

12 Subdivision, Services and Infrastructure

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12A Purpose of Subdivision Provisions

Under section 11 of the Resource Management Act 1991 (*RMA*) *subdivision* is prohibited unless it is expressly provided for by the *Council* through specific provisions within *the Plan*.

Subdivision is primarily about creating land parcels that define and redefine property rights and, in most instances, the creation of new parcels of land is accompanied by expectations of associated land use. As such, the *subdivision* process provides a framework to manage the pattern of city growth and ensure the nexus between built form and *site* areas are consistent with the expected environmental outcomes (or purpose) for each zone. This is particularly important in giving effect to the Bay of Plenty Regional Policy Statement target nett yields of 15 dwellings per hectare in urban growth areas and 20 dwellings per hectare within established urban areas.

Provision
Appealed

As part of growth management the *subdivision* process also provides the framework for the coordination and sequencing of *infrastructure* and *services* provision for land uses that include roading, stormwater, water supply, sewage disposal, energy and telecommunications, in addition to being a mechanism for the provision of land for open space and recreation

The *subdivision* process is also the principal method for delivering *esplanade reserves* or *esplanade strips* which help preserve and protect *natural character* and provide opportunities to maintain and enhance public access to water, both of which are matters of national importance under the *RMA*.

The *subdivision* chapter comprises the following sections:

- a) Objectives and Policies that apply to all *subdivision* within the *City*;
- b) General *Subdivision* rules (for *subdivision* that is generally for functional purposes, e.g., cross-lease updates, unit titles etc., or to address subdivision issues that are common throughout all zones. These rules also guide *subdivision* in Education and Open Space Zones, and specific *Plan Areas*);

Note: The Objectives and Policies for subdivision within specific Plan Areas is contained within the relevant chapters for those Plan Areas.

- c) Residential Zone Provisions;
- d) Rural-Residential Zone Provisions;
- e) Rural Zone Provisions;
- f) *Commercial and Industrial Zone* Provisions;
- g) *Marae and Papakainga* Provisions;
- h) *Services and Infrastructure*.

Contributions of land and/or cash towards *reserves* and *network infrastructure* can be required by the *Council* either under the *RMA* by way of *the Plan* (refer to *Chapter 11 – Financial Contributions*) or under the Local Government Act 2002 by way of a Development Contributions Policy in the Long Term *Council* Community Plan. The *Council* has decided to establish its Development Contributions Policy within the requirements of the Local Government Act. Accordingly, the *Council's* requirements for land and/or cash for *reserves* and for *network infrastructure*, at the time of both development and/or *subdivision*, are contained in the *Council's* Development Contributions Policy.

12A.1 General Subdivision Objectives and Policies

12A.1.1 Objective - City Form

Subdivision within the City provides for the efficient consumption of land by facilitating the co-ordinated delivery of integrated, liveable and sustainable communities.

12A.1.1.1 Policy – City Form

By ensuring that *subdivision* occurs in a way that:

- a) Does not compromise the purpose of the underlying zone or a *Plan Area*;
- b) Provides an appropriate level of infrastructure and services that caters for future demand without compromising existing demand;
- c) Responds positively to the context of the site and the surrounding *landscape character*;
- d) Will reflect and deliver good urban design principles particularly within established urban areas and urban growth areas;
- e) Does not facilitate land uses that compromise the safe, sustainable and efficient functioning of the *transport network*.

12A.1.1.2 Policy – Target Yields in Urban Growth Areas

By requiring a target yield of 15 dwellings per hectare of *nett developable area* for identified stages of *subdivision* within areas identified on the Urban Growth Plans included in the *Plan Maps (Part B)* whilst recognising:

- a) In the Pyes Pa West Urban Growth Area the geotechnical constraints and topography, which traverses grades from RL5.0 to RL62.0 above *Moturiki Datum*;
- b) In the Kennedy Road Urban Growth Area both the significant topographical constraints in a portion of the area and inclusion of that land within the Large Lot Residential Zone, and the transport, landscape and *infrastructure* links to the surrounding development;
- c) In the Hastings Road Urban Growth Area the significant topographical constraints in a portion of that area and inclusion of that land within the Large Lot Residential Zone, and the transport, landscape and *infrastructure* links to the surrounding development, including limitation of access to State Highway 29;
- d) In the North West Bethlehem Urban Growth Area the special relationship of that land to the Wairoa River escarpment, the *landscape character* of the area and relationship of *tangata whenua* to surrounding land.

Policy
Appealed

12A.1.1.3 Policy – Target Yield Shortfalls in Urban Growth Areas

By avoiding target yield shortfalls of greater than 10% and cumulative target yield shortfalls greater than 5% unless the following apply:

- a) The *site* is subject to topographical, geotechnical and landform constraints;
- b) There will be no effect on the overall development densities outlined in *Tables 12B.1 – 12B.4* and it can be demonstrated to the satisfaction of the *Council* that there is an ability to make up density shortfalls in subsequent future stages of development;
- c) The *Council* is satisfied that sites identified for higher yields will be able to successfully incorporate good urban design principles as sought through *Rule 12B.3.2 - Controlled Activity – Matters of Control and Conditions*;
- d) The shortfall will not compromise the provision of cost-effective and efficient *infrastructure* and *services*;
- e) In particular for Pyes Pa West:
 - i) The options and opportunities for a variety of lot sizes, including opportunities for higher-density development within the Pyes Pa Medium-Rise Policy Area and comprehensive medium density development within the Suburban Residential Zone;
- f) Submission of a master plan showing indicative development and the balance of the stage and subsequent stages showing the likely total yield to be achieved.

Policy
Appealed

12A.1.1.4 Policy – Allotment Sizes

By ensuring that the dimensions and areas of allotments sustain *the City's* land resource while accommodating existing and proposed network utilities where necessary and enabling the siting and construction of *buildings and structures*, in a manner that is consistent with the purpose of the underlying zone.

12A.1.1.5 Policy – Subdivision of Secondary Dwellings

By preventing the *subdivision* of secondary dwellings to ensure they are not able to be separated from the principal *independent dwelling unit*.

12A.1.2 Objective – Infrastructure and Servicing

Subdivision within the City provides for the coordinated and sequenced delivery of efficient, effective, functional and sustainable *infrastructure* and *services* through the *subdivision* process.

12A.1.2.1 Policy – Infrastructure and Services

By ensuring the *subdivision* process provides a level of *infrastructure* and *services* that will facilitate land use activities in a manner that is consistent with the purpose of the underlying zone.

12A.1.2.2 Policy – Infrastructure Provision within Urban Growth Areas

By ensuring the provision of *infrastructure* through the *subdivision* of land in Urban Growth Areas proceeds in a sequence consistent with the relevant Urban Growth Plan while:

- a) Optimising the use of existing *infrastructure* in the vicinity;
- b) Installing new *infrastructure* in a coordinated and logical manner.

12A.1.2.3 Policy – Staged Subdivisions

By ensuring the sequence of staged *subdivision* does not adversely affect the efficient, effective, functional and sustainable delivery of *infrastructure* and *services*.

12A.1.3 Objective – Access to the Coastal Environment, Wetlands, Rivers and Streams

Safe and efficient public access to and along *the City's coastal environment, wetlands, rivers and streams* is maintained and enhanced through the *subdivision* process.

12A.1.3.1 Policy – Access to the Coastal Environment, Wetlands, Rivers and Streams

By ensuring opportunities for public access to *the City's coastal environment, wetlands, rivers and streams* through the provision of *esplanade reserves* or *esplanade strips* are realised through *subdivision* in a way that is consistent with *Objective 6A.1.3 - Preservation of the Natural Character of the Coastal Environment, Wetlands, Rivers, and Streams* and *Policy 6A.1.3.2 – Preservation of the Natural Character of the Coastal Environment, Wetlands, Rivers, and Streams*.

12A.2 Activity Status Rules

12A.2.1 Subdivision Activities

All *subdivision* activities shall have the status identified in *Table 12A.1*. Symbols used in *Table 12A.1* have the meaning described in *Table 1A.2: Activity Status*.

Table 12A.1 – Subdivision Activity Status

Use/Activity	Relevant Rule	Residential Zones	Rural-Residential	Rural, Greenbelt & Future Urban	Commercial and Industrial	Rural Marae Community and Matapahi Scheduled Sites	Urban Marae Community/Nga ti Kahū Sub-Zone A & B	Education Centre and Open Space	Employment Zone Wairakei East Papamoa Centre Zone and Neighbourhood Centre Zone, Residential Zone, Town Centre Zone,	VAR 4 No Legal Effect
<i>Subdivision</i> within the following Plan Areas: a) Special Ecological Areas; b) <i>Outstanding Natural Features and Landscapes</i> ; c) <i>Important Amenity Landscapes</i> ; d) CHEPA; e) CPPA f) <i>Flood Hazard Plan Area</i> ; g) High-Voltage Transmission Area.	Refer to the relevant rules within <i>Section 12A.3 – General Rules</i>								n/a	
Cross-lease to freehold <i>subdivision</i> .	12A.4.1	P	P	P	P	P	P	P	P	
Amendments to a cross-lease, company lease or unit title plan to show additions, alterations or <i>accessory buildings</i> .	12A.4.2	P	P	P	P	P	P	P	P	
<i>Boundary</i> adjustments, amalgamations and relocations of existing title.	12A.5.1.1	C	C	C	C	C	C	C	C	
Unit titles <i>subdivision</i> and allotments to accommodate <i>network utilities</i> or lawfully established activities.	12A.5.1.2	C	C	C	C	C	C	C	RD Rule 12B.4 or 12E.4 (depending on zone)	VAR 4 No Legal Effect

Use/Activity	Relevant Rule	Residential Zones	Rural-Residential	Rural, Greenbelt & Future Urban	Commercial and Industrial	Rural Marae Community and Matapihi Scheduled Sites	Urban Marae Community/Ngati Kahu Sub-Zone A & B	Education Centre and Open Space	Residential Centre Zone, Town Centre Zone, Neighbourhood Centre Zone and Papamoa East Employment Zone		
<u>Subdivision for allotments to accommodate lawfully established activities</u>	<u>12A.5.13</u>	☐	☐	☐	☐	☐	☐	☐	RD <u>Rule 12B.4 or 12E.4 (depending on zone)</u>	VAR 4 No Legal Effect	
<u>Subdivision for allotments to accommodate network utilities</u>	<u>12A.5.14</u>	☐	☐	☐	☐	☐	☐	☐	RD <u>Rule 12B.4 or 12E.4 (depending on zone)</u>	VAR 4 No Legal Effect	
<i>Subdivision of contaminated land</i>	(SEE ZONE)	RD <i>Rule 12A.6</i>	RD <i>Rule 12A.6</i>	RD <i>Rule 12A.6</i>	RD <i>Rule 12A.6</i>	RD <i>Rule 12A.6</i>	RD <i>Rule 12A.6</i>	RD <i>Rule 12A.6</i>	RD <i>Rule 12A.6</i>		
<i>Subdivision for freehold allotments or full partitions</i>	(SEE ZONE)	C <i>Rule 12B.3</i>	C <i>Rule 12C.3</i>	C (Rural & Greenbelt) <i>Rule 12D.3</i> NC (Future Urban) <i>Rule 12D.6</i>	C <i>Rule 12E.3</i>	C <i>Rule 12F.3</i>	C <i>Rule 12F.3</i>	D <i>Rule 12A.7</i>	RD <i>Rule 12B.4 or 12E.4 (depending on zone)</i>	Rule 4 Appealed	
<i>Subdivision of a site containing a item on Appendix 7A Register of Built Heritage or Appendix 7B Register of Significant Maori Areas</i>	<i>Rule 12A.6</i>	RD									
<i>Subdivision of a secondary independent dwelling unit</i>	(SEE ZONE)	NC <i>Rule 12B.6</i>	NC <i>Rule 12C.6</i>	NC <i>Rule 12D.6</i>	n/a	n/a	n/a	n/a	NC <i>Rule 12B.6 or 12E.6 (depending on zone)</i>		

12A.3 General (All Zones)

12A.3.1 Permitted Activities

Any activity listed as a Permitted Activity in *Table 12A.1*.

12A.4 Permitted Activity Rules

Note: Where an activity does not comply with a Permitted Activity Rule it shall be considered a Restricted Discretionary Activity unless stated otherwise.

12A.4.1 Cross-Lease to Freehold Subdivision

For the purpose of this rule subdivision must comply with the following:

- a) *Services* must be provided in accordance with *Rule 12G.3.1 – Minimum Service Requirements*;
- b) Easements must be provided to ensure the continued provision of *services* and access in a manner that is consistent with the existing cross-lease subdivision;
- c) The extent of any *building* bulk and scale non-compliances shall be identified to scale on a plan.

12A.4.2 Amendments to a Cross-Lease, Company Lease or Unit Title Plan

For the purpose of this rule subdivision must comply with the following:

- a) The amendments must be for the purpose of showing additions, alterations or *accessory buildings*; that are either permitted under the provisions of *the Plan* or otherwise lawfully established;

12A.5 Controlled Activity Rules

The following are Controlled Activities:

- a) *Boundary* adjustments within the 50-year and 100-year ERZ or the CERZ;
- b) *Boundary* adjustments, amalgamations and relocations of existing title;
- c) ~~Unit title subdivision; s and allotments to accommodate *network utilities* or lawfully established activities.~~
- d) Subdivision for allotments to accommodate lawfully established activities;
- e) Subdivision for allotments to accommodate *network utilities*.

VAR 4 (No Legal Effect)

12A.5.1 Controlled Activity – Standards and Terms

12A.5.1.1 Boundary Adjustments, Amalgamations and Relocation of Titles

For the purpose of this rule subdivision must comply with the following:

- a) No additional titles shall be created;
- b) Minimum allotment size requirements shall not apply providing the *boundary* adjustment leaves an allotment(s) with the same or similar *nett site area*;
- c) The *boundary* adjustment will not lead to, or increase the degree of non-compliance with the land use provisions for the underlying zone;
- d) *Rule 12A.5.1.1 b) Boundary Adjustments* shall not apply to *boundary* adjustments in the City Living Zone that create sites for *comprehensively designed developments*.

12A.5.1.2 Unit Title Subdivisions and Allotments to Accommodate Network Utilities or Lawfully Established Activities

For the purpose of this rule subdivision must comply with the following:

- a) ~~Rule 12A.5.1.2 – Unit Titles and Allotments to Accommodate Network Utilities does not apply to secondary dwelling units;~~
- b) ~~Allotments may be created to accommodate an activity for which a resource consent has been granted or has been otherwise lawfully established;~~
- e) ~~Minimum allotment size requirements will not apply to unit titles, network utilities or activities that are lawfully established provided that allotments are designed to ensure that:~~
 - i) ~~The principal use and all ancillary buildings and activities can be accommodated and fully serviced;~~
 - ii) ~~That the use can comply with the conditions of the related land-use consent;~~
 - iii) ~~In the case of a network utility, is of sufficient size to accommodate that network utility whilst allowing access for maintenance and repair and any landscaping or amenity works that may be required within the allotment.~~
- a) Unit Titles may be created to accommodate an activity for which resource consent has been granted or that has been otherwise lawfully established, provided that the activity is not a secondary independent dwelling unit;
- b) Minimum allotment size requirements will not apply to Unit Title Subdivision provided that allotments are designed to ensure that:
 - i) The principal use and all ancillary buildings and activities are fully serviced; and
 - ii) That the use can comply with the conditions of any related land-use resource consent or continue to comply with the parameters of its legal establishment.

VAR 4 (No Legal Effect)

12A.5.1.3 Allotments to Accommodate Lawfully Established Activities

For the purpose of this rule subdivision must comply with the following:

- a) Allotments may be created to accommodate an activity for which a land use resource consent has been granted or that has been otherwise lawfully established;
- b) Rule 12A.5.1.3 – Allotments to Accommodate Lawfully Established Activities does not apply to independent dwelling units or secondary independent dwelling units;
- c) Minimum allotment size requirements of the underlying zone will not apply subject to the subdivision complying with the following:
 - i) The existing principal use and all ancillary buildings and activities on all allotments shall comply with the applicable permitted activity rules for the underlying zone and be fully serviced; and/or
 - ii) The activity shall comply with the conditions of any related land-use resource consent or continue to comply with the parameters of its legal establishment;
 - iii) Where a vacant balance allotment is created, this shall comply with the subdivision provisions of the underlying zone.

VAR 4 (No Legal Effect)

Note: For avoidance of doubt subdivisions to create allotments for existing independent dwelling units or secondary independent dwelling units shall be assessed in accordance with the relevant subdivision provisions of the underlying zone.

12A.5.1.4 Allotments to Accommodate Network Utilities

For the purpose of this rule subdivision must comply with the following:

- a) Minimum allotment size requirements of the underlying zone will not apply subject to the subdivision complying with the following:
 - i) The allotment to accommodate the *network utility* is of sufficient size to accommodate that network utility whilst allowing access for maintenance and repair and any landscaping or amenity works; and
 - ii) The principal use and all ancillary *buildings* and activities on the balance allotment shall comply with the applicable permitted activity rules for the underlying zone and be fully serviced; or
 - iii) The land-use activity on the balance allotment shall comply with the conditions of any related land-use resource consent or continue to comply with the parameters of its legal establishment; and
 - iv) Where a vacant balance allotment is created, this shall comply with the subdivision provisions of the underlying zone.

