



23 SUBDIVISION AND SERVICING

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SUBDIVISION AND SERVICING

23.1

INTRODUCTION

Subdivision is a process which creates legally distinct parcels of land. The legal process itself does not create adverse effects, but it does create opportunities and expectations for the owner of land when a separately identifiable and legally recognised entity of land is created.

In addition, there can be direct physical effects from making the land suitable for subdivision for a particular purpose, such as creating roads and site access, building sites, and installing appropriate utilities or on site servicing.

Given that subdivision creates opportunities and expectations for development, it is an appropriate point at which to ensure that the land is provided with adequate services such as sewage and stormwater collection, treatment and disposal facilities, water supply, electricity supply etc, to avoid the adverse effects of any development that may follow.

It is appropriate therefore, that the subdivision of land is sustainably managed and that the principal means of achieving that management is through the subdivision rules in the Plan, and through the Council's engineering standards.

23.2

RESOURCE MANAGEMENT ISSUES

Issue
23.2.1

Subdivision of land can lead to non-sustainable development, where the design (including the size and shape of sites and site access) is not compatible with the environmental quality of the surrounding land or with the objectives, policies and other methods adopted to address the other resource management issues.

The sites created in any given area need to have characteristics that enable the type, scale and intensity of development envisaged for the area to occur readily. For example, allowing sites to become too small for retail premises to be operated with the requisite parking (where alternative parking is not readily available), could mean that such sites cannot be used for this purpose. This can be wasteful of land in a commercial area, and can have other outcomes such as a loss of retail frontage as alternative activities become established. Similarly, the creation of long narrow sites can affect ability to park on site, leading to parking on streets and reversing onto roads. Requiring sites of 1,000m² in a high intensity residential zone limits the ability for "single household unit per site" type development to meet the zone objectives.

The sites created need to recognise the environmental values in which they will exist. Thus in a Low Intensity Residential, Landscape Protection Residential, or Landscape Protection Rural Zone, for example, site size and shape needs to be sufficiently large that a building area can be readily located clear of the most significant environmental features on the site.

There is also a relationship between land use and transportation. Subdivision is an important component of providing for development appropriate to support modes of transport that have fewer environmental effects than single occupant vehicles.



Issue
23.2.2

Land uses and land use intensification including subdivision can have adverse effects on the environment, where appropriate infrastructure services including utilities or on site servicing, are not provided or where those provided are inadequate.

Inadequate utilities

One of the primary functions of infrastructure services such as sewage and stormwater collection, treatment and disposal mechanisms, water supply and electricity supply is to avoid, remedy or mitigate the adverse effects of human activity on the environment. The most apparent potential adverse effects resulting from the lack of provision of, or the inadequate provision of infrastructure services are set out in the following table:

SERVICE	CIRCUMSTANCES AND EFFECTS OF NON-PROVISION/INADEQUATE PROVISION
Sewage collection, treatment and disposal systems (utilities or on site).	(i) Inadequate collection, treatment and disposal of sewage polluting coastal and inland water and seafood, affecting human health, amenity, and social and cultural values. (ii) Overflow of sewage from the collection system into the environment, polluting land and waterways, coastal waters, beaches, adversely affecting human health and damaging property. (iii) Inadequate treatment leading to discharges of odours to the environment.
Stormwater collection, treatment and disposal systems (utilities or on site).	(i) Flooding damaging property. (ii) Inadequate retention treatment resulting in siltation and pollution of waterways and coastal waters. (iii) Damage from erosion.
Water supply networks and treatment systems.	(i) Areas intensively developed without a piped water supply potentially leading to health problems, and reduced capacity to fight fires.

Other services, primarily network utilities, also have a role in avoiding, remedying or mitigating the adverse effects of human activity although sometimes in a less obvious way.

Electricity and gas networks

Reticulated electricity networks may avoid a whole range of effects that could otherwise result from individual power generation by households or businesses. Effects such as atmospheric pollution, water pollution, greenhouse gases/global warming, and the health effects of polluted air - eg. respiratory ailments - along with the use of non-renewable fuels, are avoided, by using reticulated systems based on relatively benign energy sources (such as hydro electric generation), as opposed to diesel or woodburning generators to generate power in individual premises. (It is recognised that in some situations on site generation of electricity may create no significant adverse effects eg. the use of solar panels or windmills on large rural sites.) Gas reticulation networks have similar benefits to electricity networks by reducing industrial power generation requirements and reducing atmospheric pollution which may arise from other forms of energy generation.



Communication systems

Communication networks such as telephone, fax and television systems can at least partially reduce the need to make vehicle journeys, thereby reducing the generated effects of road transportation such as atmospheric pollution from exhaust emissions, water pollution from rubber, fuel etc, greenhouse gases/global warming, noise, amenity and safety impacts.

In order to avoid, remedy or mitigate the effects of development, services including utilities and reserves need to be provided at a rate at least commensurate with the level of effects generated by that development.

Issue
23.2.3

The District's natural and physical resources can be adversely affected by the effects of subdivision.

Effect of works

The completion of the legal subdivision process often entails the undertaking of physical works to make the land suitable for its intended purpose. Generally, these have temporary effects such as those that occur during construction of roading and utilities or on site servicing facilities, and the creation of building areas. Long term effects such as the removal of areas of trees and bush will also occur, as will effects stemming from the existence of services such as sewage and stormwater systems and roads. These can include stormwater outfalls on land or into water, and the physical effects of underground pipelines on vegetation. Other long term effects include the destruction of or modification of archaeological sites and other cultural heritage resources. The undertaking of the physical works and the nature of the work undertaken needs to be such that adverse effects on natural and physical resources do not result.

