reticulation within the relevant development stage area.
  - (b) New primary water supply bore adjacent to Rangiuru Road reservoir (applicable for stages of development after the first 40ha).
  - (c) Treatment plant adjacent to Rangiuru Road reservoir (applicable for stages of development after the first 40ha).
  - (d) New secondary water supply bore adjacent to Rangiuru Road reservoir (applicable for stages of development after the first 80ha).



- (e) New primary water supply bore adjacent to Business Park (applicable for stages of development after the first 120ha).
  
- (iii) Wastewater
  - (a) Sewer reticulation, including pump stations and associated emergency storage, within the relevant development stage area.
  
  - (b) Partial upgrades of the capacity of the Te Puke Sewage Treatment Plan (upgrades triggered by stages of development above 60, 100 and 140ha).
  
- (iv) Stormwater
  - (a) 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.
  
  - (b) 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).
  
  - (c) 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.
  
- (v) Local purpose reserves (amenity)  
Local purpose reserves within the relevant development stage area, including associated landscaping, fencing and walkways/cycleways.
  
- (vi) 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.



#### 12.4.11 Te Puke

1. With the exception of L2 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.
2. Subdivision or development of L2 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.

#### 12.4.12 Te Puke West

1. General

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.

Any non-compliance with the foregoing shall render the development concerned a Non-Complying Activity.

2. Roding 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 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.
  - (d) 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.



- (e) Any land use development or subdivision failing to comply with the above will require resource consent approval for a Non-Complying Activity.
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.
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.

#### **12.4.13 Te Puna Business Park**

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

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.



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, Te Puna Road/State Highway 2 intersection must be upgraded to a roundabout (or similar traffic management alternatives) and, in addition, 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 Assets and Engineering.

- (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, 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 Council Group Manager Assets and Engineering.

- (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 Assets and Engineering.

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

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)
  - (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 Assets and Engineering 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 Assets and Engineering and the Regional Manager New Zealand Transport Agency in the manner specified in clause (f)(iv) below to confirm:
    - (aa) that the relevant traffic generation limits under clause (f)(i) above or clause (f)(v) (as appropriate) are not being exceeded; and
  
    - (bb) that the capacity of the intersection of 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)(bb), 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):

(aa) 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 ie. 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).

(bb) 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 Assets and Engineering 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 Assets and Engineering 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 Assets and Engineering 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 Assets and Engineering 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 Assets and Engineering 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.

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 100m<sup>2</sup> 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.



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.

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 Assets and Engineering.

(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.

#### 12.4.14 Tara Road Structure Plan

Any subdivision or development of land within the Rural Residential Zone at Tara Road 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 Tara Road Structure Plan.

There shall be only one road connection from the Tara Road Rural Residential Zone onto Tara Road in accordance with the structure plan.

For any development within the Tara Road Structure Plan area a geotechnical engineering assessment by an experienced geotechnical engineer shall accompany applications for Resource Consent.

Within the Tara Road Structure Plan area the following rules shall apply:

- That the bedrooms of all dwellings within 80 metres of Tara Road, be designed and constructed to provide an interior night-time noise of no more the 30 dBA Leq to protect against sleep disturbance. Written evidence that this standard can be achieved shall be provided to the Council from a suitably qualified acoustic consultant at the time any application for building consent is lodged with the Council.



Where a building is required to have its windows closed to achieve the required 30 dBA Leq, the building shall be designed and constructed to provide for an alternative means of sufficient internal ventilation.

- That the bedrooms of all dwellings within 100 metres of the Tauranga Eastern Motorway (TEM) road boundary, be designed and constructed to provide an interior night-time noise of no more the 30 dBA Leq to protect against sleep disturbance. Written evidence that this standard can be achieved shall be provided to the Council from a suitably qualified acoustic consultant at the time any application for building consent is lodged with the Council. Where a building is required to have its windows closed to achieve the required 30 dBA Leq, the building shall be designed and constructed to provide for an alternative means of sufficient internal ventilation.

### **12.4.15 Section 224(c) Certification**

#### **12.4.15.1 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 the condition 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.
- (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 certifiers 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.



#### **12.4.15.2 Uncompleted works bonds**

Council may allow uncompleted works to be bonded as detailed in Section 1.15.4 of Council's Development Code

#### **12.4.15.3 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 LTCCP 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 other than recreation. The RMA particularly specifies the need for esplanade reserves and strips for conservation purposes. Council intends to secure at subdivision from lots that are less than 4ha those esplanades that are predominantly in natural vegetation. For other sites (ie lots 4ha or greater) other techniques are more cost effective than purchase by Council e.g. Regional Council Environment Plans, and Department of Conservation acquisition/protection. (See also Section 5).

The existence of, or an intention to acquire, an esplanade does not mean that public access will be formed immediately over that land. The intention to form public access, and the timing of such, is determined by the reserves management plan process and may take many years until all the necessary linkages have been made.

### **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 Western Bay of Plenty District whilst enhancing the natural, historic, educational and amenity values of the District.
2. The protection of high quality riparian areas for conservation purposes.



## 12A.2.2 Policies

1. Gain reserve lands for sport and leisure, walkways and esplanades in line with the priorities identified in Council's LTCCP, through the criteria as set out in the District Plan, and by any other appropriate means.
2. Provide better access to reserves 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, e.g. riparian margin retirement.
4. Require the provision of public reserve lands and other amenities to minimise the effects of activities on the surrounding environment and community.

## 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) Land may be required through the proposed subdivision to provide access from a public road to an esplanade reserve or strip.
- (d) Esplanade reserves and strips may be waived 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 an existing structure is located within the 20m reserve and an appropriate esplanade reserve cannot be vested.
  - (iii) where the subdivision is a boundary adjustment.



- (iv) where a public work 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.
  - (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.
  - (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,
  - (vii) where there are exceptional circumstances such as undue hardship, impracticality or cultural sensitivity.
- (e) Esplanade reserves and strips may be reduced below 20m in the following circumstances:
- (i) where an existing structure is located within the 20m reserve and an appropriately smaller esplanade reserve can be vested.
  - (ii) 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.
- (f) Esplanade reserves and strips of greater width than 20m may be taken in the following circumstances:
- (i) where there is an Identified Significant Feature (excluding the Tauranga Harbour, Matakana Island, Open Coastal, Maketu Estuary and Waihi Estuary Landward Edge Protection Yards and the Tauranga Harbour and Wairoa River Landscape Management Areas) that extends beyond 20m.
  - (ii) where Council considers the river bank is prone to erosion or slippage.
  - (iii) where topography creates the need to form public access at a greater distance from the river or foreshore.
- (g) 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.

- (h) 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.

**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 Regional Council environment plans are suitable for targeting specific areas, particularly where lot sizes are 4ha or greater.
- 12A.4.2 The Department of Conservation has a financial role in terms of subsidies (fencing etc) and, if necessary, acquisition.
- 12A.4.3 The use of other public land will be considered such as road reserve and Department of Conservation land.