VAR 4 (No Legal Effect)

12A.5.2 Controlled Activities – Matters of Control and Conditions

The *Council* reserves control over, and may impose conditions on, the following matters:

- a) The location of boundaries on-site in relation to *buildings* and parking and manoeuvring areas;
- b) The location and provision of *services* and any requirements to upgrade those *services*;
- c) The location and provision of easements;
- d) Payment of financial contributions in accordance with the relevant provisions of *Chapter 11 – Financial Contributions*.
- e) Where it is a Standard and Term of the subdivision, the creation of a balance allotment that complies with the subdivision provisions of the underlying zone;
- f) The provision of landscape planting and access for maintenance in association with allotments to accommodate *network utilities*.

VAR 4 (No Legal Effect)

12A.6 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) *Subdivision*, not including allotments for *network utilities*, located wholly or partly within the 50- or 100-year ERZ;
- b) *Subdivision*, not including allotments for *network utilities*, partly within the CERZ;
- c) *Subdivision*, not including *boundary* adjustments located within a High-Voltage Transmission Plan Area;
- d) *Subdivision* of a *site* containing an item on *Appendix 7A - Register of Built Heritage* or *Appendix 7B Register of Significant Maori Areas*;
- e) Any activity described as a Permitted Activity or Controlled Activity that does not comply with a Permitted Activity Rule or Controlled Activity Standard and Term;
- f) Any *subdivision* listed as Restricted Discretionary Activity in *Table 12A.1*;
- g) *Subdivision*, not including *boundary* adjustments, located partly or wholly within the *Flood Hazard Plan Area* (FHPA);
- h) *Subdivision* of contaminated land.

12A.6.1 Non-Notification – Subdivision Affecting Significant Maori Areas

Any application for a resource consent made under *Rule 12A.6 d) – Restricted Discretionary Activity Rules* that affects a *Significant Maori Area* shall not be notified, or served on affected persons subject to sufficient evidence being provided of consultation having been undertaken with the affected hapu in relation to the effects of the proposal on the *Significant Maori Area*, and the applicant and affected hapu representative acknowledge that a meaningful consultation process has been undertaken.

12A.6.2 Restricted Discretionary Activities – Standards and Terms

12A.6.2.1 Subdivisions Located Partly within the 50-year or 100-year ERZ

Subdivision shall ensure that allotments are provided with an *alternative building site*.

12A.6.2.2 Subdivision located partly within the CERZ

Subdivision partly within the CERZ shall:

- a) Be provided with an *alternative building site*;
- b) Ensure the land within the CERZ is held in the same certificate of title for the proposed seaward allotment;
- c) Ensure no *buildings* or *structures* are permitted on that part of the land located within the CERZ.

12A.6.2.3 Sites Containing a Significant Maori Area

Where a resource consent is required under *Rule 12A.6 d) – Restricted Discretionary Activity Rules* that affects a *Significant Maori Area* the applicant shall provide an assessment of the effects of the subdivision on the recognised values of that area, and detail the outcomes of consultation with the relevant hapu identified in *Appendix 7B: Register of Significant Maori Areas*.

12A.6.3 Restricted Discretionary Activity – Matters of Discretion and Conditions

12A.6.3.1 Subdivision of Contaminated Land

In considering subdivision of contaminated land the Council restricts the exercise of its discretion to the following matters:

- a) *Rule 9B.2.3.1 – Matters of Discretion and Conditions in Chapter 9 - Hazardous Substances and Contaminated Land*.

12A.6.3.2 Subdivision in the CHEPA

In considering subdivision within the CHEPA the Council restricts the exercise of its discretion to the following matters:

- a) *Rule 8B.6.3 – Restricted Discretionary Activity – Matters of Discretion and Conditions in Chapter 8 – Natural Hazards*.

12A.6.3.3 For Subdivision within the High-Voltage Transmission Plan Area – (Sub Zone A, B & C)

- a) The identification of *building platforms*;
- b) Whether practical access to the *transmission electric line* and any support *structure* (including, but not limited, to the provision of easements) is provided for;
- c) The nature and location of any proposed *earthworks*;
- d) Whether the location of allotments or any *building platform* will interfere with the safe and efficient operation, maintenance or *minor upgrading* of the *transmission electric line* or support *structure*;
- e) The risk to the structural integrity of the transmission electric line;
- f) The risk of electrical hazards affecting public safety and risk of property damage;
- g) The risk of development and/or activities causing electrical faults resulting in disruption to electricity supply.

12A.6.3.4 For Subdivision of a Site Containing a Registered Heritage Item

In considering subdivision of a site that includes an item identified on *Appendix 7A Register of Built Heritage* or *Appendix 7B Register of Significant Maori Areas* the Council restricts the exercise of its discretion to the following matters:

- a) The matters outlined in *Policy 7A.1.1.2 – Protection of Historic Heritage*;
- b) The importance of the existing *site* to the identified heritage values of the registered item and the degree to which the fragmentation of the *site* will adversely affect these values;

Rule
Appealed

- c) The need for future management or protection of the registered item and the extent to which any adverse effects can be mitigated through conditions of consent;
- d) The outcomes of any pre-application consultation with the New Zealand Historic Places Trust or Tangata Whenua and the recommendations of that consultation, and whether additional meaningful consultation needs to be undertaken with Tangata Whenua.

12A.6.3.5 For Subdivision in the FHPA

In considering subdivision of site within the FHPA the Council restricts the exercise of its discretion to the following matters:

- a) The extent to which the subdivision is consistent with *Policy 8C.1.1.1 – Avoidance or Mitigation of Flood Prone Areas*;
- b) The degree to which any associated earthworks will modify natural ponding areas and drainage systems, including overland flowpaths, and the extent to which water flow is impeded and/or displaced;
- c) Consideration of whether an engineering assessment is required to accurately determine the extent of any impediment or displacement effect and any recommendations of that assessment;
- d) Ensuring that any finished ground levels on the site provide the scope for future land use activities on that site to mitigate any adverse flooding effects.

12A.6.3.6 Subdivisions for Cross Lease, Company Lease or Unit Title

- a) In considering subdivision that does not comply with *Rule 12A.4.1 – Cross-Lease to Freehold Subdivision* the Council restricts the exercise of its discretion to the following matters:
 - i) The location and design of services and whether any upgrading is required to meet the Council's requirements in terms of maintenance, accessibility and health and safety;
 - ii) The degree to which the proposed freehold subdivision will be consistent with the existing cross-lease subdivision;
 - iii) The extent of the non-compliance and whether it is practical or appropriate for that non-compliance to be shown;
- b) In considering subdivision that does not comply with *Rule 12A.4.2 – Amendments to Cross Lease, Company Lease or Unit Title* the Council restricts the exercise of its discretion to the following matters:
 - i) Whether the subdivision application should be deferred until such time as a land use consent has been granted for the non-compliance.

12A.6.3.7 Non-compliance with a Controlled Activity Standards and Terms

In considering an activity described as a Restricted Discretionary Activity in *Rule 12A.6 e) – Restricted Discretionary Activity Rules*, the Council restricts the exercise of its discretion to:

- a) The extent to which the activity complies with the Controlled Activity Standards and Terms in *Rule 12A.5.1 – Controlled Activity – Standards and Terms*;
- b) The matters over which the Council has reserved control in *Rule 12A.5.2 – Controlled Activities – Matters of Control and Conditions*.

12A.7 Discretionary Activity Rules

The following are discretionary activities:

- a) *Subdivision*, not including *boundary* adjustments or allotments for *network utilities* within a Special Ecological Plan Area (Category 2);
- b) *Subdivision*, not including *boundary* adjustments or allotments for *network utilities* within an *Important Amenity Landscape* Plan Area;
- c) Any Restricted Discretionary Activity that does not comply with a Restricted Discretionary Activity standard and term;
- d) Any *subdivision* listed as a Discretionary Activity in *Table 12A.1*;
- e) Any subdivision that does not comply with *Rule 12A.5.1.3 c)* or *12A.5.1.4 a)*.

VAR 4 (No Legal Effect)

12A.7.1 Discretionary Activity – Standards and Terms

12A.7.1.1 Special Ecological Plan Areas

Subdivision within these areas shall comply with *Rule 5A.6.1 Restricted Discretionary Activity – Standards and Terms*.

12A.7.1.2 Important Amenity Landscape Plan Area

Subdivision within these areas shall comply with *Rule 6A.4.1 Restricted Discretionary Activity – Standards and Terms*.

12A.7.2 Assessment of Discretionary Activities

In considering a Discretionary Activity the *Council's* discretion is unrestricted. The *Council* will consider any relevant matter with particular regard to the objectives and policies of *the Plan*.

12A.8 Non-Complying Activities

The following are Non-Complying Activities:

- a) *Subdivision*, not including *boundary* adjustments or allotments for *network utilities*, within a Special Ecological Plan Area (Category 1);
- b) *Subdivision*, not including *boundary* adjustments or allotments for *network utilities*, within an *Outstanding Natural Features and Landscapes* Plan Area;
- c) *Subdivision* within the Coastal Protection Plan Area;
- d) Any Discretionary Activity that does not comply with *Rule 12A.7.1 Discretionary Activity – Standards and Terms*.

Rule Appealed

12A.9 Prohibited Activity Rules

The following are Prohibited Activities:

- a) *Subdivision* wholly within the CERZ.

12B Subdivision in Residential Zones

The Residential Zone provides for a range of infill and *greenfield* living opportunities across *the City* for the community to accommodate current and future growth.

These opportunities range from:

- a) *High-density* environments located in Mount Maunganui where development is characterised by apartment and unit development at a rate of one *independent dwelling unit* to between 60 and 100m² of *nett site* area. Such *subdivision* is predominantly characterised by amalgamation of parent titles and unit titling of completed *buildings*;
- b) *Medium-density* environments where:
 - i) They are located within the City Living Zones which provide for a range of densities at a minimum of one *independent dwelling unit* to 200m² of *nett site* area. Again, it is anticipated that *subdivision* will involve unit titling of completed *buildings*. Amalgamation of lots to create land parcels of at least 1050m² is also encouraged through the provision of density bonuses, down to one *independent dwelling unit* to 130m² of *nett site* area; or
 - ii) They form part of a *comprehensively designed development* that is located either within the Suburban Residential Zone or an urban growth area;
- c) Traditional *low-density* suburban environments characterised by *infill subdivision* that creates freehold allotments to accommodate detached dwellings and associated outdoor living areas. In these areas minimum lot sizes are not expected to be less than 325m², and where *subdivision* in greenfield areas occurs it is expected that a target average yield of 15 dwellings per hectare will be achieved;
- d) As part of this *low-density* living specific provision is also made in the Pyes Pa West area for large residential lots where the minimum lot size is 1000m², reflecting topographical constraints;
- e) A comprehensively planned and staged urban growth area at Wairakei, in Papamoa East. The land use and subdivision process are interrelated in the Wairakei Residential Zone to ensure flexibility of urban design within a defined planning framework. It is expected that a minimum density yield target of at least 15 dwellings a hectare will be achieved in this zone, the comprehensive stormwater catchment consents related to Wairakei stormwater management and mitigation fully complied with and Papamoa Beach Road and water supply network capacity limitations are not exceeded.

Rule
Appealed

Rule
Appealed

12B.1 Objectives and Policies for Subdivision in Residential Zones

12B.1.1 Objective – Subdivision in Residential Zones

Subdivision in *Residential Zones* provides for integrated, liveable and sustainable communities in a way that does not compromise the ability of the residential land resource to accommodate future growth demands.

12B.1.1.1 Policy – Subdivision in the Residential Zone

By ensuring that *subdivision* design and allotment sizes:

- a) Can accommodate land use activities in a manner that is consistent with the purpose of the underlying zone;
- b) Provide building platforms that will avoid the risk of damage to future land uses or adjoining land through inundation or instability;
- c) Incorporate good urban design principles by:
 - i) Providing a safe and efficient road network that effectively integrates with the surrounding area;
 - ii) Providing for safe and direct movement through and between neighbourhoods for pedestrians, cyclists and vehicles;
 - iii) Providing for efficient public transport layouts;

- iv) Optimising allotment frontage to public roads and *reserves*;
- v) Providing easy access to open space and *reserves*;
- vi) Providing good solar orientation of residential allotments, open space and *reserves*;
- vii) Providing a variety of allotment sizes;
- viii) Retaining and integrating natural features;
- ix) Generally avoiding culs-de-sac where these are not associated with topographical constraints.

12B.1.1.2 Policy – Undersized Allotments and Infill Development

By avoiding *infill subdivision* that creates residential allotments less than the minimum area generally anticipated in the Suburban Residential, High-Density Residential and City Living Zones so that:

- a) *Intensification* does not occur in an ad hoc manner;
- b) The amenity values and urban *landscape character* of those zones is not adversely affected;
- c) The capacity of existing or planned infrastructure that serves the land area is not compromised.

Policy Appealed

12B.1.1.3 Policy – Undersized Allotments and Intensification

By providing for allotments of a size area less than the minimum anticipated in the Suburban Residential Zone only where:

- a) They are developed as a *comprehensively designed development* in accordance with an *outline development plan or land use consent*; or
- b) They are either specifically identified through zoning, or are located appropriately in accordance with the criteria set out in *Policy 14B.1.3.2 – Density of Development - Medium Density Development in the Suburban Residential Zone*.

12B.1.1.4 Policy – Allotment Sizes in Pyes Pa West

By providing for large lot *subdivision* to optimise the marginal land resource in this area while:

- a) Recognising the specific servicing requirements;
- b) Maintaining and enhancing the landscape values.

12B.1.1.5 Policy – New Subdivision and Development within North West Bethlehem – Reverse Sensitivity

By ensuring that *subdivision* on land zoned for residential purposes and located to the north and west of the Bethlehem Centre mitigates potential adverse reverse sensitivity effects on commercial activities.

12B.1.1.6 Policy – Subdivision of Secondary Independent Dwelling Units

Avoiding the subdivision of secondary independent dwelling units to ensure that:

- a) These units remain ancillary to the principal dwelling in recognition that their purpose is to provide a secondary opportunity for the economic and social benefit of the property owner whilst retaining a built character and scale that is consistent with the surrounding suburban residential environment;
- b) The fragmentation of residential allotments that would not otherwise comply with the density requirements of the underlying zone does not result in fragmented and small scale infill development that has the potential to cumulatively adversely affect surrounding residential character and amenity.

12B.1.2 Objective – Residential Subdivision: Wairakei

Subdivision within the Wairakei Residential Zone supports development of a variety of residential living opportunities and the efficient use of the residential land resource and of services and infrastructure.

12B.1.2.1 Policy – Residential Subdivision: Wairakei

By ensuring subdivision within the Wairakei Residential Zone creates functional and practical allotments that will:

- a) Support the implementation of comprehensively planned and staged land use that meets the Wairakei Urban Growth Plan, Wairakei Staging Plan and Structure Plan that relate to residential development at Wairakei;
- b) Support an expected minimum yield target of at least 15 dwellings a hectare in the Zone.

Rule Appealed

12B.2 Residential Zones

Note: Subdivisions that do not meet a Controlled Activity Rule will be considered Restricted Discretionary Activities unless identified otherwise.

Note: Subdivisions that do not comply with Rule 12B.3.1.1 – Minimum Allotment Size will be considered Discretionary Activities.

12B.3 Controlled Activity Rules

Those activities identified as Controlled Activities in *Table 12A.1*.

Rule
Appealed

12B.3.1 Controlled Activity – Standards and Terms

12B.3.1.1 Minimum Allotment Size

- a) *Subdivision* for residential allotments in the Suburban Residential, High Density Residential and Urban Marae Community Zones shall comply with the following:

Minimum allotment size:	Suburban Residential	High Density Residential
	325m ² nett <i>site</i> area	100m ² gross <i>site</i> area

- b) *Subdivision* for residential allotments in the Large Lot Residential Zone shall comply with the following:

Minimum allotment size:	1000m ² gross <i>site</i> area
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- c) *Subdivision* for medium density residential allotments within urban growth areas as part of a comprehensively designed development shall comply with the following unless that subdivision is in response to a land use consent granted under *Rule 14B.5.3.1* or *Rule 14B.5.3.2* in *Chapter 14 – Residential Zones*:

Minimum allotment size:	200m ² gross <i>site</i> area
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12B.3.1.2 Development Intensity and Scale in Urban Growth Areas

In the Urban Growth Areas of Pyes Pa West (as identified on Urban Growth Plan UGP7), Hastings Road (Urban Growth Plan UGP7), West Bethlehem (Urban Growth Plan UGP1), and Kennedy Road (Urban Growth Plan UGP7) the target average yield for *residential activities* in the Suburban Residential Zone (including the Suburban Residential Medium Rise Plan Area) shall be 15 *independent dwelling units* per hectare of *nett developable area*. *Subdivision* in each of these Urban Growth Areas shall be undertaken in accordance with the following:

Rule
Appealed

- a) Pyes Pa West Urban Growth Yield Area (excluding Kennedy Road and Hastings Road)
Achievement of 15 dwellings per hectare will be measured as an average over the current and any preceding development stages shown on the identified on *Diagram 7, section 7, Plan Maps (Part B)* and this yield shall be met for the current and any preceding development stages before a *subdivision* consent (by way of a certificate pursuant to Section 224, *RMA*), or land-use consent is granted for any area within a subsequent stage. Development of *residential activities* (whether by land use or *subdivision*) of a current stage may proceed to a consent process when 80% of the preceding stage has been reached. The following table provides a guide to achieving total yield requirements at each stage of development.