Issues from other Chapters

Readers should note that Issues from the following chapters are also relevant:

- Chapter 5 - Natural Hazards*
- Chapter 6 - Highly Valued Natural Resources*
- Chapter 7 - Rural*
- Chapter 8 - Residential*
- Chapter 9 - Business*
- Chapter 10 - Open Space and Recreation*
- Chapter 12 - Special Zones*
- Chapter 17 - Cultural Heritage*
- Chapter 18 - Urban Land Modification and Vegetation Protection*
- Chapter 19 - Utilities*
- Chapter 21 - Transportation and Access*
- Chapter 22 - Financial Contributions and Works*



23.3

Objective
23.3.1

OBJECTIVES

To ensure that subdivision design, including the size and shape of sites and site access, is compatible with the environmental quality of the surrounding land and creates a pattern of landholding which can be used and accessed without creating adverse effects on the neighbourhood or environment.

(This objective relates to Issue 23.2.1)

Objective
23.3.2

To ensure that human activity, and particularly urban development, occurs without significant adverse effects upon the environment, through the appropriate provision of utilities or on site services.

(This objective relates to Issue 23.2.2)

Objective
23.3.3

To ensure that the adverse effects of the physical works undertaken to create the subdivision, such as land modification and provision of utilities associated with subdivision, are avoided, remedied or mitigated.

(This objective relates to Issue 23.2.3)

Objectives from other
Chapters

Readers should note that Objectives from the following chapters are also relevant:

*Chapter 5 - Natural Hazards
Chapter 6 - Highly Valued Natural Resources
Chapter 7 - Rural
Chapter 8 - Residential
Chapter 9 - Business
Chapter 10 - Open Space and Recreation
Chapter 12 - Special Zones
Chapter 17 - Cultural Heritage
Chapter 18 - Urban Land Modification and Vegetation Protection
Chapter 19 - Utilities
Chapter 21 - Transportation and Access
Chapter 22 - Financial Contributions and Works*



23.4

Policy
23.4.1
Site design

Policy
23.4.2
Provision of infrastructure

POLICIES

Sites should be designed (including the size and shape of sites and site access) to enable the zone objectives and the potential use and development anticipated by the zoning to be realised.

Explanation and Reason

This policy seeks to achieve Objective 23.3.1.

The sites created in any given area need to have characteristics that enable the type, scale and intensity of development envisaged by the zoning to occur readily.

Land subdividers should demonstrate how infrastructure services, in particular:

- (a) sewage collection, treatment and disposal facilities;**
- (b) water supply facilities;**
- (c) stormwater collection, treatment and disposal facilities;**
- (d) electricity supply;**
- (e) telecommunication facilities;**
- (f) roading/access; and**
- (g) reserves;**

can be provided to remedy or mitigate adverse effects on the environment.

Explanation and Reasons

This policy seeks to achieve Objective 23.2.2.

Infrastructure services, whether network utilities or on site systems are a means to avoid remedy or mitigate the adverse effects of development. The provision of adequate utilities or on site systems such as those for sewage collection treatment and disposal systems, and stormwater collection and disposal systems, is a necessary prerequisite to subdivision, use or development of land, if adverse effects are to be avoided. Similarly reticulated electricity supply and telecommunication systems also reduce or avoid adverse effects on the environment. Roading and access is essential to enable subdivision and development to occur in a manner commensurate with community expectations, and to avoid adverse effects on existing roads and carparking areas and the health and safety of residents. Because the road corridor also serves as a place in which to locate other services, effects of the services on individual sites are minimised through the provision of roads.



This is particularly important where development is within or adjacent to the sensitive coastal environment. Within the District these sensitive areas often coincide with the location of major urban nodes.

The installation of infrastructure at the time of subdivision avoids adverse effects which would arise if the area had to be retrofitted eg. earthworks and disruption to roads and footpaths. The provision of reserves at the time of subdivision ensures adequate land is provided at the same time as the potential demand for reserve use is created.

Policy
23.4.3
Work/funding within subdivisions

Land subdividers should carry out work or fund the cost of carrying out work within their subdivisions to provide:

- (a) **reticulated utilities on sites within urban zoned areas or in circumstances where the intensity of development necessitates them; and**
- (b) **the roading network for access;**

to avoid, remedy or mitigate any adverse effects on the environment and public health of people that will be generated when the subdivision is fully developed.

Explanation and Reason

This policy seeks to achieve Objective 23.2.2.

Subdivision is a process by which land is made suitable for more intensive forms of development. As distinct legal entities are created, so too is the ability to establish a range of activities under the rules in this Plan. Where more intensive activities occur (residential development for example) there are also likely to be adverse effects on the environment.

Because subdivision converts the land to a state available/suitable for activities which could generate adverse effects, the subdividers should provide the means to avoid remedy or mitigate the effects of the activities within the boundaries of the site on which adverse effects are generated. Accordingly, the subdividers should install reticulated utilities where these are the most effective and efficient means of dealing with the adverse effects of the development that can occur, and bear the cost of that installation within the site being subdivided.

Policy
23.4.4
Effects on infrastructure beyond the subdivision

Land subdivision should avoid, remedy, or mitigate adverse effects on infrastructure services beyond the site of the subdivision by requiring subdividers to make a contribution towards the cost of providing and/or constructing and/or upgrading and/or extending and/or purchasing surplus capacity in infrastructure services - in particular:

- (a) **public sewage collection, treatment and disposal facilities;**
- (b) **public water supplies;**



- (c) public stormwater collection, treatment and disposal facilities;
- (d) roading network;
- (e) reserves.

The contribution should be in proportion to the adverse effects on the environment generated by the activity.

Explanation and Reason

This policy seeks to achieve Objective 23.3.1.

Although subdividers may undertake service provision within the land to be subdivided, many reticulated services are network operations and the on site works feed or link into a wider system. This often uses up capacity in the wider system, or results in the need to modify, upgrade or duplicate it. It can also increase maintenance and operating costs. For this reason, it is appropriate that subdividers contribute towards the systems into which they will link their on-site services.