Table 12B.1: Indicative Tables of Potential Yield and Trigger Levels - Pyes Pa West Urban Growth Yield Area

Rule
Appealed

Development Stage	Suburban Residential Zone (ha)	Suburban Residential – Medium-Density Area (ha)	Total Nett Developable Area (ha)	Total Dwellings at 15/ha	Trigger level for development of subsequent stages (80%) (dwellings)
Stage 1	15.1	9.5	24.6	369	295
Stage 2	33.8	9.7	43.5	653	522
Stage 3	62.9	0	62.9	944	
Total	112	19.2	131.1	1966	

Note: This shows yield targets based on known constraints at the time of adoption. It is recognised that upon completion of geotechnical investigations as part of the subdivision resource consent process the yield required to be achieved is assessed in accordance with the definition of nett developable area.

b) Hastings Road, Kennedy Road and West Bethlehem Urban Growth Yield Areas.

Achievement of 15 dwellings per hectare in the Hastings Road, Kennedy Road and West Bethlehem Urban Growth Yield Areas will be measured on a site-by-site basis, however this rule will not apply to sites that were less than 1000m² as at the date the plan becomes operative. Yield may be reduced below 15 dwellings per hectare from the *subdivision* of a particular *site* within a stage of *subdivision*, providing all the stages of that subdivision will achieve an average of 15 dwellings a hectare, as outlined in *Tables 12.5B, Table 12.5C and Table 12.5D* below, within that development stage.

Table 12B.2: Indicative Tables of Potential Yield and Trigger Levels Hastings Road Urban Growth Yield Area

Development Stage	Total Nett Developable Area (ha)	Total Dwellings at 15/ha
Applicable to the whole Urban Growth Yield Area	18.5	277

Note: This table shows yield targets based on known constraints at the time of adoption. It is recognised that upon completion of geotechnical investigations as part of the subdivision resource consent process the yield required to be achieved is assessed in accordance with the definition of nett developable area.

Table 12B.3: Indicative Tables of Potential Yield and Trigger Levels Kennedy Road Urban Growth Yield Area

Development Stage	Total Nett Developable Area (ha)	Total Dwellings at 15/ha
Applicable to the whole Urban Growth Yield Area	47	822

Note: This table shows yield targets based on known constraints at the time of adoption. It is recognised that upon completion of geotechnical investigations as part of the subdivision resource consent process the yield required to be achieved is assessed in accordance with the definition of net developable area.

Table 12B.4: Indicative Tables of Potential Yield and Trigger Levels West Bethlehem Urban Growth Yield Area

Rule
Appealed

Development Stage	Total Nett Developable Area (ha)	Total Dwellings at 15/ha
Applicable to the whole Urban Growth Yield Area	15.01	225

Note: This table shows yield targets based on known constraints at the time of adoption. It is recognised that upon completion of geotechnical investigations as part of the subdivision resource consent process the yield required to be achieved is assessed in accordance with the definition of net developable area.

12B.3.1.3 Comprehensively Designed Development

Appealed:
Additions

Subdivision for comprehensively designed development within urban growth yield areas shall:

- a) Where occurring on sites of 3000m² or less be:
 - i) For the purpose of meeting the yield requirements of *Rule 12B.3.1.2 – Development Intensity and Scale in Urban Growth Areas* within the Suburban Residential Zone only;
 - ii) For the purpose of creating allotments to meet the requirements *Rule 14B.5.3.2 – Medium Density Sites in the Suburban Residential Zone Urban Growth Yield Areas*;
 - iii) Include an *Outline Development Plan* in a manner consistent with Appendix 14K – Outline Development Plan Example to guide future development;
- b) Where occurring on sites of 3001m² or greater be:
 - i) For the purpose of meeting the yield requirements of *Rule 12B.3.1.2 – Development Intensity and Scale in Urban Growth Areas* within the Suburban Residential Zone only;
 - ii) For the purpose of creating allotments to meet the requirements of *Rule 14B.5.3.1 – Medium Rise Plan Area and Large Sites in the Suburban Residential Zone Urban Growth Yield Areas*;
 - iii) Part of comprehensive application that includes an application for land use consent.

12B.3.1.4 Design Assessment

Allotments shall be able to accommodate land use activities, in accordance with the relevant rule of the underlying zone, as follows:

- a) Construct *buildings* and *structures* in accordance with:
 - i) *Rule 14E.3.1 – Residential and Visitor Accommodation Density* or *Rule 14B.3.1 – Residential Development Density – Suburban Residential, Large Lot Residential*;
 - ii) *Rule 14E.3.3 – Streetscape* or *Rule 14B.3.3 – Streetscape - Suburban Residential, Large Lot Residential*;
 - iii) *Rule 14E.3.4 – Setbacks* and *Rule 14E.3.5 – Setbacks – Traffic Management – Safety* or *Rule 14B.3.4 – Setbacks Suburban Residential, Large Lot Residential* and *Rule 14B.3.5 – Setbacks – Traffic Management Suburban Residential, Large Lot Residential*;
 - iv) *Rule 14E.3.6 – Overshadowing* or *Rule 14B.3.6 – Overshadowing - Suburban Residential, Large Lot Residential*;
 - v) *Rule 14B.3.7 – Site Coverage - Suburban Residential, Large Lot Residential* or *Rule 14B.3.8 – Site Coverage – Large Lot Residential Zone*;
 - vi) *Rule 14B.3.10 – Outdoor Living Area - Suburban Residential, Large Lot Residential*;
- b) Provide access, parking and manoeuvring areas in accordance with:
 - i) *Rule 14E.3.7 – Access* or *Rule 14B.3.9 – Access – Suburban Residential, Large Lot Residential*;
 - ii) *Rule 4B.2.3 On-Site Parking – General*;
 - iii) *Rule 4B.2.4 – On-Site Parking Design*;
 - iv) *Rule 4B.2.5 – On-Site Manoeuvring*;

- v) *Rule 4B.2.6 – Vehicle Loading Requirements;*
- vi) *Rule 4B.2.7 – Site Access and Vehicle Crossings.*

Where there is any doubt as to whether future land uses will be able to comply with this rule the Council will require a design assessment to be submitted to demonstrate how compliance can be achieved.

12B.3.1.5 Earthworks

The extent of all *earthworks* proposed as part of the *subdivision* shall be shown including, but not limited to:

- a) Areas of cut and fill;
- b) Existing and proposed finished *ground levels*;
- c) Location of *building platforms* where there is potential risk to a proposed *allotment* from inundation or instability.

12B.3.1.6 Building Platform Requirements – Papamoa

Subdivision to create freehold title (not including cross-lease to freehold subdivision) between the area from Sunrise Avenue, State Highway 2 and the Kaituna River that is within the City shall ensure allotments have a minimum building platform level of RL5 metres above Moturiki Datum. This rule does not apply to the land within the Wairakei urban growth area.

Note: Building Platform minimums for Wairakei Residential Zone are addressed in Rule 12B.4.3.2 (b)

12B.3.1.7 Services

Every allotment shall be provided with *services* in accordance with *Rule 12G.3.1 – Minimum Service Requirements*.

12B.3.1.8 Infrastructure

- a) Infrastructure constructed to vest in the Council shall comply with *Rule 12G.4.1.1 – Infrastructure*;
- b) *Subdivision* within an Urban Growth Area shall comply with the requirements of the relevant Urban Growth Plan (*Plan Maps, Part B, Section 8*) which may include:
 - i) *Transport network* connections and links;
 - ii) Active and passive recreation areas;
 - iii) Reticulation and conveyance of stormwater, *wastewater* and water;
- c) For all *subdivisions* in the Pyes Pa West Urban Growth Area, *infrastructure* for stormwater management shall be designed and constructed to ensure:
 - i) The 50-year ARI flood peaks from each development area are to be no greater than 50% of the pre-development peak run-off rates (i.e., pastoral land use);
 - ii) The 2-year ARI flood peaks shall be reduced to 30% of the pre-development peak run-off rates;

12B.3.1.9 Specific Urban Growth Area Requirements - Pyes Pa West (including Kennedy Road and Hastings Road)

- a) Any new *subdivision* adjoining the Takitimu Drive Extension between State Highway 29 and Pyes Pa Road shall provide a segregation strip of not less than 0.01 metre to prevent vehicular access on to Takitimu Drive;
- b) Subdivision within the Hastings Road Urban Growth Area shall comply with the requirements for that area as identified on Urban Growth Plan UGP7, Section 6, Part B (Plan Maps);
- c) Works to connect the existing formation of Kennedy Road with any new roading in the Pyes Pa West Urban Growth Area shall not be undertaken until:
 - i) *Construction* of the full length of the Route K extension (from State Highway 29 to Pyes Pa Road) has been completed and the road is operational;
 - ii) Kennedy Road (including its intersection with Pyes Pa Road) has been upgraded to collector road status. In the event the Kennedy Road extension is requested to be completed ahead of *Council's* approved roading programme, the cost of the road upgrading works shall be borne fully by the developer requesting *construction* of the extension.

12B.3.1.10 Specific Urban Growth Area Requirements – Pyes Pa

- a) Any new *subdivision* adjoining State Highway 29 between Pyes Pa Road and Oropi Road shall provide access to each new allotment by new local or collector roads, and shall provide for a segregation strip along the State Highway frontage of 0.1 metre wide.

12B.3.1.11 Specific Urban Growth Area Requirements – West Bethlehem

- a) Any new *subdivision* adjoining State Highway 2 between Bethlehem Road and Carmichael Road shall provide access to each new allotment by new local or collector roads;
- b) Any new *subdivision* within the West Bethlehem Urban Growth Area adjoining State Highway 2 shall provide for a segregation strip along State Highway frontage of not less than 0.01 metre wide to prevent vehicular access;

Note: Direct vehicle access to the State Highway is a Non-Complying Activity in accordance with Rule 4B.5 - Non-Complying Activities.

- c) Where any part of an allotment is within 20 metres of the western and northern boundaries of the Bethlehem Commercial Zone, *subdivisions* shall provide for the following:
 - i) A *building* line restriction shown on the survey plan to exclude residential dwellings and educational facilities within 5 metres from the Bethlehem Commercial Plan Area *boundary* on the north side of State Highway 2;
 - ii) A *consent notice* on certificates of title to make people aware of the legitimate *business activities* and potential service lane noise/disturbance on the nearby Bethlehem Centre site;
 - iii) A *consent notice* on certificates of title to advise potential *building* developers of the acoustic standards that will apply to the *habitable rooms* of any residential dwelling within 20 metres of the western or northern *boundary* of the Bethlehem Commercial Plan Area (north side of State Highway 2).
- d) Any *subdivision* for new allotments within the West Bethlehem Urban Growth Area adjoining the main trunk railway shall ensure that the *building setback* line as shown on Urban Growth Plan (UGP7) is provided for on all new certificates of title.

12B.3.1.12 Potentially Contaminated Land

The application shall address any potentially contaminated land issues relevant to the site in accordance with *Rule 9B.2.2 – Requirements for Subdivision and Use of Potentially Contaminated Land in Chapter 9 – Hazardous Substances and Contaminated Land.*

Note: Subdivision of contaminated land is a Restricted Discretionary Activity in accordance with Rule 12A.6 h) – Restricted Discretionary Activity Rules.

12B.3.1.13 Staging

Where staged *subdivision* is proposed the extent of the stages and the order of those stages shall be clearly identified.

12B.3.2 Controlled Activities – Matters of Control and Conditions

The *Council* reserves control over the following matters.

12B.3.2.1 Topography and Landform

- a) The maintenance of the natural landform and retention of existing natural features that could act as landmarks and assist in providing legibility within the *subdivision*.
- b) The extent of proposed *earthworks* including, but not limited to:
 - i) Change in levels resulting from excavation and fill;
 - ii) Any modification of drainage patterns;
 - iii) The consistency between proposed finished *ground levels* and *ground levels* on adjoining sites;
 - iv) The location, design and suitability of *building platforms* for their intended use;
- c) Geotechnical, natural or man-made hazards on the site.

Appealed: Additions

12B.3.2.2 Ecology and Open Space

- a) The retention and management of areas of *indigenous* flora and fauna habitats;
- b) The provision and location of landscape planting to ensure species type is appropriate in terms of any maintenance requirements on public and private land, and consistent with neighbourhood character and underlying ecology of the area;
- c) The provision and location of recreation *reserves*, *esplanade reserves* or strips that provide interconnected public open space and any vesting that may be required to achieve this.

12B.3.2.3 Connectivity and Transportation

- a) The proximity of the subdivision to any State Highway and the potential effects of anticipated vehicle movements associated with that *subdivision* on the safe and efficient functioning of that State Highway;
- b) The provision of public accessways to link residential areas with public transport *services*, *schools*, recreational spaces, shops and other activity centres;
- c) The layout of *walkway*, cycleways and street patterns and how they connect within the *subdivision* and between existing neighbourhoods or provide connections to undeveloped sites;
- d) Whether street patterns optimise convenient access to the surrounding *transport network*, and any *reserves* and *community facilities* within or surrounding the subdivision;
- e) The proposed *road hierarchy* is consistent with the surrounding *transport network* and appropriate to meet the transport demands of adjoining land uses;
- f) The integration of safe *walkways* and cycleways within road and *reserve* design;
- g) Avoiding a predominance of culs-de-sac to maintain efficient access, connectivity and integration;
- h) Consideration of the principles illustrated in *Appendix 12F: Subdivision, Layout and Design*.

12B.3.2.4 Block Size and Allotment Layout

- a) Blocks of allotments should of a scale and shape that achieve a permeable street layout;
- b) The shape and orientation of proposed allotments should maximise daylight;
- c) Allotments should generally front on to, and be directly accessed from, a legal road;
- d) The provision of a variety of complying allotment sizes;
- e) Consideration of the principles illustrated in *Appendix 12F: Subdivision, Layout and Design*;
- f) The proximity of allotments to any State Highway or railway designation and any requirements for acoustic insulation that may be necessary to address reverse sensitivity effects.
- g) The proximity of allotments to any existing *network utilities* and any requirements that may be considered necessary to ensure the continued safe, efficient and effective operation of those *network utilities* is not compromised.

12B.3.2.5 Infrastructure and Services

- a) The design, construction and location of *infrastructure* and *services* to and within the *subdivision* whilst having regard to any relevant Urban Growth Plan requirements and likely future demand of any adjoining undeveloped land;
- b) The provision of infrastructure provides for a sequential order of development in accordance with Council's funding programs;
- c) The requirement for Development Plan Approval to ensure that *infrastructure* to be vested meets the minimum *construction* and technical specification requirements of *the City*;
- d) The provision, location and type of easements;
- e) The extent and sequence of proposed staging;
- f) The management of *construction works*;
- g) The location of any proposed pump station in proximity to residential allotments in the interests of avoiding adverse effects on future residential amenity values;
- h) The provision of a bond for the purpose of remedial, restoration or maintenance work of existing *Council* assets or assets proposed to be vested in *Council*.

12B.3.2.6 Heritage

The identification, management or protection of *historic heritage* not identified in *Chapter 7 – Heritage*.

12B.3.2.7 Potentially Contaminated Land

The matters under *Rule 9B.2.2(c) – Requirements for Use, Development and Subdivision of Potentially Contaminated Land*.

12B.3.2.8 Consent Notices

Consent notices will be required where appropriate for, but not limited to, the following purposes:

- a) Engineering; geotechnical and hazard purposes;
- b) Provision of *infrastructure* or *services*;
- c) The planting, maintenance or protection of escarpments, *wetland* or areas of indigenous flora and fauna habitats;
- d) Limiting the future development of comprehensive medium-density development in new Urban Growth Areas (to be in accordance with any *Outline Development Plan* adopted for that *site* under the provisions of *Rule 14B.5.3.1 - Medium Rise Plan Area and Large Sites in the Suburban Residential Zone Urban Growth Areas* and *Rule 14B.5.3.2 - Medium Density Sites in the Suburban Residential Zone Urban Growth Areas* rules in the *Residential Zones* chapter).

12B.3.2.9 Financial Considerations

- a) The requirement of a bond for the on going performance of conditions of a consent;
- b) The requirements for *financial contributions* in accordance with *Chapter 11 – Financial Contributions*.

12B.4 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) *Subdivision* within an Urban Growth Area where the target yield of 15 *independent dwelling units* per hectare of *nett developable area* has a shortfall of 10% or less of the *nett yield* in any one stage/*subdivision*, or the current preceding stages/*subdivision* cumulatively have a shortfall of less than 5% of *nett yield*, as set out in *Tables 12B.1 – 12B.4*;
- b) *Subdivision* within the Wairakei Residential Zone;
- c) Any Controlled Activity that does not comply with a Controlled Activity standard and term, other than those activities identified in *Rule 12B.5 – Discretionary Activities*;
- d) Any activity listed as a Restricted Discretionary Activity in *Table 12A.1*.