Policies from other Chapters

Readers should note that Policies from the following chapters are also relevant:

Chapter 5 - Natural Hazards

Chapter 6 - Highly Valued Natural Resources

Chapter 7 - Rural

Chapter 8 - Residential

Chapter 9 - Business

Chapter 10 - Open Space and Recreation

Chapter 12 - Special Zones

Chapter 17 - Cultural Heritage

Chapter 18 - Urban Land Modification and Vegetation Protection

Chapter 19 - Utilities

Chapter 21 - Transportation and Access

Chapter 22 - Financial Contributions and Works



23.5

STRATEGY

The approach to subdivision is essentially a regulatory approach which imposes control on the legal process of subdividing land, in order to address the adverse effects that are likely to be generated by the use of the additional sites created.

This chapter of the Plan forms part of that approach by setting out standards and criteria that apply to all subdivisions regardless of the zones in which the land proposed to be subdivided is located.

The other standards that apply to subdivision such as the form, function and intensity of sites created are set out in the individual chapters dealing with zones. This is in recognition of the fact that specifying the nature of subdivision that may occur is one of a number of integrated methods of achieving the objectives and policies the zones are intended to achieve.

23.6

IMPLEMENTATION

23.6.1

District Plan Regulatory Methods

The principal means of dealing with subdivision is to accord subdivision Restricted Discretionary Activity status (except where the specified standards for subdivisions are not met). This enables particular standards to be applied and each application to be assessed and dealt with accordingly.

(The criteria against which applications are assessed are set out in the individual chapters dealing with zones.)

The range of standards applied to all subdivisions include those for:

- (a) Avoidance of flood hazard.
- (b) Avoidance of land instability, erosion and inadequate foundation conditions.
- (c) Vehicle and legal access.
- (d) Maximum road gradients.
- (e) Culs de sac.
- (f) Provision of on road parking spaces.
- (g) Servicing of subdivisions with utilities or on site services.
- (h) Indicative roads.
- (i) Indicative reserves.
- (j) Esplanade reserves and strips.

In addition to the above, there are Performance Criteria for servicing



subdivisions against which applications for subdivision will be assessed. One means of meeting these criteria is to meet the Rodney District Council Standards for Engineering Design and Construction.

23.6.2

Other Methods

23.6.2.1

Education

This encompasses the publication of a State of the Environment report based on the results of monitoring, information pamphlets and advice or input into community based schemes such as landcare programmes. This approach involves persuading landowners and other resource users to act in a manner which is environmentally responsible and which achieves the resource management objectives and policies set out in the Plan.

23.6.2.2

Structure Plans

These result in the identification of areas suitable for future development at the broad level, having considered what the effects of subdivision could be.

23.6.2.3

Catchment Management Plans

Appendix A of the Auckland Regional Policy Statement requires the preparation of catchment management plans when identifying land suitable for future development. These are often prepared in conjunction with structure plans.

23.7

ACTIVITY RULES

Rule 23.7.1 Subdivision : Status

Subdivision : Status

The status of subdivision shall be determined by the rules relating to subdivision in the zone in which the land is located.



Rule 23.8

Rule 23.8.1 Subdivision: Compliance with Rules and Information Requirements

Rule 23.8.1.1

Rule 23.8.1.2

Rule 23.8.2 Subdivision : Section 224(c) Certificate

Rule 23.8.3 Subdivision : Design and Layout

Rule 23.8.3.1

GENERAL STANDARDS AND ASSESSMENT CRITERIA FOR SUBDIVISIONS

Subdivision: Compliance with Rules and Information Requirements

All subdivision shall comply with Rules 23.8.1 to 23.8.10 inclusive, Rules 23.8.13 and 23.8.14, and shall be assessed against the criteria in Rule 23.8.11 and any other relevant criteria applying in the zone.

Unless otherwise specified in Rules 23.8.1 to 23.8.10 inclusive, Rules 23.8.13 and 23.8.14, or in the relevant subdivision rules for the zone, any subdivision not complying with Rules 23.8.1 to 23.8.10 inclusive of Rule 23.8.13 and 23.8.14, shall be a Discretionary Activity, and shall be assessed against the criteria in Rule 23.9

All subdivision consent applications shall be accompanied by the relevant information as set out in *Chapter 16 - General Rules*.

Subdivision : Section 224(c) Certificate

- (a) No site shall be subdivided under the provisions of this Plan until a certificate under section 224(c) of the Act has been issued for the creation of that original site.
- (b) Any subdivision not meeting (a) above shall be a Non-complying Activity.

Subdivision : Design and Layout

- (a) Unless otherwise specified in the relevant subdivision rules for the zone, any balance area shall either comply with the minimum standards for a subdivision that is allowed in the zone or be amalgamated with an adjoining site.
- (b) Each new boundary shall be located in a way that takes into account the topography, the existence of significant natural features, the ability to be fenced, compliance with yard requirements as specified in the zone where a building exists on a site; and the use of the site.

Explanation and Reasons

This explanation and reasons relate to Rules 23.8.1 to 23.8.3.

The rules relating to design and layout are necessary to ensure sites are of appropriate design for the activities envisaged in the zone and that the intensity of subdivision that occurs allows the objectives and policies for the zone to be met. The site layout also needs to be determined having considered practical matters such as topography and end use.

In determining the site layout, practical matters such as topography and use need to be considered.



**Rule 23.8.4
Subdivision : Natural
Hazard Avoidance**

**Rule 23.8.4.1
Sites Less Than 1,000m²**

Rule 23.8.4.1.1

**Rule 23.8.4.1.2
Restricted Discretionary
Activity**

**Rule 23.8.4.1.3
Matters for Discretion**

Subdivision : Natural Hazard Avoidance

Sites Less Than 1,000m²

Each site with a net area less than 1,000m², and each exclusive site area on a crosslease, unit title or company lease with an area less than 1,000m², which is capable of being occupied by a building under the rules of this Plan shall:

- (a) be free of erosion, avulsion, alluvion, falling debris, subsidence, inundation (in an event with an Annual Exceedance Probability (AEP) of 1%) or slippage;
- (b) consist of "good ground" as defined in the New Zealand Building Code or as Category "S" or "M" under AS 2870, Expansive Soils. This shall be confirmed by testing/reporting by a Chartered Professional Engineer experienced in geomechanics.
- (c) have stable, practical vehicle access at a grade not steeper than 1 in 5, from the frontage of the site to the building site. (This shall not apply if the Council has not required vehicular access under Rule 23.8.6.1)

Restricted Discretionary Activity

Any application containing a site or sites that do not comply with Rule 23.8.4.1.1 above shall be a Restricted Discretionary Activity in terms of the matters to which the Rule relates.

In accordance with sections 76(3B) and 105(3A) of the Act the Council will restrict its discretion to the matters listed when considering an application for a Restricted Discretionary Activity.

Matters for Discretion

- (a) Any application for a Restricted Discretionary Activity shall be accompanied by a report in the form prescribed in Part 2 of the Council's Standards for Engineering Design and Construction. This report shall be prepared by a registered engineer with specialist knowledge relevant to the circumstances and shall set out the limitations affecting the site or sites and the requirements for overcoming these.
- (b) The Council will restrict its discretion to the following matters:
 - (i) location and size of building site;
 - (ii) building foundation and building design constraints;
 - (iii) the need for and the location, nature and timing of flood protection measures;
 - (iv) the need for and the location, nature and timing of engineering works to make the site suitable;
 - (v) the location and nature of vehicle access;
 - (vi) the location of or existence of utilities within the building area.



23.8.4.1.4
Assessment Criteria

Hazard

Flood mitigation

Network utilities

Natural process

Health and safety

Assessment Criteria

- (a) When considering an application the Council will have regard to the following criteria:
 - (i) Whether the location and/or size of the building site or the foundation and/or building design and any engineering works and/or flood protection measures, or proposed constraints on building foundations or design enable the siting of a household unit which complies with the performance criteria of the building code without exposing people and property on the site or any other sites to unnecessary hazard or risk, and without resort to sections 71 and 72 of the Building Act 2004.
 - (ii) Whether the location and/or size of the building site, or any flood mitigation measures will unduly restrict the ability of the site to be used for an intended purpose anticipated by the zoning or will be likely to adversely affect amenity values on adjoining sites.
 - (iii) Whether the location of the building site will inhibit the safe and efficient operation of any network utility, including access for inspection and maintenance purposes.
 - (iv) Whether the location or size of the building site will adversely affect natural processes, such as sediment or flood flow.
 - (v) Whether the health and safety of residents on the site and any other site is likely to be adversely affected.

Explanation and Reasons

This explanation and reasons relate to Rules 23.8.4.1 to 23.8.4.1.3.

A variety of natural hazards exist within the District.

The Rules are intended and applied to ensure that any new sites created on which buildings are able to be located, are free of hazards including instability and flooding. By doing this the adverse effects of these hazards can be avoided. Where the standard cannot be met the Rules provide for a resource consent application to be made, and the site specific circumstances to be considered.

**Rule 23.8.4.2
Sites 1,000m² or Greater**

Sites 1,000m² or Greater

Rule 23.8.4.2.1

Each site with a net area of 1,000m² or greater, and each exclusive use area on a crosslease, unit title or company lease with an area of:

- (a) 1,000m² or greater, which is capable of being occupied by a building under the rules of this Plan shall contain an identified area of not less than 1,000m² (or such greater area as may be required by rules in the relevant chapter of this Plan) free of erosion, avulsion, alluvion, falling debris, subsidence, inundation (in an event with an Annual Exceedance Probability (AEP) of 1% or slippage;
- (b) consist of "good ground" as defined in the New Zealand Building Code or as Category "S" or "M" under AS 2870, Expansive Soils. This shall be confirmed by testing/reporting by a Chartered Professional Engineer experienced in geomechanics



- (c) have stable practical vehicle access at a grade not steeper than 1 in 5, from the frontage of the site to the building site. (This shall not apply if the Council has not required vehicular access under Rule 23.8.6.1)

**Rule 23.8.4.2.2
Restricted Discretionary
Activity**

Restricted Discretionary Activity

Any application containing a site or sites that do not comply with Rule 23.8.4.2.1 above shall be a Restricted Discretionary Activity in terms of the matters to which the Rule relates.

In accordance with sections 76(3B) and 105(3A) of the Act the Council will restrict its discretion to the matters listed when considering an application for a Restricted Discretionary Activity.

**Rule 23.8.4.2.3
Matters for Discretion**

Matters for Discretion

- (a) Any application for a Restricted Discretionary Activity shall be accompanied by a report in the form prescribed in Part 2 of the Council's Standards for Engineering Design and Construction 1999. This report shall be prepared by a registered engineer experienced in soil mechanics and shall detail the site subsoil conditions and setting out the limitations affecting the site or sites and the requirements for overcoming these for the safe development of the site without resort to the provisions of section 36(2) of the Building Act 1991.
- (b) The Council will restrict its discretion to the following matters:
 - (i) location and size of building site;
 - (ii) building foundation and design constraints;
 - (iii) the need for and the location, nature and timing of flood protection measures;
 - (iv) the need for and the location, nature and timing of engineering works to make the site suitable;
 - (v) the location and nature of vehicle access;
 - (vi) the location of, or existence of utilities within the building area.

**23.8.4.2.4
Assessment Criteria**

Assessment Criteria

Hazard

- (a) When considering an application the Council will have regard to the following criteria:
 - (i) Whether the location and/or size of the building site or the foundation and/or building design and any engineering works and/or flood protection measures or proposed constraints on building foundations or design, enable the siting of a household unit which complies with the performance criteria of the building code without exposing people and property on the site or any other sites to unnecessary hazard or risk and without resort to section 36(2) of the Building Act 1991.