Rule Appealed

12B.4.1 Non – Notification

Any application for a resource consent made under *Rule 12B.4 a) – Restricted Discretionary Activity Rules* shall not be notified, or served on affected persons.

12B.4.2 Non – Notification – Wairakei Residential Zone

Any application for a resource consent made under *Rule 12B.4 b) – Restricted Discretionary Activity Rules* in the Wairakei Residential Zone shall not be notified, or served on affected persons.

12B.4.3 Restricted Discretionary Activity – Standards and Terms

Restricted Discretionary Activities shall comply with the following standards and terms:

12B.4.3.1 Yield Shortfalls in Urban Growth Areas

An assessment shall be provided with an application for resource consent which confirms:

- a) The topographical, geotechnical and land form constraints of the subject *site* that make it unreasonable to achieve the yields required in *Tables 12B.1 – 12B.4*;
- b) That any target density shortfall is no more than 10% of the proposed yield; or the current and preceding stages/*subdivisions* cumulatively have a shortfall of less than 5% of the *nett yield*;
- c) The density target shortfalls can be accommodated in subsequent stages/*subdivisions*;
- d) How higher yields will be able to achieve high-quality urban design sought through *Rule 12B.3.2 – Controlled Activities – Matters of Control and Conditions*;
- e) In particular for Pyes Pa West:

Rule Appealed

- i) The options and opportunities for a variety of lot sizes, including opportunities for higher-density development within the Pyes Pa Medium-Rise Plan Area and comprehensive development within the Suburban Residential Zone;
- f) Submission of a master plan showing indicative development and the balance of the stage and subsequent stages showing the likely total yield to be achieved.

12B.4.3.2 Subdivision in the Wairakei Residential Zone

- a) The subdivision design and layout shall be in accordance with the approved *comprehensive development consent* under *Rule 14B.6.10 – Restricted Discretionary Activity – Wairakei Residential Zone Standards and Terms* or any variations granted to it;
- b) All new allotments shall have a minimum building platform level (relative to Moturiki datum) of:
 - i) 4.8m RL for allotments that are proposed for non-habitable residential buildings;
 - ii) 5.1m RL for allotments proposed for habitable buildings (including attached garages).

Note: Subdivision that does not comply with Rule 12B.4.3.2 – Subdivision in the Wairakei Residential Zone is a Non-Complying Activity under Rule 12B.6.

12B.4.4 Restricted Discretionary Activities – Matters of Discretion and Conditions

12B.4.4.1 Yield Shortfalls in Urban Growth Areas

In considering an activity described as a Restricted Discretionary Activity in *Rule 12B.4 a) – Restricted Discretionary Activity Rules*, the *Council* restricts the exercise of its discretion to:

- a) The matters required to be assessed through *Rule 12B.4.2.1 – Yield Shortfalls in Urban Growth Areas*.

12B.4.4.2 Subdivision in the Wairakei Residential Zone

In considering an activity described as a Residential Discretionary Activity in *Rule 12B.4 b) – Restricted Discretionary Activity Rules*, the *Council* restricts the exercise of its discretion to:

- a) The implementation of, or compliance with, any required *comprehensive development consent conditions* required under *Rule 14B.6.11 – Restricted Discretionary Activity – Wairakei Residential Zone – Matters of Discretion and Conditions* that need to be implemented through subdivision including associated easements and/or covenants and consent notices;
- b) How the subdivision:
 - i) Is generally in accordance with *UG9, Section 6, Plan Maps (Part B) (Wairakei Urban Growth Plan)* and meets the infrastructure requirements of the *Diagram 12, Section 5, Plan Maps (Part B) (Wairakei Structure Plan SP15) – (Part B)*;
 - ii) Meets the standards and terms in *Rule 12B.4.3.2 a) and b) – Subdivision in the Wairakei Residential Zone*;
- c) Whether the land being subdivided is suitable for urban subdivision having regard to ground conditions and geotechnical assessment;
- d) The imposition of conditions relating to implementing the matters in a) to c) above;
- e) The imposition of conditions that require a detailed design report to be submitted with detailed engineering designs and calculations for stormwater management, mitigation and water quality applicable to the development area or sub stage of that area.

12B.4.4.3 Non-compliance with a Controlled Activity Standard and Term

In considering any activity described as a Restricted Discretionary Activity in *Rule 12B.4 b) – Restricted Discretionary Activity Rules*, the *Council* restricts the exercise of its discretion to:

- a) The matters over which the *Council* has reserved control in *Rule 12B.3.2 – Controlled Activities – Matters of Control and Conditions*.

12B.5 Discretionary Activity Rules

The following are Discretionary Activities:

- a) *Subdivision* that does not meet the minimum allotment size in the Suburban Residential and High Density Residential Zone;
- b) *Subdivision* within an Urban Growth Area where the target yield of 15 *independent dwelling units* a hectare of *nett developable area*, which has a shortfall of more than 11% of the *nett yield* in any one stage, or the current and preceding stages/*subdivisions* cumulatively have a shortfall of more than 6% of *nett yield*, as set out in *Tables 12B.1 – 12B.4*;
- c) *Subdivision* within an urban growth area that does not comply with *Rule 12B.3.1.3 – Comprehensively Designed Development*;
- d) *Subdivision* not listed as a Controlled, Restricted Discretionary or Non-Complying Activity;
- e) Any *subdivision* listed as a Discretionary Activity in *Table 12A.1*.

12B.5.1 Assessment of Discretionary Activities

In considering a Discretionary Activity the *Council's* discretion is unrestricted. The *Council* shall pay particular regard to the relevant objectives and policies of *the Plan*.

12B.6 Non-Complying Activity Rules

The following is a Non-complying Activity:

- a) *Subdivision* for residential allotments (other than *boundary* adjustments or relocation of existing title) that will not be connected to a *Council-owned* reticulated *wastewater* system;
- b) *Subdivision* that does not comply with *Rule 12B.4.3.2 – Subdivision in the Wairakei Residential Zone*;
- c) *Subdivision* of a *secondary independent dwelling unit*.

12C Subdivision in the Rural-Residential Zone

The Rural-Residential Zone provides part of the range of residential opportunities within *the City*. Land zoned rural-residential is considered unsuitable for conventional urban development principally due to its topography, and this is reflected in the minimum lot size requirements in this zone. The anticipated low-intensity development of this zone also makes the provision of *services* economically unsustainable. Although this zone provides for residential living, it is not the intention that it become a "stepping stone" to full suburban or urban development and the expected level of *services* reinforces this approach.

The location of the Rural-Residential Zone on the periphery of *the City's* suburban area provides a visual backdrop to urban areas. As such there is a requirement for *subdivisions* to provide visual assessments that consider the sensitivity of the *environment* and look at opportunities to mitigate the impacts of future development.

12C.1 Objectives and Policies for Rural-Residential Zone Subdivision

12C.1.1 Objective – Subdivision in the Rural-Residential Zone

Subdivision is consistent with the semi-rural *landscape character* of the Rural-Residential zone through:

- a) Recognising the limited capabilities of the land to deliver conventional residential development;
- b) Providing for the transition between residential and rural environments in a way that does not adversely affect surrounding *landscape character*.

12C.1.1.1 Policy – Subdivision in the Rural-Residential Zone

Ensuring that *subdivision* design and allotment sizes:

- a) Provide for a very low density of residential development that recognises the infrastructure and servicing requirements of the underlying zone;
- b) Recognise the geotechnical constraints associated with the topography of the zone.
- c) Recognise in the Tara Road Urban Growth Plan Area that rural residential subdivision should be designed, located and constructed in a way that avoids adverse geotechnical, reverse sensitivity, and stormwater effects on the Tauranga Eastern Link and Tara Road.

12C.1.1.2 Policy – Servicing Expectations

By ensuring *subdivision* in Rural-Residential Zones is not provided with the level of *infrastructure* and *services* that would facilitate and support urban or suburban development opportunities.

12C.1.1.3 Policy – Landscape Character

By ensuring *subdivision* does not adversely affect the semi-rural *landscape character* of the rural-residential zone by:

- a) Maintaining an open character and spatial separation between buildings and structure;
- b) Avoiding buildings and structures that dominate the landscape and skyline by virtue of their location and form, scale, materials and colour;
- c) Considering the opportunity to retain or protect areas of cultural or heritage value where they are present on a site;
- d) Retaining natural features, mature vegetation and areas of indigenous habitat where these exist on site;
- e) Ensuring that where the zone has a visual interface with an identified *important amenity landscape* the integrity of those areas are maintained;
- f) Aligning roads, accessways and property boundaries to reflect and reinforce natural landform.

12C.1.1.4 Policy –Subdivision of Secondary Independent Dwelling Units

Avoiding the subdivision of secondary independent dwelling units to ensure that these units are not able to be legally separated from the principal dwelling in way that would undermine the purpose of the zone and lead to the introduction of an urban or suburban character.

12C.2 Rural-Residential Zone

Note: Subdivisions that do not meet a Controlled Activity rule will be considered Restricted Discretionary Activities unless stated otherwise.

Note: Subdivisions that do not meet the minimum lot size rule in the Rural-Residential Zone will be considered as a Discretionary Activity unless stated otherwise.

Note: Subdivision that creates allotments to be serviced by a reticulated wastewater disposal system in the Rural-Residential Zone will be considered a Non-Complying Activity.

12C.3 Controlled Activity Rules

a) Those activities listed as Controlled Activities in *Table 12A.1*.

12C.3.1 Controlled Activity – Standards and Terms

Controlled Activities shall comply with the following standards and terms.

12C.3.1.1 Minimum Allotment Size

Subdivision for rural-residential allotments shall comply with the following:

Minimum gross allotment area:	3000m ²
Average gross allotment area for Rural-residential subdivision:	Not less than 4000m ²
Minimum frontage, Tara Road Urban Growth Plan Area:	4.0 metres

12C.3.1.2 Design Assessments

Allotments shall be able to accommodate land use activities, in accordance with the relevant rule of the underlying zone, as follows:

- a) Construct *buildings* and *structures* in accordance with:
 - i) *Rule 15A.3.1 – Development Density and Scale;*
 - ii) *Rule 15A.3.3 – Streetscape;*
 - iii) *Rule 15A.3.4 – Setbacks;*
 - iv) *Rule 15A.3.6 – Site Coverage;*
- b) Provide access, parking and manoeuvring areas in accordance with:
 - i) *Rule 15A.3.7 – Access;*
 - ii) *Rule 4B.2.3 On-Site Parking – General;*
 - iii) *Rule 4B.2.4 – On-Site Parking Design;*
 - iv) *Rule 4B.2.5 – On-Site Manoeuvring;*
 - v) *Rule 4B.2.6 – Vehicle Loading Requirements;*
 - vi) *Rule 4B.2.7 – Site Access and Vehicle Crossings.*

Where there is any doubt as to whether future land uses will be able to comply with this rule the Council will require a design assessment to be submitted to demonstrate how compliance can be achieved.

12C.3.1.3 Earthworks

The extent of all *earthworks* proposed as part of the *subdivision* shall be shown including, but not limited to:

- a) Areas of cut and fill;
- b) Existing and finished *ground levels*;
- c) Location of *building platforms*.

12C.3.1.4 Services

Every allotment shall be provided with *services* in accordance with *Rule 12G.3.1 – Minimum Service Requirements*.

12C.3.1.5 Infrastructure

Infrastructure constructed to vest in the *Council* shall comply with *Rule 12G.4.1.1 – Infrastructure*.

12C.3.1.6 Potentially Contaminated Land

The application shall address any potentially contaminated land issues relevant to the site in accordance with *Rule 9B.2.2 – Requirements for Subdivision and Use of Potentially Contaminated Land* in *Chapter 9 – Hazardous Substances and Contaminated Land*.

Note: Subdivision of contaminated land is a Restricted Discretionary Activity in accordance with Rule 12A.6 h) – Restricted Discretionary Activity Rules.

12C.3.1.7 Staging

Where staged *subdivision* is proposed the extent of the stages and their order shall be clearly identified.

12C.3.1.8 Landscape Assessment

Landscape assessments shall be submitted with all subdivision applications that:

For all subdivisions:

- a) Describe the *site* in context with the surrounding *environment*;
- b) Identify landscape features within the *site* and areas of *indigenous* flora and fauna habitats and describe how these will be retained now and in the future;
- c) Identify any *archaeological sites* or sites of significance to tangata whenua (whether listed in *the Plan* or not) on the site and describe how these will be managed through the *subdivision* process (Note: archaeological sites are protected under the Historic Places Act 1993);
- d) Assesses the extent of proposed *earthworks* and how this will change the existing *landscape character* of the site;
- e) Identify the location of *building platforms*;
- f) Identify how the *subdivision* will mitigate adverse effects or provide positive effects on the *landscape character* through:
 - i) Controls on the siting, bulk, location and colours of future *buildings* and *structures*;
 - ii) The provision of planting and landscaping on public and private lands;
 - iii) The location and design of any roads and accessways and associated *services*;
 - iv) The location and design of fencing to be consistent with the rural-residential landscape.

In addition for subdivision on the Eastern Side of Cambridge Road:

- g) Identify how the creation of allotments and future *buildings* and *structures*, particularly dwellings, when viewed from the eastern banks of the Kopurererua Stream will maintain the *landscape character* of the zone and its context within the Kopurererua Valley.

In addition for subdivision on the Western Side of Cambridge Road and Moffat Road:

- h) Identify how the *landscape character* of the zone will be maintained when viewed from the banks of the Wairoa River, taking into consideration the need to maintain the open space of the Wairoa Valley;
- i) Identify whether future *buildings* and *structures* constructed on allotments will be visible from the banks of the Wairoa River. Where *buildings* and *structures* will be visible the location of *building platforms* shall take into account:
 - i) The proximity of the allotment to the eastern bank of the Wairoa River;
 - ii) The elevation of the allotment in relation to the banks of the Wairoa River;
 - iii) The extent to which planting and landscaping will screen or mitigate the visual effects of *buildings* on the river's landscape and maintain the integrity of areas of important amenity landscape;
 - iv) The backdrop against which *buildings* and *structures* will be seen when viewed from the western bank of the Wairoa River.

In addition for subdivision within the Oropi Road area:

- a) Provide for a minimum 10-metre wide *indigenous* planting on the outside of any *esplanade reserve* adjoining a stream;
- b) Provide for *indigenous* planting to a width of 2 metres around any stormwater ponds and drains.

In addition for subdivision within the Ohauti Road, Kaitemako Road and Waikite Road areas:

- c) Identify how the location of *building platforms* will ensure that *construction* of buildings and structure will maintain the transition of the *landscape character* between the Rural-Residential and Rural Zones.

12C.3.1.9 Walkway and Cycleway Links – Oropi Road

Subdivision within the Oropi Road Rural-Residential Zone shall provide pedestrian and bicycle accessway links from Phillips Drive to Wood Road, and Phillips Drive to the Waiorohi Stream *Esplanade Reserve*.

12C.3.1.10 Access to Pengary / Braithewaite Lane

Subdivision of Lot 2 DPS77887 or Lot 1DPS 74867 (R52 Pyes Pa Road) shall ensure that access to the subdivision is provided from Pengary Lane and that existing access to these lots from Braithwaite Lane is legally surrendered and physically stopped.

12C.3.1.11 Tara Road Urban Growth Plan Area

- a) The land to be subdivided shall only be accessed from Tara Road via the Doncaster Road roundabout and shall be in accordance with the *Urban Growth Plan UG5* as it applies to the Rural Residential zone within Tauranga City.
- b) *Subdivision* shall be designed and constructed so that external noise levels do not exceed 64 dBA $L_{eq,24hr}$ (see (c) below). The acoustic mitigation adjacent to the Tauranga Eastern Link and/or Tara Road required to achieve this standard shall be addressed at the time of subdivision under this Rule or land use under *Rule 15A.4.1 b*) (whichever comes first). Written evidence that this standard will be achieved shall be provided to the Council from a suitably qualified acoustic consultant as part of the application for *subdivision*. The evidence shall be based on predictions of road-traffic noise in accordance with Section 5.3 of NZS 6806:2010, using terrain data at 1m ground contour intervals including the final earthworks for the Tauranga Eastern Link.

Note: Land use development in the Tara Road Urban Growth Plan Area is to be considered under Rule 15A.4.1. b) – Controlled Activity Standards and Terms: Tara Road Urban Growth Plan Area.

- c) The design parameters for noise measurement for b) above are as follows:
 - Tara Road
 - i) Design year – 2026
 - ii) Flow rate (AADT) – Tara Road 26,100 vpd, Parton Road 6,000 vpd
 - iii) Speed – 100 kph
 - iv) Road surface – Open graded porous asphalt
 - v) Percentage of heavy vehicles – 7%
 - Tauranga Eastern Link
 - vi) Design year – 2026
 - vii) Flow rate (AADT) – 28,000 with the Papamoa East Interchange
 - viii) Design speed – 100kph
 - ix) Road surface – Chip seal
 - x) Percentage of heavy vehicles – 16%
- d) At the time of *subdivision*, a landscape plan detailing planting species and spacing shall be provided to screen the Rural-Residential Zone from the Tauranga Eastern Link and to provide an amenity buffer with Tara Road. The landscape plan shall detail the planting along the 10m Amenity Planting Strip adjoining Tara Road, within the Landscape Swale, on the acoustic bund adjoining the Tauranga Eastern Link and/or Tara Road (if proposed) and between any acoustic barrier and the Tauranga Eastern Link and/or Tara Road (if proposed).
- e) The acoustic mitigation (e.g. bund; barrier) and landscaping shall be designed so that it does not have any adverse geotechnical effect on the Tauranga Eastern Link and/or Tara Road (including all

infrastructure within the road reserve). Prior to the establishment of any acoustic mitigation or landscaping required by clauses b) and d) of this rule, a geotechnical assessment by a suitably qualified geotechnical engineer shall be prepared in consultation with the NZ Transport Agency or Tauranga City Council (as relevant) and submitted to Council to confirm that the acoustic mitigation and landscaping has no adverse geotechnical effect on Tauranga Eastern Link or Tara Road (including all infrastructure within the road reserve).