Flood mitigation

(ii) Whether the location and/or size of the building site, or any flood mitigation measures will unduly restrict the ability of the site to be used for an intended purpose anticipated by the zoning or will be likely to adversely affect amenity values on adjoining sites.

Network utilities

(iii) Whether the location of the building site will inhibit the safe and efficient operation of any network utility, including access for inspection and maintenance purposes.

Natural processes

(iv) Whether the location or size of the building site will adversely affect natural processes, such as sediment or flood flow.

Health and safety

(v) Whether the health and safety of residents on the site and any other site is likely to be adversely affected.

Explanation and Reasons

This explanation and reasons relate to Rules 23.8.4.2 to 23.8.4.2.3.

A variety of natural hazards exist within the District.

The Rules are intended and applied to ensure that any new sites that are created on which buildings are able to be located are free of hazards including instability and flooding. By doing this the adverse effects of these hazards can be avoided, where the standard cannot be met the Rules provide for a resource consent application to be made, and the site specific circumstances to be considered.

**Rule 23.8.5
Subdivision : Land to be
Suitable**

Subdivision : Land to be Suitable

Rule 23.8.5.1

(a) The arrangement of the sites, including roads shall be in general conformity with any indicative roading or reserve network shown on the Planning Maps or shown in a Structure Plan Area shown on the Planning Maps and set out in Appendix 13A - *Chapter 13 - Future Development and Structure Plans* or any adopted Stormwater Catchment Management Plan listed in Appendix 23C.

(b) All sites shall be suitable for some stated Permitted, or where a resource consent has been granted, or where there is no stated permitted activity, Controlled, Restricted Discretionary, Discretionary or Non-complying Activity.

(c) The size, shape and arrangement of sites shall not promote or cause an extension to, or creation of, any development not appropriate to the zone or not in conformity with the objectives and policies in the Plan.

Explanation and Reasons

These Rules are intended to ensure that sites created are compatible with the Council's wider strategy for the area as contained in any adopted Structure Plan or Stormwater Catchment Management Plan, and that the sites will be in conformity with any indicative roading network, and that they are suitable for the range of activities provided for in the zone.



Rule 23.8.6
Subdivision : Vehicle and Legal Access

Subdivision : Vehicle and Legal Access

Rule 23.8.6.1

Each site must be able to obtain usable physical access for vehicles (at the frontage of the site) to an existing formed road maintained by the Council, unless the Council has approved of no vehicular access or access by foot only where it considers that vehicular access is unnecessary, or because of topographical features is impracticable, or for any other reason pursuant to section 321 of the Local Government Act 1974, or any Act in substitution therefore.

Rule 23.8.6.2

Access for up to three sites may be gained over a jointly owned access lot, or right of way for the benefit of the sites, or combination of both, unless otherwise specified in the relevant subdivision rules for the zone.

Rule 23.8.6.3

All jointly owned access lots or rights of way shall be not less than the minimum width for site frontage specified in the relevant subdivision rules for the zone, for all their length and shall have a grade not steeper than 1 in 5. Where no minimum width is specified in the zone rules, the minimum width shall be 6 metres.

Rule 23.8.6.4

All jointly owned access lots or rights of way in a Residential, Business or Special 1 to 7, 9, 10, 12, 14, 16, 17 and 18 Zone shall be formed, paved to a permanent dust free (not metal) surface and drained, to a standard complying with the standard for urban privateways and common areas in the Rodney District Council Standards for Engineering Design and Construction 1999.

Rule 23.8.6.5

All jointly owned access lots or rights of way in a Rural Zone or Special 8, 11, 13 and 15 Zone shall be formed, surfaced and drained, to a standard complying with the standard for rural private accesses in the Rodney District Council Standards for Engineering Design and Construction.

Rule 23.8.6.6

No jointly owned access lots or rights of way shall abut each other for proposed subdivisions, and shall be separated by at least one site not served by a jointly owned access lot or right of way. This rule shall not apply to existing sites serviced by 2 or more adjoining entrance strips, jointly owned access lots or rights of way provided no additional frontage is required for entrance strips, jointly owned access lots or rights of way.

Rule 23.8.6.7

No subdivision shall create any Road, or any Right of Way or jointly owned access lot which constitutes an at grade Road/Rail Crossing.

Note:

Any site which has frontage or requires physical vehicle access to a State Highway which is a limited access road may be required to be approved by the Road Controlling Authority (Transit New Zealand).

Explanation and Reasons

The Rules ensure that there is sufficient legal and practical access to each site so that users of the site and surrounding sites are not adversely affected. The restriction on jointly owned access lots abutting each other is to ensure these are not used in lieu of a public road. In terms of Rule 23.8.6.7 the control is necessary to ensure no new at grade rail crossings are created as a means to reduce potentially dangerous situations occurring.



**Rule 23.8.7
Subdivision: Road
Gradients**

Rule 23.8.7.1

Subdivision: Maximum Road Gradients and Road Intersections

- (a) The maximum longitudinal gradient on residential access places, culs de sac and local roads within Residential Zones and the Special 10, 14, 16, 17 and 18 Zones, and on rural roads carrying less than 250 vehicles per day shall not exceed 16.5%.
- (b) The maximum longitudinal gradient on roads fronting land zoned Industrial or Mixed Business or Special 1 to 7 or 9, and roads classified as arterial routes or higher shall not exceed 8%.
- (c) On all other roads the maximum longitudinal gradient shall not exceed 12.5%.
- (d) Road intersection shall be preferably at 90° and in no case at less than 80°.
- (e) Boundary setbacks shall be provided at all intersections to provide adequate sight lines.
- (f) Cross-road intersections shall not be provided.

**Rule 23.8.7.2
Restricted Discretionary
Activity**

Restricted Discretionary Activity

Roads that do not comply with Rule 23.8.7.1 above shall be a Restricted Discretionary Activity in terms of the matters to which the Rule relates.

**Rule 23.8.7.3
Matters for Discretion**

Matters for Discretion

In accordance with sections 77B(3) of the Act the Council will restrict its discretion to the matters listed when considering an application under this Rule.

- (a) Road Gradient
- (b) Intersection design
- (c) Visual effects

**23.8.7.4
Assessment Criteria**

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

Grade of road

- (a) Whether the proposed grade of the road will be able to fulfil its access functions.

Safety

- (b) Whether the steeper gradient will result in adverse effects on traffic safety or efficiency, and on pedestrian movement on footpaths associated with the road, and on the amenity values of the area through which the road passes.



Effect on utilities

- (c) Whether the steeper gradient will unduly limit the ability to install or operate utilities within the road.
- (d) Whether the geometry of the intersection will result in adverse effects on the safety and efficiency of the roading network.
- (e) Whether sight distances at the intersection will result in adverse effects on the safety and efficiency of the roading network.
- (f) Whether mitigation measures will promote the safe and efficient operation of the transport network.
- (g) Where the road joins a State Highway that is a limited access road, whether the approval of Transit New Zealand has been obtained
- (h) Whether, in the Countryside Living Town Zones within the Warkworth area, the potential adverse visual effects resulting from any section of proposed road, including footpaths or kerb and/or channelling, over maximum permitted gradient is able to be mitigated through tree planting or the use of coloured (pigmented) concrete. Details including plans of any proposed landscaping proposed to mitigate the visual effects of the proposal shall be provided outlining the species, planting size and location of plants and trees. Those areas include all Countryside Living Town Zones close to the Warkworth township, being those sites in the general vicinity of Falls Road, Hepburn Creek Road, Pulham Road, Sandspit Road and Matakana Road. [\[Amendment 133\]](#)

Explanation and Reasons

This explanation and reasons relate to Rules 27.8.7.1 to 23.8.7.3.

Road gradient is an important element in determining the ease with which the road can be used by vehicles and pedestrians, and the adverse effects that may be generated by traffic. Steeper roads can mean greater engine and tyre noise and more fumes, particularly on routes where heavy vehicles use the road. The standards set are to ensure that the problems of noise, fumes etc caused by steep gradients do not occur.

Intersection points also important for road safety and efficiency reasons. Ensuring dangerous intersections are not created is an essential component of design when new roads are created through subdivision.



**Rule 23.8.8
Subdivision : Culs de sac**

Rule 23.8.8.1

Subdivision : Restrictions on Creation of Culs de sac

- (a) No culs de sac shall be created on land within an Industrial, Mixed Business or Retail Services Zone and no land within these zones shall be accessed off a cul de sac located on an adjoining site.
- (b) Unless otherwise stated, on land within a Residential Zone or Special 10, 14, 16, 17, 18 or 19 Zone, no more than 100 household units may obtain access off a cul de sac.
- (c) For the purposes of determining the number of sites giving rise to the 100 household unit maximum in (b) above, each site obtaining access off the cul de sac shall be assumed to contain the maximum number of household units allowed on that site as Permitted and Controlled Activities, and as Restricted Discretionary Activities where a maximum density is specified.

**Rule 23.8.8.2
Restricted Discretionary
Activity**

Restricted Discretionary Activity

Roads which do not comply with Rule 23.8.8.1 above shall be a Restricted Discretionary Activity in terms of the matters to which the Rule relates.

**Rule 23.8.8.3
Matters for Discretion**

Matters for Discretion

In accordance with sections 76(3B) and 105(3A) of the Act the Council will restrict its discretion to the matters listed when considering an application under this Rule.

- (a) Road design and location.
- (b) The number of sites/household units obtaining access off a cul de sac.

**23.8.8.4
Assessment Criteria**

Assessment Criteria

- (a) When considering an application relating to non-compliance with Rule 23.8.8.1(a) the Council will have regard to the following criteria:
 - (i) Whether there are particular topographical or physical reasons why a through-road is not appropriate.
 - (ii) Whether the intensity of development served by any proposed road can be accommodated by a cul de sac without adverse effects on the safety and efficiency of the road for road users.
 - (iii) Whether a cul de sac will lead to traffic safety and efficiency problems in other parts of the roading network as a result of vehicle parking and manoeuvring on roads intersecting with the cul de sac.
 - (iv) Whether the type of vehicular traffic anticipated by the range of activities provided for by the zoning can be accommodated by a cul de sac.

Topography

Intensity of development

Safety

Type of traffic



Safety

Amenity values

Accessibility

(b) When considering an application relating to non-compliance with Rule 23.8.8.1(b) the Council will have regard to the following criteria:

- (i) Whether the increased number of household units off the cul de sac will create an adverse effect on traffic safety and efficiency for road users.
- (ii) Whether the increased number of household units off the cul de sac will create adverse effects on the amenity values of sites on the cul de sac, particularly in terms of noise, fumes, dust, and reduction in pedestrian safety.
- (iii) Whether the ability for the population at large to access the restricted area is reduced, or inhibited or the ability to link into other neighbourhoods is reduced through the use of culs de sac with more than 100 households.

Explanation and Reasons

This explanation and reasons relate to Rules 23.8.8.1 to 23.8.8.3.

Business areas (both Industrial and Commercial) are traffic focal points where high concentrations of traffic occur including large numbers of heavy/commercial vehicles. Cul de sac generally mean that traffic going into an area must exit using the same entrance, doubling the traffic flow past the entrance. This high traffic flow past given intersections, plus the fact that business areas are highly trafficked pedestrian areas means that culs de sac are generally unsuitable in these areas. In addition, with heavy vehicles requiring ready access and parking in Business areas, culs de sac can be unsuitable in this context as well.