- f) The acoustic mitigation required by b) above (e.g. bund or barrier) and the landscape mitigation required by d) above shall be vested in Council at the time of subdivision or prior to resource consent for a dwelling being issued, whichever occurs first.
- g) Any *subdivision* shall be in accordance with an approved stormwater management plan for the entire Tara Road Urban Growth Plan Area. For the avoidance of doubt, this means an integrated management approach is required with the Rural Residential zoned land directly east, within the Western Bay of Plenty District.
- h) *Subdivision* shall not be commenced until the Tauranga Eastern Link is operational. Operational means the TEL construction is complete and public vehicles are able to use the full length of TEL including both lanes in each direction.
- i) *Subdivision* associated with the Tauranga Eastern Link shall be exempt from this rule.

Note: Water supply is to be provided privately, unless prior arrangements have been made with the Council to reticulate the whole of the Tara Road Urban Growth Plan Area with a public reticulation system.

12C.3.2 Controlled Activity – Matters of Control and Conditions

The *Council* reserves control over the following matters:

12C.3.2.1 Topography and Landform

- a) The extent of proposed *earthworks* including, but not limited to:
 - i) Change in levels resulting from excavation and fill;
 - ii) Any modification of drainage patterns;
 - iii) The consistency between proposed finished *ground levels* and *ground levels* on adjoining sites;
 - iv) The location, design and suitability of *building platforms* for their intended use;
- b) Geotechnical, natural or man-made hazards on the site.

12C.3.2.2 Landscape Character

- a) The recommendations contained within a landscape assessment;
- b) The opportunities to retain natural landform and natural features that will maintain the existing *landscape character* of the zone;
- c) The location of *building platforms* and the effects of *buildings* and *structures* on *landscape character*;
- d) The location of fencing and whether its design is consistent with the rural-residential *landscape character*.

12C.3.2.3 Ecology and Open Space

- a) The retention and management of areas of *indigenous* flora and fauna habitats;
- b) The provision and location of landscape planting within the *subdivision*;
- c) The provision and location of recreation *reserves*, *esplanade reserves* or strips that provide interconnected public open space, and any vesting that may be required to achieve this.

12C.3.2.4 Infrastructure and Services

- a) The design, construction and location of *infrastructure* and *services* to, and within, the *subdivision*;
- b) The requirement for Development Plan Approval to ensure that any *infrastructure* to be vested meets the minimum *construction* and technical specification requirements of the *Council*;
- c) The provision, location and type of easements;
- d) The extent and sequence of proposed staging;
- e) The management of *construction* works.
- f) The proximity of allotments to any existing *network utilities* and any requirements that may be

considered necessary to ensure the continued safe, efficient and effective operation of those *network utilities* is not compromised.

12C.3.2.5 Heritage

The identification, management or protection of *historic heritage* not identified in *Chapter 7 – Heritage*.

12C.3.2.6 Potentially Contaminated Land

The matters under *Rule 9B.2.2 c) – Requirements for Use, Development and Subdivision and Use of Potentially Contaminated Land*.

12C.3.2.7 Consent Notices

Consent notices will be imposed where appropriate including, but not limited to:

- a) The location of *building platforms* and *building* locations, bulk and scale and colours (in the interests of *landscape character*);
- b) The planting and maintenance of vegetation and landscaping (*landscape character*);
- c) Engineering, geotechnical and hazard issues.

12C.3.2.8 Financial Considerations

- a) The requirement of a bond for the on going performance of conditions of a consent;
- b) The requirements for *financial contributions* in accordance with *Chapter 11 – Financial Contributions*.

12C.3.2.9 Tara Road Urban Growth Plan Area

- a) Noise mitigation;
- b) Landscaping;
- c) Geotechnical effects;
- d) Access to Tara Road;
- e) Stormwater management;
- f) Compliance with the Urban Growth Plan UG5.

12C.4 Restricted Discretionary Activity Rules

- a) Any activity described as a Controlled Activity that does not comply with a Controlled Activity standard and term.

12C.4.1 Restricted Discretionary Activities – Matters of Discretion and Conditions

12C.4.1.1 Non-compliance with a Controlled Activity Standard and Term

In considering any activity described as a Restricted Discretionary Activity in *Rule 12C.4 - Restricted Discretionary Activity Rules* the *Council* restricts the exercise of its discretion to:

- a) The matters over which the *Council* has reserved control in *Rule 12C.3.2 – Controlled Activity – Matters of Control and Conditions*.

12C.5 Discretionary Activity Rules

The following are Discretionary Activities:

- a) *Subdivision* with allotments that do not comply with the minimum allotment sizes in the Rural-Residential Zone;
- b) *Subdivision* that does not comply with *Rule 12C.3.16 – Access to Pengary / Braithewaite Lanes*;
- c) *Subdivision* or full partitions for *papakainga* housing;
- d) *Subdivision* listed as a Discretionary Activity in *Table 12A.1*;
- e) Any activity which is not a Permitted, Controlled, Restricted Discretionary or Non-Complying Activity.

12C.5.1 Assessment of Discretionary Activities

In considering a Discretionary Activity the *Council's* discretion is unrestricted. *The Council* shall pay particular regard to the relevant objectives and policies of *the Plan*.

12C.6 Non – Complying Activity Rules

The following are Non - Complying Activities:

- a) *Subdivision* of a secondary independent dwelling unit;
- b) *Subdivision* that creates allotments to be serviced by a reticulated *wastewater* disposal system.
- c) *Subdivision* in the *Tara Road Urban Growth Plan Area* that does not comply with *Rule 12C.3.1.11 Tara Road Urban Growth Plan Area*.

12D Subdivision in the Rural Zones

The *subdivision* provisions in the Rural Zone provide for rural activities while maintaining the productivity of rural land. These provisions also recognise that this zone forms a rural backdrop to *the City* which adds to its *landscape character*. There is particular emphasis on *subdivision* not compromising the production capability and capacity of this land.

Because some areas of rural-zoned land are identified as strategically important for accommodating future urban growth through the Regional Policy Statement (that is the Future Urban Zone – Te Tumu areas), *subdivision* will be managed to ensure the cumulative effects of any fragmentation of rural land will not compromise the ability to provide effective and efficient urban development in the long term.

The *subdivision* provisions in the Greenbelt Zone recognise its role in the provision of rural amenity, stormwater management, open space and green corridor links and in the protection of *natural character* and ecological values.

12D.1 Objectives and Policies for Rural Zone Subdivision

12D.1.1 Objective – Subdivision in Rural Zones

Subdivision of rural land protects the productive potential of this finite land resource whilst recognising the existing rural *landscape character* and stormwater management function of this land.

12D.1.1.1 Policy – Subdivision in Rural Zones

Ensuring that *subdivision* design and allotment sizes:

- a) Are consistent with the open rural landscape character of these zones;
- b) Avoids the fragmentation of productive rural land in a way that could restrict the operation of *primary production activities*;
- c) Provide for the stormwater management function of catchments within these zones.

12D.1.1.2 Policy – Greenbelt Subdivision

By ensuring the *subdivision* of Greenbelt zoned areas (or the creation of new Greenbelt Zones) has particular regard to:

- a) Providing for green corridor areas along the major gully systems leading to Tauranga Harbour;
- b) Maintenance of visual separation between developed areas;
- c) The retention, maintenance or enhancement of the general elements of rural character and amenity, such as separation distances between *buildings*, *low density* and *low height* of *building*, large-scale vegetation, presence of wildlife habitats (including aquatic habitats), open spaces and a predominance of natural edges;
- d) Maintenance or enhancement of *natural character*, ecological and heritage values;
- e) Where possible, allowing for *walkway* and *cycleway* links.

12D.1.1.3 Policy – Subdivision of Secondary Independent Dwelling Units

Avoiding the subdivision of secondary independent dwelling units to ensure that these units are not able to be legally separated from the principal dwelling in way that could:

- a) Lead to the fragmentation of the rural zone in a way that compromises its productive capability;
- b) Introduce a density of built form that is inconsistent with the rural landscape character.

12D.1.2 Objective – Interim Subdivision of Land in Identified Growth Areas

Subdivision of land identified in the Regional Policy Statement as being required for future growth preserves all practicable options relating to its efficient and orderly development for future urban purposes.

Objective
Appealed

12D.1.2.1 Policy – Interim Subdivision of Land in Identified Growth Areas

By ensuring that *subdivision* of land identified in the Regional Policy Statement as a future growth area is not fragmented by *subdivision*.

12D.1.2.2 Policy – Interim Subdivision in Future Urban Zone –Te Tumu

By avoiding the fragmentation of land through *subdivision* within the Future Urban Zone – Te Tumu to ensure that the ability of that land to effectively and efficiently accommodate future growth is not compromised.

12D.2 Rural, Greenbelt and Future Urban Zone

Note: Subdivisions that do not meet a Controlled Activity Rule will be considered a Restricted Discretionary Activity unless identified otherwise.

12D.3 Controlled Activity Rules

a) Those activities listed as Controlled Activities in *Table 12A.1*.

12D.3.1 Controlled Activity – Standards and Terms

Controlled Activities shall comply with the following standards and terms:

12D.3.1.1 Minimum Allotment Size Requirements – Rural and Greenbelt Zone

a) For rural allotments in the Rural Zone and Greenbelt Zone:

Rule Appealed

Average allotment size	4ha
Minimum allotment size	2ha
Minimum <i>legal width</i> of any access lot, right-of-way or private way	6m

Note: Subdivisions that do not meet this rule will be considered a Discretionary Activity.

b) This rule shall not apply to allotments created for the purpose of *stormwater reserves*.

12D.3.1.2 Earthworks

The extent of all *earthworks* proposed as part of the *subdivision* shall be shown including, but not limited to:

- Areas of cut and fill;
- Existing and finished *ground levels*;
- Location of *building platforms*.

12D.3.1.3 Infrastructure

Infrastructure constructed to vest in the *Council* shall comply with *Rule 12G.4.1.1 – Infrastructure*.

12D.3.1.4 Services

Every allotment shall be provided with services in accordance with *Rule 12G.3.1 – Minimum Service Requirements*.

12D.3.1.5 Landscape Assessment Requirements

Landscape assessments shall be submitted with all subdivision applications within the Wairoa River Valley (between State Highway 2 and the Tauranga City boundary at Tauriko) which shall:

- Describe the *site* in context with any adjoining *outstanding natural features and landscapes*, and *important amenity landscapes*;
- Identify how the rural *landscape character* will be maintained when viewed from the eastern bank of the Wairoa River, taking into consideration the need to maintain the open space of the Wairoa Valley;
- Recommend any conditions necessary to mitigate adverse effects or provide positive effects on the rural *landscape character* including:
 - Controls on the siting, bulk, location and colours of future *buildings* and *structures*;
 - The provision of planting and landscaping on public and private lands;
 - The location and design of any roads and accessways and associated *services*;
 - The location and design of fencing to be consistent with the rural *landscape character*.

- d) Identify whether future *buildings* and *structures* are likely to be visible from the eastern bank of the Wairoa River. Where *buildings* and *structures* are likely to be visible the location of *building platforms* shall take into account:
- i) The proximity of the allotment to the eastern bank of the Wairoa River;
 - ii) The elevation of the allotment in relation to the eastern bank of the Wairoa River;
 - iii) The extent to which landscape planting will screen or mitigate the visual effects of the built form on the river's *landscape character*;
 - iv) The backdrop against which *buildings* and *structures* will be seen when viewed from the eastern bank of the Wairoa River.

12D.3.1.6 Potentially Contaminated Land

The application shall address any potentially contaminated land issues relevant to the site in accordance with *Rule 9B.2.2 – Requirements for Subdivision and Use of Potentially Contaminated Land* in *Chapter 9 – Hazardous Substances and Contaminated Land*.

Note: Subdivision of contaminated land is a Restricted Discretionary Activity in accordance with Rule 12A.6 h) – Restricted Discretionary Activity Rules

12D.3.2 Controlled Activities – Matters of Control and Conditions

The *Council* reserves control over the following matters:

12D.3.2.1 Topography and Landform

- a) The extent of proposed *earthworks* including, but not limited to:
 - i) Change in levels resulting from excavation and fill;
 - ii) Any modification of drainage patterns;
 - iii) The consistency between proposed finished *ground levels* and *ground levels* on adjoining sites;
 - iv) The location, design and suitability of *building platforms* for their intended use;
- b) Geotechnical, natural or man-made hazards on the site.

12D.3.2.2 Landscape Character

- a) The recommendations contained within a landscape assessment;
- b) The opportunities to retain natural landform and natural features that will maintain the existing *landscape character* of the zone;
- c) The location of *building platforms* and the effects of *buildings* and *structures* on *landscape character*;
- d) The location of fencing and whether its design is consistent with the rural-residential *landscape character*.

12D.3.2.3 Ecology and Open Space

- a) The retention and management of areas of *indigenous* flora and fauna habitats;
- b) The provision and location of landscape planting within the *subdivision*;
- c) The provision and location of recreation *reserves*, *esplanade reserves* or strips that provide interconnected public open space, and any vesting that may be required to achieve this.

12D.3.2.4 Infrastructure and Services

- a) The design, construction and location of *infrastructure* and *services* to, and within, the *subdivision*;
- b) The requirement for Development Plan Approval to ensure that any *infrastructure* to be vested meets the minimum *construction* and technical specification requirements of the *Council*;
- c) The provision, location and type of easements;
- d) The extent and sequence of proposed staging;
- e) The management of *construction* works.

- f) The proximity of allotments to any existing *network utilities* and any requirements that may be considered necessary to ensure the continued safe, efficient and effective operation of those *network utilities* is not compromised

12D.3.2.5 Heritage

The identification, management or protection of *historic heritage* not identified in *Chapter 7 – Heritage*.

12D.3.2.6 Potentially Contaminated Land

The matters under *Rule 9B.2.2 c) – Requirements for Use, Development and Subdivision and Use of Potentially Contaminated Land*.

12D.3.2.7 Consent Notices

Consent notices will be imposed where appropriate including, but not limited to:

- a) The location of *building platforms* and *building* locations, bulk and scale and colours (in the interests of *landscape character*);
- b) The planting and maintenance of vegetation and landscaping (*landscape character*);
- c) Engineering, geotechnical and hazard issues.

12D.3.2.8 Additional Matters for the Greenbelt Zone:

- a) The avoidance of the disruption of existing green corridors and stormwater management systems, and maintaining or enhancing the visual, ecological and physical links along the gully systems;
- b) Protecting natural features, including landforms, *indigenous* vegetation, *wetlands*, and estuarine, stream and river habitats;
- c) Avoiding the introduction of non-rural landscape elements.

12D.3.2.9 Financial Considerations

- a) The requirement of a bond for the on going performance of conditions of a consent;
- b) The requirements for *financial contributions* in accordance with *Chapter 11 – Financial Contributions*.

12D.4 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Any activity described as a Controlled Activity that does not comply with a Controlled Activity standard and term (unless stated otherwise);

12D.4.1 Restricted Discretionary Activity – Matters of Discretion and Conditions

12D.4.1.1 Non-compliance with the Controlled Activity Standards and Term

In considering any activity described as a Restricted Discretionary Activity in *Rule 12D.4 a) – Restricted Discretionary Activity Rules*, the *Council* restricts the exercise of its discretion to:

- a) The matters over which the *Council* has reserved control in *Rule 12D.3.2 – Controlled Activities – Matter of Control and Conditions*.

12D.5 Discretionary Activities

The following are discretionary activities:

- a) *Subdivision* to create allotments that do not comply with the minimum allotment size requirements in *Rule 12D.3.1.1 – Minimum Allotment Size Requirements – Rural and Greenbelt Zone*;
- b) *Subdivision* listed as a Discretionary Activity in *Table 12A.1*;
- c) Any activity which is not a Permitted, Controlled, Restricted Discretionary or Non-Complying.

12D.5.1 Discretionary Activities – Matter of Discretion and Conditions

In considering a Discretionary Activity the *Council's* discretion is unrestricted. The *Council* will consider any relevant matter with particular regard to the objectives and policies of *the Plan*.

12D.6 Non-Complying Activity Rules

The following are Non-Complying Activities:

- a) Any *subdivision* in the Greenbelt Zone that is not a Controlled Activity;
- b) *Subdivision* of a secondary independent dwelling unit;
- c) Any *subdivision*, other than *boundary* adjustments, within the Future Urban Zone – Te Tumu.