In Residential areas, culs de sac are not considered suitable for roads with high traffic volumes because of the need to enter/exit a single point, which can adversely affect amenity values of household units in the vicinity of the intersection. Cul de sac can also reduce the accessibility of residential areas, and the efficiency of traffic movements from one neighbourhood to another. This reduction is exacerbated on higher volume culs de sac.

**Rule 23.8.9
Subdivision : Provision of
On Road Parking Spaces**

Subdivision : Provision of On Road Parking Spaces

Rule 23.8.9.1

Subject to Rule 23.8.9.2, where roads are proposed to be created as part of any subdivision of land in a Residential or Special 16, 17 or 18 Zone, or Business Zone, a minimum of one carparking space shall be provided within the legal road for every two sites (excluding roads and reserves) on the plan of subdivision for the land.

Rule 23.8.9.2

Where any site for which carparking space must be provided within the legal road, is able to accommodate more than one household unit as a Permitted or Controlled Activity, the number of carparking spaces for that site shall be one space for each two household units allowed. Where fractions of spaces result after calculation of on road parking spaces for all sites on a plan of subdivision, the required number shall be rounded down to the nearest whole number.

Explanation and Reasons

Rules in Chapter 21 - Transportation and Access, require the provision of on site



parking when land is developed. However, in addition to on site parking, provision needs to be made for additional parking within the road reserve to accommodate visitors, or additional vehicles generated by activities on the sites served by the roads. This parking can be in a variety of forms including parallel parking or indented bays. The provision of such parking ensures that adverse effects on the environment, including the road network, do not result.

**Rule 23.8.10
Servicing of Subdivisions**

Servicing of Subdivisions

**Rule 23.8.10.1
Sites to be Serviced**

Sites to be Serviced

Provision for sewage and stormwater collection treatment and disposal systems and a water supply system shall be made for each site in conformity with Rule 23.8.10.2 or Rule 23.8.10.3 in a manner which meets the Performance Criteria in Rule 23.8.11.5.

Note:

ARC Technical Publication No. 58 "On Site Wastewater Disposal From Households and Institutions" may also apply.

**Rule 23.8.10.2
Connection to Reticulated Systems**

Connection to Reticulated Systems

Where sites are located so they can be connected to a reticulated system for sewage or stormwater collection, treatment and disposal, the sites shall be connected to those systems. The reticulation shall be underground.

**Rule 23.8.10.3
On-Site Servicing**

On-Site Servicing

Where the location of sites is such that they cannot reasonably be connected to reticulated sewage and stormwater collection, treatment and disposal systems, and where sites are not intended to be connected to a reticulated water supply system, each site shall be capable of being serviced on-site for sewage and stormwater collection, treatment and disposal and water supply. The treatment and disposal of sewage effluent shall be contained within the site boundaries and meet AS/NZ 1547:2000 On Site Wastewater Management.

**Rule 23.8.10.4
Power and Telephone Services**

Power and Telephone Services

Each site in a Residential, Business, Countryside Living Rural or Town Zone and Special 1 to 7, 9, 10, 12, 14, 16, 17 and 18 Zone, shall be provided with underground reticulation for electric power and telephone services meeting the Performance Criteria in Rule 23.8.11.5.6. The reticulation need not be underground in instances other than for sites in a Residential, Business, Countryside Living Rural or Town Zone, or Special 1 to 7, 9, 10, 12, 14, 16, 17 and 18 Zone.

**Rule 23.8.10.5
Restricted Discretionary**

Restricted Discretionary Activity



Activity

**Rule 23.8.10.6
Matters for Discretion**

**23.8.10.7
Assessment Criteria**

Site Area

Effects on the environment

Effect on reticulated system

Adverse effects

Undergrounding impractical

Effects on the environment

The subdivision of a site, or sites, that does not comply with Rule 23.8.10.2 (connection to reticulated systems) and Rule 23.8.10.4 (Power and Telephone Services), is a Restricted Discretionary Activity.

Note: Installation of utilities is subject to requirements of *Chapter 19 - Utilities*.

Matters for Discretion

In accordance with sections 76(3B) and 105(3A) the Council will restrict its discretion to the matters listed when considering an application for a Restricted Discretionary Activity under Rule 23.8.10.5.

- (a) The design, location and timing of any alternative to connection to a reticulated system.
- (b) The location of the reticulated system including whether it is above ground or underground.
- (c) The location of electric power and telephone services including whether they are above ground or underground.

Assessment Criteria

(a) When considering an application made under Rule 23.8.10.5 above relating to Rule 23.8.10.2 (connection to reticulated systems) the Council will have regard to the following criteria:

- (i) Whether there is adequate site area to provide for the alternatives to connection to a reticulated system.
- (ii) Whether the alternative to a reticulated system is adequate to ensure that no adverse effects on the environment result.
- (iii) Whether the alternative system will result in the failure of any reticulated system to be efficiently and effectively extended or operated.
- (iv) Whether the system, particularly for stormwater disposal, can incorporate open drains without adverse effects being generated.

(b) When considering an application made under Rule 23.8.10.5 above relating to Rule 23.8.10.4 (Power and Telephone Services) the Council will have regard to the following criteria:

- (i) Whether there are technical, economic or physical reasons which make the undergrounding impractical.
- (ii) Whether there will be greater adverse effects on the environment through undergrounding the utilities than not doing so.



Visual impacts

(iii) Whether there will be adverse visual impacts resulting from not undergrounding.

Explanation and Reasons

This explanation and reasons relate to Rules 23.8.10.1 to 23.8.10.6.

Adverse environmental effects can be generated when activities occur without adequate sewage and stormwater collection and disposal systems and water supply. These include effects on water quality and amenity values, and effects on the health and safety of people. The Rules ensure that adequate provision is made for these systems when land is subdivided. Where reticulated systems are available then generally connection to these systems is required. When they are not, on site disposal must be satisfactory.