Rule Appealed

12E Subdivision in the Commercial and Industrial Zones

Subdivision provisions for the *Commercial* and *Industrial Zones* recognise the role *subdivision* plays in development, i.e., it is about defining space for the practical operation of *business activities* and *industrial activities*. While *subdivision* in these zones is not subject to minimum lot sizes there is still a requirement to demonstrate, on allotments of 1500m² or less, that potential adverse effects can be managed on-site in accordance with Permitted Activity rules.

The industrial and commercial *subdivision* provisions also provide consistency with the requirements of the *Outline Development Plans* for the commercial plan areas identified for:

- a) Poike Road;
- b) Gravatt Road;
- c) Parton Road North and Parton Road South;
- d) Bethlehem;
- e) Tauriko;
- f) Wairakei (Town Centre Zones, Neighbourhood Centre Zone and Papamoa East Employment Zone).

12E.1 Objectives and Policies for Commercial and Industrial Subdivision

12E.1.1 Objective – Commercial and Industrial Zone Subdivision

Subdivision within *Commercial* and *Industrial Zones* provides for a range of business and *industrial activities* in an integrated and sustainable manner.

12E.1.1.1 Policy – Commercial and Industrial Zone Subdivision

By ensuring functional *subdivision* design and allotment sizes that:

- a) Meet the anticipated demands of activities on-site (e.g.access, parking, etc.);
- b) Do not adversely affect the ability of development to occur in accordance with Commercial Plan Areas and Outline Development Plans.

12E.1.2 Objective – Wairakei – Commercial and Industrial Subdivision

Subdivision within:

- a) Town Centre and Neighbourhood Centre Zones at Wairakei supports development and integration of a range of business, mixed use and residential activities;
- b) The Papamoa East Employment Zone at Wairakei supports development and integration of a range of industrial employment activities.

12E.1.2.1 – Policy - Wairakei – Commercial and Industrial Subdivision

By ensuring subdivision within the Town Centre Zone, Neighbourhood Centre and Papamoa East Employment Zones at Wairakei creates functional, practical allotments that will support:

- a) The implementation of comprehensively planned and staged land use that meets the Wairakei urban growth plans and transport and infrastructure requirements;
- b) An expected minimum density target yield of at least 30 dwellings a hectare in the Wairakei Neighbourhood Centre Zone, where mixed use and/or residential development is proposed;
- c) The integration of land use and transport between Wairakei and Te Tumu urban growth areas.

Rule
Appealed

12E.2 Commercial and Industrial Zone Subdivision

Note: Activities that do not meet a Controlled Activity rule will be considered as a Restricted Discretionary Activity unless identified otherwise.

12E.3 Controlled Activity Rules

a) Those activities listed as Controlled Activities in *Table 12A.1*.

12E.3.1 Controlled Subdivision Activity – Standards and Terms

12E.3.1.1 Design Assessments

Where allotments of 1500m² or less are proposed in a Commercial or Industrial Zone (not including the Port Industry Zone) a design assessment shall be provided to demonstrate that it is possible, where applicable, to:

- a) Construct *buildings* and *structures* in accordance with:
 - i) *Rule 17A.11.2 – Pedestrian Environment Streets;*
 - ii) *Rule 17A.11.3 – Streetscape;*
 - iii) *Rule 17A.11.4 – Boundaries of the Commercial Zones and Sensitive Zones;*
 - iv) *Rule 18A.12.2 – Streetscape;*
 - v) *Rule 18A.12.3 – Industrial Zones and Sensitive Zone Boundaries;*
- b) Provide access, parking and manoeuvring areas in accordance with:
 - i) *Rule 4B.2.1 – Parking, Manoeuvring and Loading in the Port Industry Zone, Rule 4B.2.2 – On-Site Parking Requirements – City Centre Zone or Rule 4B.2.3 – On-Site Parking – General as appropriate;*
 - ii) *Rule 4B.2.4 – On-Site Parking Design;*
 - iii) *Rule 4B.2.5 – On-Site Manoeuvring;*
 - iv) *Rule 4B.2.6 – Vehicle Loading Requirements;*
 - v) *Rule 4B.2.7 – Site Access and Vehicle Crossings.*

12E.3.1.2 Outline Development Plans – Commercial Zones

Subdivision of land within a Commercial Plan Area shall demonstrate, where relevant, how future development will comply with *Rule 17A.12.5 – Special Permitted Activities in Commercial Plan Areas*.

12E.3.1.3 Access – Courtney Road Commercial Business Zone

On further *subdivision* of Lot 5 DPS 89767, no new allotments created shall be able to gain access from the existing right of way between Lot 4 DPS 89767 and Lot 1 DPS 71873.

12E.3.1.4 Earthworks

The extent of all *earthworks* proposed as part of the *subdivision* shall be shown including, but not limited to:

- a) Areas of cut and fill;
- b) Existing and finished *ground levels*;
- c) Location of *building platforms*.

12E.3.1.5 Potentially Contaminated Land

The application shall address any potentially contaminated land issues relevant to the site in accordance with *Rule 9B.2.2 – Requirements for Subdivision and Use of Potentially Contaminated Land* in *Chapter 9 – Hazardous Substances and Contaminated Land*.

Note: Subdivision of contaminated land is a Restricted Discretionary Activity in accordance with Rule 12A.6 h) – Restricted Discretionary Activity Rules

12E.3.1.6 Infrastructure

Infrastructure constructed to vest in the *Council* shall comply with *Rule 12G.4.1.1 – Infrastructure*.

12E.3.1.7 Services

Every allotment shall be provided with services in accordance with *Rule 12G.3.1 – Minimum Service Requirements*.

12E.3.1.8 Staging

Where staged *subdivision* is proposed the extent of the stages and their order shall be clearly identified.

12E.3.1.9 Subdivision along Water Margins in the Port Industry Zone

Any *subdivision* of a *site* in the Port Industry Zone that adjoins *mean high water springs* need not set aside any *esplanade reserve* in accordance with section 230 of the Resource Management Act.

12E.3.1.10 Subdivision within the Tauriko Business Estate

- a) Any application shall demonstrate how the *subdivision* will be developed in a manner that is consistent with:
 - i) Tauriko Business Estate Outline Development Plan Diagram 10, Section 5 Part B (Plan Maps);
 - ii) Tauriko Staging Plan Diagram 9, Section 5 Part B (Plan Maps);
 - iii) Tauriko Business Estate Urban Growth Plan UG8, Section 6, Part B (Plan Maps);
 - iv) *Appendix 18I – Tauriko Business Estate Mitigation and Landscaping Specification*;
 - v) *Appendix 18D – Tauriko Business Estate Mitigation, Landscaping Features and Buffer Zones*;
 - vi) *Appendix 18J – Tauriko Business Estate Typical Road Plans and Cross Sections*;
 - vii) *Rule 18A.12.2.2 – Tauriko Industry Zone Streetscape*;
- b) A Landscape Concept Plan shall be submitted specifying the work required to achieve the requirements set out in a) above including, but not limited to:
 - i) Streetscape for spine road and green connectors;
 - ii) Visual extension of green connector;
 - iii) Walkways and cycleway links;
 - iv) Stormwater management area;
 - v) Escarpment area;
 - vi) Visual mitigation buffer;
 - vii) Zone interface 10 metre planted buffer strip and 80 metre separation area;
 - viii) Planted buffer;
 - ix) Landmark entry features;
 - x) A design theme, including location, for any composite sign within a Landmark Entry Treatment area;
 - xi) Convenience centres;
 - xii) Escarpment area – Gargan Road;
- c) Any application shall demonstrate how the provisions of the Cultural Heritage Plan for the *Tauriko Business Estate* have been given effect, including:
 - i) Provision for cultural gateway *structures* and historical panels within the defined Landmark Entry Treatment Areas;
 - ii) Naming of streets, parks and other public amenities;
 - iii) Riparian protection and native planting alongside Kopurererua Stream and stormwater ponds;
 - iv) *Archaeological site* monitoring and protection;

- d) Management of the quantity and quality of stormwater to be discharged shall be in accordance with the criteria provided in *Appendix 18F: Tauriko Business Estate Stormwater Management Criteria* including:
- i) The 50-year ARI flood peaks from each stormwater catchment as shown on *Urban Growth Plan UGP8* shall not be greater than 50% of predevelopment peak run-off rates (i.e., pastoral land use);
 - ii) The 2-year ARI flood peaks shall be reduced to 30% of pre-development peak run-off rates;
 - iii) Sediment and contaminants shall be removed in accordance with best practice with particular regard to the removal of industrial and commercial surface and chemical contaminants within the discharge;
 - iv) Stormwater ponds shall be provided with all-weather access that will enable maintenance to be carried out;
- e) A report shall be provided by a Category 1 Geotechnical Practitioner to demonstrate that consideration has been given to geotechnical aspects, including:
- i) Earth filling and peat deposits;
 - ii) *Earthworks* excavations;
 - iii) Slope stability;
- f) Notwithstanding compliance with the Sequencing Schedule in accordance with section 7 of *Appendix 18G: Tauriko Business Estate Services Strategy Statement and Sequencing Schedule* section 224 Certification shall not be allowed for more than 1005 household unit equivalents (19 units per hectare for water supply) in the *Tauriko Business Estate* before a *site* for a water reservoir is secured and the double end-fed water supply operational via the Kennedy Road link route, provided that this standard and term shall not apply to that area of development adjacent to the intersection of Cambridge Rd and State Highway 29 (approximately 5 hectares) as described in the *Services Strategy Statement*;
- g) Notwithstanding compliance with the Sequencing Schedule in accordance with section 7 of *Appendix 18G: Tauriko Business Estate Services Strategy Statement and Sequencing Schedule* Section 224 Certification shall not be allowed for more than 1,100 household unit equivalents (19 units per hectare for *wastewater*) in the *Tauriko Business Estate* before *construction* of a pipeline (the Southern Pipeline) to redirect *wastewater* catchments in Tauranga South to the Te Maunga *Wastewater Treatment Plant* as described in the *Services Strategy Statement*;
- h) Notwithstanding compliance with the Sequencing Schedule in accordance with section 7 of *Appendix 18G: Tauriko Business Estate Services Strategy Statement and Sequencing Schedule* the following additional requirements shall apply in respect of Stormwater Ponds B1 and C:
- i) Before a section 224(c) certificate is issued for the *subdivision* of any land within the catchment of Stormwater Pond B1, or for Stormwater Pond B1 itself, the pond shall be fully constructed in accordance with engineering drawings approved by *Council*, and a value for the land involved shall have been determined in accordance with the *Council's* Development Contributions Policy;
 - ii) Before a section 224(c) certificate is issued for the *subdivision* of any land within Stages 3A and 3B, or for Stormwater Pond C itself, Stormwater Pond C shall be fully constructed in accordance with engineering drawings approved by *Council*, and a value for the land involved shall have been determined in accordance with the *Council's* Development Contributions Policy;
- i) Public transport routes and facilities shall be provided within the development;
- j) The location of the following features shall, where relevant to the *subdivision*, be identified in a *consent notice*:
- i) *Boundary* between the Industrial Business and Commercial Business 1 Zones with the Rural Zone;
 - ii) *Boundary* between the Industrial Business and Commercial Business 1 Zones with the Greenbelt Zone;
 - iii) Escarpment area;
 - iv) Landmark Entry Treatment Area;
 - v) Convenience centre;
 - vi) Special *Height Control Area*;
 - vii) Visual mitigation buffer;

- viii) Visual extension of green connector;
- ix) Zone interface 10 metre buffer strip and 80 metre separation area (Belk Road);
- k) Where *subdivision* of any land includes any part of any road, escarpment, Stormwater Management Area, buffer strip, or visual mitigation buffer, provision shall be made for planting that area in accordance with *Appendix 18D: Tauriko Business Estate Mitigation, Landscape Features and Buffer Zones, Appendix 18C: Industrial Streetscene Rule Plan and Typical Cross Section* and *Appendix 18E: Tauriko Business Estate Mitigation and Landscape Features; Species List*;
- l) Provision shall be made for a fence of wire mesh (or other visually permeable material) or other physical barrier generally no greater than 1.2 metres in *height* to be erected at the time of *subdivision* and maintained to prevent any encroachment of any activity into any escarpment area, visual mitigation buffer, Stormwater Management Area or 5-metre or 10-metre buffer strip in accordance with *Appendix 18I: Tauriko Business Estate Mitigation and Landscaping Specification*;
- m) The Stormwater Management Area, visual mitigation buffer and 10-metre planted buffer strip shall be vested in the *Council*;
- n) Provision shall be made for practical access and servicing of any land adjacent to the *subdivision* to ensure that adjacent land parcels are able to be developed for their zoned purpose;
- o) The 10-metre planted buffer strip shall be established at a *ground level* that maximises its screening effect in relation to permitted *buildings* on adjacent industrial land.

12E.3.2 Controlled Activity – Matters of Control and Conditions

The *Council* reserves control over the following matters:

12E.3.2.1 General

- a) The extent and sequence of any proposed staging and how this may affect any Commercial Business Plan Area requirements;
- b) Any relevant matters to which a design assessment is required to have regard to under *Rule 12E.3.1.1 – Design Assessments*;
- c) The identification, management or protection of historic heritage not identified in *Appendix 7A – Register of Protected Features*;
- d) The retention and management of areas of *indigenous* flora and fauna habitats;
- e) Any *consent notice* requirements.
- f) The proximity of allotments to any existing *network utilities* and any requirements that may be considered necessary to ensure the continued safe, efficient and effective operation of those *network utilities* is not compromised.

12E.3.2.2 Topography and Landform

- a) The extent of proposed *earthworks* including, but not limited to:
 - i) Change in levels resulting from excavation and fill;
 - ii) Any modification of drainage patterns;
 - iii) The consistency between proposed finished *ground levels* and *ground levels* on adjoining sites;
 - iv) The location, design and suitability of *building platforms* for their intended use;
- b) Geotechnical, natural or man-made hazards on the site.

12E.3.2.3 Connectivity and Transportation

- a) The proximity of the subdivision to any State Highway and the potential effects of anticipated vehicle movements associated with that *subdivision* on the safe and efficient functioning of that State Highway;
- b) The provision of public accessways to link residential areas with public transport *services*, *schools*, recreational spaces, shops and other activity centres;
- c) The layout of street patterns and how they provide efficient connections within the *subdivision* and to undeveloped or developed commercial and industrial zoned land;
- d) Whether street patterns optimise convenient access to the surrounding *transport network*;

- e) The proposed *road hierarchy* is consistent with the surrounding *transport network* and appropriate to meet the transport demands of land uses anticipated in the underlying zone.

12E.3.2.4 Infrastructure and Services

- a) The design, construction and location of *infrastructure* and *services* to, and within, the *subdivision* whilst having regard to any relevant Urban Growth Plan requirements and likely future demand of any adjoining undeveloped land;
- b) The provision of infrastructure provides for a sequential order of development in accordance with Council's funding programs;
- c) The requirement for Development Plan Approval to ensure that *infrastructure* to be vested meets the minimum *construction* and technical specification requirements of *the City*;
- d) The provision, location and type of easements;
- e) The extent and sequence of proposed staging;
- f) The management of *construction* works;
- g) The location of any proposed pump station in proximity to any adjoining residential zones in the interests of avoiding adverse effects on future residential amenity values.

12E.3.2.5 Commercial Zone Plan Areas

- a) The extent to which the *subdivision* and future development on any proposed allotment will be consistent the relevant Plan Area or Outline Development Plan;
- b) Any particular access, landscaping or fencing requirements that are specific to a Commercial Plan Area;
- c) For Poike Road the outcomes of any consultation with Waimapu Marae about on-site landscaping, view shaft and *residential activities* associated with any development.

12E.3.2.6 Tauriko Business Estate

- a) The establishment and maintenance of landscaping on land with specific requirement for:
 - i) A minimum 2-year maintenance program for landscaping on land to be vested in *Council*;
 - ii) A minimum 3-year maintenance program for landscaping within the visual mitigation buffer;
- b) Earth filling and excavations, *building* and *infrastructure setback* distances from the crest and toe of escarpment slopes, debris retention measures, and batter slope design;
- c) The completion of relevant works listed in the Sequencing Schedule in accordance with Section 7 of *Appendix 18G: Tauriko Business Estate Services Strategy Statement and Sequencing Schedule*.

12E.3.2.7 Heritage

The identification, management or protection of *historic heritage* not identified in *Chapter 7 – Heritage*.

12E.3.2.8 Potentially Contaminated Land

The matters under *Rule 9B.2.2 c) – Requirements for Use, Development and Subdivision and Use of Potentially Contaminated Land*.

12E.3.2.9 Financial Considerations

- a) The requirement of a bond for the on going performance of conditions of a consent;
- b) The requirements for *financial contributions* in accordance with *Chapter 11 – Financial Contributions*.

12E.4 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Subdivision within the Wairakei Town Centre Zone, Neighbourhood Centre Zone or the Papamoa East Employment Zone;
- b) Any activity described as a Controlled Activity that does not comply with a Controlled Activity standard and term (unless stated otherwise).

12E.4.1 Non-Notification – Wairakei

Any application for a resource consent made under *Rule 12E.4 a) – Restricted Discretionary Activity Rules* in the Wairakei Town Centre Zone, the Wairakei Neighbourhood Centre Zone or the Papamoa East Employment Zone shall not be notified, or served on affected persons.

12E.4.2 Restricted Discretionary Activity Standards and Terms

Restricted Discretionary Activities shall comply with the following standards and terms:

12E.4.2.1 Subdivision within Wairakei Town Centre Zone, Neighbourhood Centre Zone or Papamoa East Employment Zone

An assessment shall be provided with an application for resource consent which confirms the following:

- a) The subdivision design and layout shall be in accordance with the approved *Comprehensive Development Consent* under *Rule 17A.14 f) or 18A.15 e)* or any variations granted to it; that is, the subdivision is to implement the consent granted under that rule;
- b) All new allotments are provided with minimum building platform levels (relative to Moturiki Datum) in accordance with the following:
 - i) 4.8m RL for allotments that is proposed for non-habitable residential buildings;
 - ii) 4.9m RL for allotments that is proposed for commercial and industrial buildings;
 - iii) 5.1m RL for allotments that is proposed for habitable buildings;
- c) Use of ground soakage for the disposal of stormwater from roofs of residential buildings (unless shown to be not practicable) and is encouraged to be used for non-residential buildings.

Note: Subdivision that does not comply with Rules 12E.4.2.1 b) and c) is a Restricted Discretionary Activity under Rule 12E.4.

Subdivision that does not comply with Rule 12E.4.2.1 a) is a Non-Complying Activity under Rule 12E.6.

12E.4.3 Restricted Discretionary Activities – Matters of Discretion and Conditions

In determining whether to grant or refuse consent and what conditions, if any, to impose the *Council* will have regard to the following:

12E.4.3.1 Non-Compliance with a Controlled Activity Standard and Term

In considering an activity described as a Restricted Discretionary Activity in *Rule 12E.4 b) – Restricted Discretionary Activity Rules* the Council restricts the exercise of its discretion to:

- a) The matters over which the Council has reserved control in *Rule 12E.3.2 – Matters of Control and Conditions*.

12E.4.3.2 Subdivision within Wairakei Town Centre Zone, Neighbourhood Centre and Papamoa East Employment Zones

In considering an activity described as a Restricted Discretionary Activity in *Rule 12E.4 a) – Restricted Discretionary Activity Rules* the Council restricts the exercise of its discretion to:

- a) The implementation of, or compliance with, any required *comprehensive development consent* conditions required under *Rules 17A.14 f) and 18A.15 e)* that need to be implemented through subdivision including associated easements and/or covenants and consent notices;
- b) How the subdivision:

- i) Is generally in accordance with the *Diagram 12, Section 5, Plan Maps (Part B) (Wairakei Structure Plan (SP15) (Part B))* and meets the infrastructure requirements of the *Diagram 6, Section 6, Plan Maps (Part B) (Wairakei Urban Growth Plan)*;
- ii) Meets the standards and terms in *Rule 12E.4.2.1 a) and b)*;
- c) Whether the land being subdivided is suitable for urban subdivision having regard to ground conditions and geotechnical assessment;
- d) The imposition of conditions relating to implementing the matters in a) and c) above;
- e) The imposition of conditions that require a detailed design report to be submitted with detailed engineering designs and calculations for stormwater management, mitigation and water quality applicable to the development area or sub stage of that area.

12E.5 Discretionary Activities

The following are Discretionary activities:

- a) Any *subdivision* within any stage of the *Tauriko Business Estate* as identified in *Diagram 9, Section 5, Plan Maps (Part B)* where the requirements set out in:
 - i) Column 2 of the Sequencing Schedule Table, in accordance with Section 7 of *Appendix 18G: Tauriko Business Estate Services Strategy Statement and Sequencing Schedule* in relation to that stage have not been completed;
 - ii) Column 3 of the Sequencing Schedule table in accordance with Section 7 of *Appendix 18G: Tauriko Business Estate Services Strategy Statement and Sequencing Schedule* in relation to that stage have not been completed, unless the application for *subdivision* consent specifically undertakes that those prerequisites will be completed before a section 224(c) RMA Certificate being issued in respect of the *subdivision*;
 - iii) Column 3 of the Sequencing Schedule table in accordance with Section 7 of *Appendix 18G: Tauriko Business Estate Services Strategy Statement and Sequencing Schedule* in relation to that stage have not been completed unless the land use concerned requires resource consent under some other rule in this *Plan* and an application for resource consent for that land use specifically undertakes that those prerequisites will be completed before the activity starts;
- b) *Subdivision* listed as a Discretionary Activity in *Table 12A.1*;
- c) Any activity which is not a Permitted, Controlled, Restricted Discretionary, Non-Complying or Prohibited Activity.

12E.5.1 Discretionary Activities – Matters of Discretion and Conditions

In considering a Discretionary Activity the *Council's* discretion is unrestricted. The *Council* shall pay particular regard to the objectives and policies of *the Plan*.

12E.6 Non-Complying Activity Rules

The following are Non-complying Activities:

- a) *Subdivision* that does not comply with *Rule 12E.4.2.1 a) – Subdivision within Wairakei Town Centre Zones, Neighbourhood Centre Zone or Papamoa East Employment Zones*;
- b) *Subdivision* listed as a Non-Complying Activity in *Table 12A.1*.

12F Subdivision within Marae Community Zones, Papakainga Zones and Matapihi Papakainga Scheduled Sites

The *subdivision* provisions for these specific areas recognise that marae are the focal point for *iwi* and *hapu* and that their development occurs in a unique and evolving manner. These provisions also reflect specific agreements between *Council* and *iwi/hapu* and recognise the servicing issues associated with the location of the land. Whilst these provisions seek to facilitate development within these areas there it is also appropriate to ensure that any such development is consistent with the purpose of the underlying zone and surrounding landscape character.

12F.1 Objectives and Polices for Marae Community Zones, Papakainga Zones and Matapihi Papakainga Scheduled Sites

12F.1.1 Objective – Maori Community Development

Subdivision or full partitions facilitate the use and development of marae and multiple owned Maori land to meet the needs of *iwi*, *hapu* and *whanau* in a manner that is consistent with the purpose of the underlying zone.

12F.1.1.1 Policy – Maori Community Development

By ensuring that subdivision or full partitions occur in a way that:

- a) Can accommodate land use activities in a manner that is consistent with the purpose of the underlying zone and surrounding landscape character;
- b) Provides an appropriate level of infrastructure and services.

12F.1.1.2 Policy – Subdivision or Partition within Marae Community Zones, Papakainga Zones or Papakainga Scheduled Sites

By ensuring *subdivision* or full partition applications have regard to any special Marae Concept Development Plans, Land Use Plans or Management Plans lodged with the *Council*.

12F.1.1.3 Thresholds for Maori Community Development

Providing thresholds for subdivision and full partitions within Rural Marae Community Zones that:

- a) Recognise the short term housing needs of *hapu* whilst ensuring long term housing development and servicing requirements are not compromised;
- b) Identify the point at which the density of housing development and associated service requirements are unlikely to be consistent with the purpose of the underlying zone.

12F.2 Marae Community Zones, Ngati Kahu Papakainga Zone and Matapihi Papakainga Scheduled Sites

Note: Subdivisions or full partitions that do not meet a Controlled Activity rule will be considered Restricted Discretionary Activities unless identified otherwise.

Note: Subdivisions or full partitions that do not meet Rule 12F.3.1.1 – Minimum Allotment Size will be considered Discretionary Activities

12F.3 Controlled Activity Rules

Those activities listed as Controlled Activities in *Table 12A.1* are deemed to be Controlled Activities.

12F.3.1 Controlled Activity – Standards and Terms

12F.3.1.1 Minimum Allotment Size

- a) *Subdivision* or full partitions for allotments within Marae Community Zones and the Matapihi Papakainga Scheduled Site shall comply with the following:

Location	Urban Marae Community	Rural Marae Community	Matapihi Papakainga Scheduled Sites
Minimum allotment size	325m ² gross <i>site</i> area	Not less than 800m ²	Not less than 800m ²

12F.3.1.2 Allotment Requirements – Ngati Kahu Sub-Zone A & B and Urban Marae Community Zones:

Allotments shall be able to accommodate land use activities, in accordance with *Rule 12B.3.1.4 a) ii) – iv) and b) – Design Assessment, Rule 14C.5.1 – Density of Independent Dwelling Units and Shared Accommodation and Rule 14C.5.3 – Building Scale – Ngati Kahu Papakainga Zone, Sub Zone B as relevant.* Where there is any doubt as to whether future land uses will be able to comply with this rule the Council will require a design assessment to be submitted to demonstrate how compliance can be achieved.

12F.3.1.3 Allotment Requirements – Rural Marae Community Zone

- Allotments may be created for up to 10 *independent dwelling units* within the zone, except as provided by *Rule 12F.3.1.3 b) – f) – Allotment Requirements – Rural Marae Community Zone;*
- Allotments may be created for up to 30 *independent dwelling units* within the Tahuwhakatiki Rural Marae Community Zone;
- Allotments may be created for up to 35 *independent dwelling units* within the Tamapahore Rural Marae Community Zone;
- Allotments may be created for up to 50 *independent dwelling units* within the Ngati Hangarau Rural Marae Community Zone;
- Allotments may be created for up to 50 *independent dwelling units* within the Hungahungatoroa Rural Marae Community Zone;
- Allotments may be created for up to 50 *independent dwelling units* within the Waikari Rural Marae Community Zone.

12F.3.1.4 Allotment Requirements – Matapihi Papakainga Scheduled Sites

Allotments shall be able to accommodate land use activities in accordance with *Rule 16A.8.14 – Permitted Activities Within a Matapihi Papakainga Scheduled Site.* Where there is any doubt as to whether future land uses will be able to comply with this rule the Council will require a design assessment to be submitted to demonstrate how compliance can be achieved.

12F.3.1.5 Services

Every allotment shall be provided with *services* in accordance with *Rule 12G.3.1 – Minimum Service Requirements*.

12F.3.1.6 Urban Growth Structure Plans

Subdivision or full partition applications shall provide for the level of *infrastructure* defined on *Urban Growth Plan UGP1*.

12F.3.1.7 Potentially Contaminated Land

The application shall address any potentially contaminated land issues relevant to the site in accordance with *Rule 9B.2.2 – Requirements for Subdivision and Use of Potentially Contaminated Land* in *Chapter 9 – Hazardous Substances and Contaminated Land*.

Note: Subdivision or full partition of contaminated land is a Restricted Discretionary Activity in accordance with Rule 12A.6 h) – Restricted Discretionary Activity Rules

12F.3.2 Controlled Activities – Matters of Control and Conditions

12F.3.2.1 For Ngati Kahu Sub-Zone A & B or Urban Marae Community Zones:

The *Council* reserves control over those relevant matters under *Rule 12B.3.2 – Controlled Activities – Matters of Control and Conditions*.

12F.3.2.2 For Rural Marae Community Zones or Matapihi Papakainga Scheduled Sites

The *Council* reserves control over those relevant matters under *Rule 12D.3.2 – Controlled Activities – Matters of Control and Conditions*.

12F.4 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Applications for *subdivision* or full partitions for *independent dwelling units* that do not meet a Controlled Activity standard and term (unless stated otherwise);
- b) *Subdivision* or full partition for more than 10, but less than 30, *independent dwelling units* within the Rural Marae Community Zone (unless stated otherwise);

12F.4.1 Restricted Discretionary Activities – Matters of Discretion and Conditions

12F.4.1.1 Thresholds within Rural Marae Community Zones

In considering an activity described as a Restricted Discretionary Activity in *Rule 12F b) and c) – Restricted Discretionary Activity Rules* the Council restricts the exercise of its discretion to the matters outlined in:

- a) *Policy 12F.1.1.1 – Maori Community Development*;
- b) *Policy 12F.1.1.2 – Subdivision or Partition within Marae Community Zones, Papakainga Zones or Papakainga Scheduled Sites*.

12F.4.1.2 Non-compliance with a Controlled Activity Standard and Term

In considering an activity described as a Restricted Discretionary Activity in *Rule 12F.4 a) – Restricted Discretionary Activity Rules* the Council restricts the exercise of its discretion to:

- a) Where subdivision or partitions are proposed in the Urban Marae Community Zone the matters of which the Council has reserved control in *Rule 12B.3.2 – Controlled Activities – Matters of Control and Conditions*; or
- b) Where subdivision or partitions are proposed in the Rural Marae Community Zone the matters of which the Council has reserved control in *Rule 12D.3.2 – Controlled Activities – Matters of Control and Conditions*.

12F.5 Discretionary Activity Rules

The following are Discretionary Activities:

- a) Subdivisions or full partitions that do not meet the minimum allotment size in the Urban Marae Community Zone, Rural Marae Community Zone or Matatpihi Papakainga Scheduled Sites;
- b) Any *subdivision* listed as a Discretionary Activity in *Table 12A.1*;
- c) Any activity not listed as a Controlled, Restricted Discretionary or Non-Complying Activity.

12F.5.1 Considering Discretionary Activities

In considering a Discretionary Activity the *Council's* discretion is unrestricted. The *Council* will consider any relevant matter with particular regard to the objectives and policies of *the Plan*.

12F.6 Non-Complying Activity Rules

The following are Non-Complying Activities:

- a) Subdivision for 31 or more *independent dwelling units* within a *Rural Marae Community Zone*;
- b) Subdivision for 51 or more *independent dwelling units* within the *Ngati Hangarau Rural Marae Community Zone*;
- c) Subdivision for 51 or more *independent dwelling units* within the *Hungahungatoroa Rural Marae Community Zone*;
- d) Subdivision for 51 or more *independent dwelling units* within the *Waikari Rural Marae Community Zone*.
- e) Subdivision for 31 or more *independent dwelling units* within the *Tahuwhakatiki Rural Marae Community Zone*;
- f) Subdivision for 36 or more *independent dwelling units* within the *Tamapahore Rural Marae Community Zone*.

12G Purpose of Service and Infrastructure Provisions

Appealed
Additions

The purpose of the service and *infrastructure* provisions is to:

- a) Identify the accepted levels of service for development in each respective zone;
- b) Identify the *Council's infrastructure performance standards* for the delivery of assets.

Minimum levels of service requirements are identified for each zone to ensure that on-site service provision will not generate a level of demand that is beyond the anticipated capacity of the Council's *infrastructure* within a catchment, and to ensure that those levels of service are consistent with the character and amenity of the underlying zone.

Subdivision of land is the principal method for delivering infrastructure. As a physical resource it is important to ensure that the development of infrastructure will enable people, communities and future generations to provide for their social and economic well being as well as their health and safety. To this end the City Plan includes a number of performance standards that identify 'what needs to be achieved' for infrastructure that is proposed to be constructed to be vested in Council. Both the applicant and the Council must satisfy themselves that these standards can be achieved at the subdivision stage whilst recognising that the final design and construction of infrastructure ('how it is achieved') will be delivered through compliance with conditions of subdivision consent prior to approval pursuant to section 224 of the RMA.

The most certain means of compliance with the infrastructure performance standards is for an applicant to confirm they will use the Council's Infrastructure Development Code. Whilst other means of compliance with the infrastructure performance standards can be proposed these may require more detail to be provided as part of the application and will be evaluated as part of that consent process.

12G.1 Objectives and Policies for Services and Infrastructure

12G.1.1 Objective – Services and Infrastructure

The provision of effective, efficient, functional, safe and sustainable *services* and *infrastructure* throughout *the City*.

12G.1.1.1 Policy – Services

Ensuring that the subdivision, use and development of land will provide for a level of on-site service that:

- a) Connects to a Council owned system where appropriate;
- b) Avoids generating an unanticipated level of demand on infrastructure or service capacity that is not able to be remedied or mitigated;
- c) Is consistent with the purpose of the underlying zone.

Policy
Appealed

12G.1.1.2 Policy – Infrastructure

Ensuring that where *infrastructure* is proposed to be vested in the Council it will be designed and constructed to a standard that will:

- a) Deliver a design life that is suitable for its intended purpose;
- b) Factor in the risk of any known natural or geo-technical hazards within the area;
- c) Accommodate the anticipated demand and flows for that system or network;
- d) Be compatible with existing systems or networks where links are proposed;
- e) In the case of piped systems be capable of containing design flows within that system except where surcharge is appropriate;
- f) Be cost effective for the Council to operate and maintain;
- g) Provide for safe and reasonable access for maintenance;
- h) Not compromise the integrity of existing infrastructure or network utilities in the area.

12G.1.1.3 Policy – Infrastructure and Services - Tauriko

By ensuring the timing of *infrastructure* and *services* follow the staging shown on the *Tauriko Business Estate Staging Plan* and associated staging requirements set out in the *subdivision* rules unless:

- a) Unforeseen circumstances result in a need to amend the sequence;
- b) The amended sequence does not adversely affect *infrastructure* performance;
- c) Any increase in costs is borne by the developer.

12G.1.2 Objective – Transport Network

The safe and efficient movement of people, vehicles and goods on to and within the *transport network*.

12G.1.2.1 Policy – Transport Network

By ensuring that the width, alignment, *structure* and formation of vehicle crossings, *walkways*, cycleways and roads are appropriate for their intended capacity.

12G.1.2.2 Policy – Streetscape

By ensuring that the *streetscape* contributes to the urban *landscape character* through the inclusion of soft and hard landscaping in a way that helps define the *boundary* between public and private space without compromising the safe and efficient functioning of the *transport network*.

12G.1.2.3 Policy – Streetlighting

By ensuring that streetlighting provides for the safe and secure movement of people, vehicles and goods.

12G.1.3 Objective – Stormwater

People, property, and *infrastructure* are safeguarded from the adverse effects of flooding and inundation associated with stormwater discharge.

12G.1.3.1 Policy – Stormwater

Ensuring stormwater systems are designed and constructed to:

- a) Consist of a combination of primary and secondary systems;
- b) Have capacity to service the anticipated demand whilst accommodating anticipated flows, pressures and loads;
- c) Utilise ground soakage in appropriate locations;
- d) Incorporate measures to avoid, remedy or mitigate:
 - i) The risk of blockages;
 - ii) Flooding effects associated with stormwater discharge;
 - iii) Pollutant loads;
 - iv) Post development run off.

12G.1.3.2 Policy – Low Impact Design

Ensuring that where low impact stormwater design is incorporated into a stormwater system it is:

- a) Appropriately designed to accommodate anticipated flows having particular regard to run-off from the surrounding natural and physical environment;
- b) Located in areas that will enable practical access for safe and effective maintenance.

12G.1.4 Objective – Water Supply

The efficient, effective and sustainable water supply for human consumption, hygiene and firefighting purposes.

12G.1.4.1 Policy – Water Supply

By ensuring the standard of water supply to *subdivision* and land-use activities will meet the required consumption, hygiene and firefighting requirements.

12G.1.5 Objective – Wastewater

The safe and hygienic treatment and disposal of *wastewater* from land-use activities.

12G.1.5.1 Policy – Wastewater

By ensuring that *wastewater* is treated and disposed of from a *site* in a way that minimises adverse effects on public health and the *environment*.

12G.1.6 Objective – Reserves

The provision of accessible and safe *reserves* that meet the recreational demands of residents.

12G.1.6.1 Policy – Reserves

By ensuring the location and design of *reserves* has regard to:

- a) Purpose– the form of the *reserve* will reflect its intended function;
- b) Location – prominent locations that maximise street frontage, access to public transport;
- c) Landform and orientation;
- d) Proportion – *reserves* are designed for their intended function;
- e) Access and connectivity;
- f) Visibility;
- g) Adaptability;
- h) Ecology.

12G.1.7 Objective – Energy and Telecommunications

Utility connections adequately meet the energy and telecommunication demands for land-use activities across *the City*.

12G1.7.1 Policy – Energy and Telecommunications

By ensuring the road *reserve* can provide for the energy and telecommunication demands of land-use activities.

12G.2 Activity Status Rules

12G.2.1 Activities Providing Infrastructure and Services

All activities that provide *infrastructure* shall have the status identified in *Table 12G.1*. Symbols used in *Table 12G.1* have the meaning described in *Table 1A.2: Activity Status*.

Note: The provision of infrastructure as part of a subdivision application does not require a separate land-use consent.

Table 12G.1: Infrastructure and Services Provision Activity Status

Use/Activity	Relevant Rule	All Zones
Provision of <i>services</i>	12G.3.1	P
Provision of <i>infrastructure</i> to vest in the <i>Council</i>	12G.4	C

12G.3 Permitted Activity Rules – Services

Note: Activities that do not meet a Permitted Activity or Controlled Activity rule shall be considered as a Restricted Discretionary Activity.

12G.3.1 Minimum Service Requirements

Permanent land-use activities shall be provided with the following minimum *services*, dependent on the zone within which they are located:

- a) For Residential, *Commercial* and *Industrial Zones*:
 - i) Individual connections to a *Council*-owned *wastewater* system;
 - ii) Individual connections to a *Council*-owned water system;
 - iii) Individual connections to a *Council*-owned stormwater system or a soakage system pre-approved by the Council;
 - iv) Vehicular access to the *transport network*;
- b) For Rural-Residential Zones:
 - i) Adequate ability to accommodate on-site treatment and disposal of *wastewater* in accordance with Bay of Plenty Regional Council requirements;
 - ii) Individual connections to a *Council*-owned water system;
 - iii) Adequate provision for on-site stormwater disposal;
 - iv) Vehicular access to the *transport network*;
- c) For Rural Zones:
 - i) Adequate ability to accommodate on-site treatment and disposal of *wastewater* in accordance with Bay of Plenty Regional Council requirements;
 - ii) Adequate provision for an on-site water supply system that provides potable water and access to an adequate water flow for firefighting purposes;
 - iii) Adequate provision for on-site stormwater disposal;
 - iv) Vehicular access to the *transport network*;
- d) Education Centre Zones:
 - i) The provision of *services* consistent with the zone surrounding the Education Centre Zone;
- e) All Zones:
 - i) Adequate ability to connect to energy and telecommunications networks.

Rule Appealed

12G.4 Controlled Activity Rules

Those activities listed as Controlled Activities in *Table 12G.1*.

12G.4.1 Controlled Activities – Standards and Terms

12G.4.1.1 Infrastructure

Subdivision, use and development that constructs *infrastructure* to vest in the *Council* shall comply with the relevant performance standards in accordance with *Appendix 12A, B, C, D and E*.

12G.4.1.2 Multi Unit Development

Where multiple units are being constructed on-site prior to a *subdivision* the system designed to cater for stormwater, *wastewater* and *water services* shall comply with the relevant performance standards in accordance with *Appendix 12A, B, C and D*.

12G.4.2 Controlled Activities – Matters of Control and Conditions

The Council reserves control over the following matters:

- a) The requirement for Development Works Approval to ensure that *infrastructure* to be vested meets the minimum *construction* and technical specification requirements of the *Council*.

12G.5 Restricted Discretionary Activity Rules

- a) Any activity described as a Permitted or Controlled Activity that does not comply with a *Rule 12G.3 – Permitted Activity Rules* or *Rule 12G.4.1 - Controlled Activity Standards and Terms*.

12G.5.1 Non-Notification

Any application for a resource consent made under *Rule 12G.5 – Restricted Discretionary Activity Rules* shall not be notified, or served on affected persons.

12G.5.2 Restricted Discretionary Activity – Matters of Discretion and Conditions

12G.5.2.1 Minimum Service Requirements

In considering any activity described as a Restricted Discretionary Activity in *Rule 12G.5 – Restricted Discretionary Activity Rules* the Council restricts the exercise of its discretion to:

- a) *Policy 12G.1.1.1 – Services*.

12G.5.2.2 Non-compliance with a Controlled Activity Standard and Term

In considering any activity described as a Restricted Discretionary Activity in *Rule 12G.5 – Restricted Discretionary Activity Rules*, the *Council* restricts the exercise of its discretion to:

- a) The matters over which the *Council* has reserved control in *Rule 12G.4.2 – Controlled Activities – Matters of Control and Conditions*;
- b) *Policy 12G.1.1.2 – Infrastructure*;
- c) *Policy 12G.1.2.1 – Transport Network*, *Policy 12G.1.2.2 – Streetscape* and *Policy 12G.1.2.3 – Streetlighting* in terms of non-compliance with *Appendix 12A – Transport Network*;
- d) *Policy 12G.1.3.1 – Stormwater*, *Policy 12G.1.3.2 – Low Impact Design* and *Policy 12G.1.6.1 – Reserves* in terms of non-compliance with *Appendix 12B – Stormwater*;
- e) *Policy 12G.1.4.1 – Water Supply* in terms of non-compliance with *Appendix 12C – Water Supply*;
- f) *Policy 12G.1.5.1 – Wastewater* in terms of non-compliance with *Appendix 12D – Wastewater*;
- g) *Policy 12G.1.6.1 – Reserves* in terms of non-compliance with *Appendix 12E – Reserves*.

12G.6 Discretionary Activity Rules

Any activity which is not a Permitted, Controlled or Restricted Discretionary Activity.

12G.6.1 Assessment of Discretionary Activities

In considering a Discretionary Activity the Council's discretion is unrestricted. The Council shall consider any relevant matter with particular regard to the relevant objectives and policies of the Plan.

Appendix 12A: Performance Standard, Transportation Network

Design

1. The transportation network shall be designed and constructed to ensure:
 - a) Roads are designed to meet the requirements of their hierarchy, function and design speed;
 - b) The design for new road pavements shall provide a design life of at least 25 years (excluding wearing course or surface treatment);
 - c) The reticulation, conveyance and temporary ponding functions of the stormwater management system for the associated catchment can be accommodated;
 - d) Sumps shall be installed to allow surface water to enter the stormwater management system;
 - e) New carriageways to be vested in Council shall be sealed using bitumen as the primary surface sealant;
 - f) Footpaths shall be provided for roads in all zones except:
 - i) Where the road is a service lane; or
 - ii) In the Rural-Residential and Rural Zone where footpaths are not required;
 - g) Where street-to-street pedestrian links are required or provided clear lines of sight between entry and exit points shall be provided, unless this is not possible due to topographical constraints.

Streetscape

2. The areas of Road Zone not covered by the carriageway or footpath network shall be finished with grassed surface unless provided otherwise by another performance standard.
3. The design for street furniture shall provide a design life of at least 15 years (excluding finishing coatings).
4. Entrance features shall be located wholly within private lots.
5. Street gardens shall be provided only at intersections between collector, secondary or primary arterial roads.
6. Roundabouts of less than 10 metres in diameter may have one single trunked specimen tree planted centrally in the roundabout.
7. Street trees shall be located within the berms and/or roundabouts of local or collector roads serving Residential, Rural-Residential, Commercial or Industrial Zones.

Street lighting

8. All new roads shall be provided with street lighting.
9. Street lighting shall be positioned at both ends of all pedestrian/cycle accessways.

Utilities

10. Any part of a network utility that is required to be located above ground within the road reserve shall be located in positions clear of the path of footpaths, cycleways and accessways and vehicular sightlines.

Appendix 12B: Performance Standard, Stormwater

Design

1. All stormwater management systems shall be designed and constructed to ensure:
 - a) It is consistent with any relevant structure plan;
 - b) The design of the stormwater network shall provide a design life of at least 50 years;
 - c) Gravity is used as the main method of reticulation;
 - d) The upstream catchment is provided for and the downstream receiving network has the capacity to cater for the design condition;
 - e) The overall stormwater management system generally comprises primary and secondary flow conveyance methods, treatment and discharge components;
 - f) The overall stormwater management system shall be designed to accommodate flows from a 50 year return period storm event (2%AEP), except within the Wairakei Urban Growth Area and the Te Tumu Future Urban Zone where stormwater systems shall be designed to accommodate flows from a 100 year return period storm event (1% AEP);
 - g) The primary conveyance method of the overall stormwater management system shall accommodate flows from a 10 year return period storm event (10%AEP);
 - h) The post-development run-off rates shall be no greater than pre-development run-off rates;
 - i) Ponding areas are provided for only on public roads and public land;
 - j) Temporary overland flowpaths across private property shall be protected by an easement in favour of Tauranga City Council.

Appendix
Appealed

Conveyance

2. Reticulation and trunk mains shall have a minimum internal diameter of 200mm.
3. Laterals and connections shall have a minimum internal diameter of 100mm.
4. For rigid pipes (i.e., uPVC, concrete, steel, etc) manholes shall be placed at all changes in direction and grade.

Treatment and Detention

5. Any proposed stormwater treatment and detention system shall be located on land owned by, or to be vested in Tauranga City Council.

(Where this is not possible or practical in the opinion of the Council, the stormwater treatment and detention system may be provided on-site, subject to appropriate conditions of consent being provided with respect to the construction, operation and maintenance of the approved system together with the provision of easements and/or covenants on the land title(s) protecting Council's interests as far as the operation and maintenance of the on-site stormwater system is concerned).

Discharge

6. The design of any discharge structure shall include an energy dissipation device to minimise the effect of erosion on the receiving environment.

Connections

7. Any individual lot connection shall be designed and located to provide for the existing or proposed development of the site.

Access

8. Safe and reasonable access shall be provided to the stormwater management system for maintenance.

Appendix 12C: Performance Standard, Wastewater

Design

1. All wastewater management systems shall be designed and constructed to ensure:
 - a) Consistency with any relevant structure plan;
 - b) The wastewater network has a design life of at least 50 years (except as specified for pump stations);
 - c) Gravity is used as the main method of reticulation;
 - d) The upstream catchment is provided for and the downstream receiving network has the function and capacity to cater for the design requirements (Note: For the purpose of assessing this provision the downstream point shall be the nearest trunk sewer main or receiving manhole of a pump station);
 - e) The wastewater management system shall utilise a network of underground pipes and pump stations as its primary method of conveyance;
 - f) Surface and ground water is inhibited from entering the system;
 - g) Maximum gradients and design flows do not surcharge the system;
 - h) Minimum gradients and design flow velocities enable reticulation to be self-cleansing.

Conveyance

2. Reticulation and trunk mains have a minimum internal diameter of 150mm.
3. Laterals and connections have a minimum internal diameter of 100mm.
4. For rigid pipes (i.e., uPVC, concrete, steel, etc.) manholes shall be placed at all changes in direction and grade.

Connections

5. Any individual lot connection shall be designed and located to suit the existing or proposed development for the site.

Pump Stations

6. Wastewater pump stations shall be used only where gravity reticulation cannot optimally serve the entire catchment.
7. The pump station shall be located on a separate lot specific for that purpose. That lot shall:
 - a) Be vested in Council;
 - b) Be provided with access of not less than 3 metres wide;
 - c) Include a clear area of 5 metres x 5 metres to enable installation of a biofilter.

Access

8. Safe and reasonable access shall be provided to the wastewater management system for maintenance of the system.

Appendix 12D: Performance Standard, Water Supply

Design

1. All water supply systems shall be designed and constructed to ensure:
 - a) Consistency with any relevant structure plan;
 - b) The water supply network has a design life of at least 50 years;
 - c) The upstream and downstream function and capacity requirements of the wider catchment are not compromised;
 - d) The following operating pressures can be achieved:

Allowable Operating Pressure (head)	Residential, Commercial & Industrial (measured at the building platform)	Firefighting (measured at the hydrant)
Maximum	800 kpa(80m)	800kpa(80m)
Minimum	300kpa (30m)	100kpa (10m)

- e) The following use parameters will be met:

Type of Development	Consumption (peak hourly flow)
Residential dwellings (excluding the High Density Residential and Rural Zones)	0.64l/ sec/ha (based on 50 people per hectare)
Schools (0 – 300 pupils and staff) Hospitals (0 – 50 beds) Rest Homes (0 – 50 beds) Shopping Centres (0 – 10 premises)	1 l/sec/ha
Industrial & Commercial (0 – 10 lots/premises) High Density Residential Dwellings in the Rural Zone Schools (300-plus pupils and staff) Hospitals (50-plus beds) Rest Homes (50-plus beds)	1.5l/sec/ha
Commercial & Industrial (10 plus lots or premises)	2l/sec/ha

Note: Where the Plan sets a different minimum or maximum density of lots per hectare, the design capacity shall be modified to reflect that density per hectare.

- f) The water supply network shall provide firefighting coverage.

Conveyance

2. The water supply network shall, excluding road crossings, generally be located within the road berm and be separated from any other infrastructure services laid parallel to it.
3. Provide safe and reasonable access to the water supply system for maintenance.
4. Be compatible with the existing water supply network.

Appendix 12E: Performance Standard, Reserves

General

1. Where any land is proposed to be vested in Council as a reserve, that land shall be designed and constructed to ensure:
 - a) The completed reserve will meet the following:
 - i) For areas maintained by mowing using tractor mounted equipment:

General	Sports fields	
	Across the direction of play	In the direction of play
Minimum – 1 in 80 (1.25%)	Minimum – 1 in 120 (0.8%)	
Maximum – 1 in 5 (20%)	Maximum – 1 in 50 (2%)	Maximum – 1 in 100 (2%)

- ii) For areas maintained by vegetation planting, mulch and/or weedeating:

Minimum – 1 in 80 (1.25%)
Maximum – 1 in 2.5 (40%)

- iii) For gardens:

Minimum – 1 in 120 (0.8%)
Maximum – 1 in 10 (10%)

- iv) For cycleways or walkways used by the public:

Minimum – 1 in 120 (0.8%)
Maximum – 1 in 8 (12.5%)
Crossfall – between 1 in 25 (4%) and 1 in 50 (2%)

- v) For accessways for reserve maintenance:

Minimum – 1 in 120 (0.8%)
Maximum – 1 in 5 (20%) for all-weather access; and 1 in 8 (12.5%) for other accesses

- b) Any locations where the minimum grades cannot be achieved and are adjacent to a watercourse the area shall be finished with riparian planting;
 - c) All-weather access for maintenance is provided;
 - d) That mowable areas are presented in established amenity turf grass.
2. Where the reserve will also convey stormwater as part of a stormwater management system, management of that stormwater may be provided by the use of dry swales, piped reticulation or open channels in compliance with the relevant stormwater performance standards.
3. Where stormwater services cross any reserve other than a stormwater reserve easements shall be required.
4. Park furniture and play equipment shall be provided only where it meets the intended use of the reserve and specified level of service.
5. Where the reserve being created has its primary use as a pedestrian link (walkway) it shall be designed to provide clear sight lines between both entry and exit points of the walkway unless this is not possible due to topographical constraints.

Appendix 12F: Subdivision Layout and Design