The provision of electric power and telephone services also avoids adverse effects on the environment by reducing vehicle journeys and the resulting effects generated by vehicle use and road construction and effects resulting from the use of other energy sources, eg. fire. The Rules ensure that sites are designed to be able to be reticulated with electric power and telephone services.

**Rule 23.8.11
Performance Criteria for
Subdivisions**

Performance Criteria for Servicing of Subdivisions

**Rule 23.8.11.1
Performance Criteria to be
met**

Performance Criteria to be met

Rule 23.8.11.1.1

- (a) Where any Rule in the Plan, or any condition of a subdivision consent, requires the undertaking of works or services as part of any subdivision (including Rule 22.17.2.1), the works or services shall be assessed against the servicing performance criteria set out in Rule 23.8.11.2 to Rule 23.8.11.5 inclusive.
- (b) Where any Rule in the Plan, or any condition of a subdivision consent, requires that a site be capable of being serviced on site, the site design shall be assessed against the performance criteria set out in Rule 23.8.11.5.3 to Rule 23.8.11.5.5 without the requirement to provide a system at the time of subdivision.

**Rule 23.8.11.1.2
Compliance**

Compliance

Compliance with the Rodney District Council Standards for Engineering Design and Construction is deemed to achieve the relevant performance criteria in Rule 23.8.11.2 to Rule 23.8.11.5.6 inclusive.

**Rule 23.8.11.2
Performance Criteria : Roads :
Road Design**

Performance Criteria : Roads : Road Design

- (a) The legal road width to be sufficient to cater for all functions that the road is expected to fulfil, including the safe and efficient movement of all users, including pedestrians, provision for parked vehicles, the siting of utilities, and landscaping and amenity areas to mitigate the effects of traffic.



- (b) The carriageway width to allow vehicles to proceed safely at the operating speed intended for that type of road in the network, and to ensure the safety of cyclists where no specific provisions are made for them.
- (c) The carriageway width to allow for unobstructed access to individual sites and for motorists to be able to enter or reverse from a site in a single motion.
- (d) The design of intersections or junctions to allow all desired movements to occur safely without undue delay. Projected traffic volumes to be used in designing all intersections or junctions.
- (e) Road geometry including horizontal and vertical alignment sight distances, turning radii and intersection sight distances to be consistent with the road classification, topography, physical road characteristics, use and safety.
- (f) Provision to be made within the legal road width for adequate on street parking for each site, enabling parking to occur without adversely affecting the safety and efficiency of the traffic flow.
- (g) Satisfactory provisions to be made at cul de sac heads for the on-carriageway turning of service and delivery vehicles including rubbish collection vehicles.
- (h) The drainage function of the carriageway and/or legal road to enable the carriageway/road to function safely during and after a storm having an Annual Exceedance Probability of 10% and to be satisfied by the cross section profile of the total legal road width.
- (i) Adequate landscaping be provided within the legal road width, with such areas for landscaping to be free from utilities.

Rule 23.8.11.3
Performance Criteria : Roads : Road Construction

Performance Criteria : Roads : Road Construction

- (a) Roads to be constructed to an appropriate strength to enable the passage of the anticipated number and weight of vehicles without being damaged, at a minimum total cost to the community, both in initial construction and long term maintenance.
- (b) Roads to be designed and constructed with a design life of 20 years, except for vehicle pavement wearing surfaces which may be designed for re-surface treatment at 12 year intervals.
- (c) Pavement surfaces to be of a design quality and durability to ensure the safe passage of vehicles, pedestrians, cyclists, and disabled persons, discharge of rainwater, the preservation of all weather access and maintenance of a reasonable, comfortable riding quality.
- (d) Road pavement and edge treatment to be suitable for ensuring a satisfactory containment and drainage of the roadway pavement; and in particular, that pavement materials suitable for the function of the road be used.
- (e) Pavement edges to be provided that are appropriate for the control of vehicle movements, that perform any drainage function, prevent edge



fretting and are structurally adequate.

- (f) Pavement edge treatment to be such as to allow ready access to abutting properties at the appropriate locations.
- (g) Roads to incorporate adequate lighting provisions within urban areas and at locations where safety of users is enhanced by good visibility in low/no natural light conditions.
- (h) All regularly used vehicle crossings (eg. urban, residential, rural tanker entrances) to be formed, surfaced and drained to allow safe and effective vehicle access from the carriageway to the boundary without damage to the carriageway or the berm.
- (i) Adequate road marking, traffic signs and traffic control measures to be provided on each road.

Rule 23.8.11.4
Performance Criteria :
Pedestrians and Cyclists

Performance Criteria : Pedestrians and Cyclists

- (a) The road network to be designed to accommodate pedestrians, cyclists and where appropriate, equestrians.
- (b) The design of footpaths to facilitate ease of use by the disabled, aged and very young and to be of sufficient width to enable two way pedestrian traffic.
- (c) The design of footpaths to be such that pedestrians are adequately separated from vehicle movements.
- (d) The design of footpaths to take into account the requirements of NZS 4121:1985 "Code of Practice for Design for Access and Use of Buildings and Facilities by Disabled Persons".
- (e) Footpaths to be constructed in permanent materials so that they provide a durable non-skid all weather surface, that does not detract from the amenity values of an area.
- (f) Widened footpaths to be provided in the vicinity of meeting points, schools, shops, and other activity centres, and where safety or topography considerations would result in cyclists using pedestrian footpaths - such as outside primary schools or on grades steeper than 5%.
- (g) The transport network to aim towards providing a permanent network of low speed routes for cyclists. The design and construction of road pavements in all residential roads to facilitate use by cyclists. Abutting culs de sac to have a pedestrian and cycle connection path.

Explanation and Reasons

This explanation and reasons relate to Rules 23.8.11.2 to 23.8.11.4.

To ensure the safe and efficient operation of the road network it is important that it is designed and constructed to appropriate standards. This will minimise the deterioration of the road network and avoid disruption due to the need for



maintenance and repairs. It is also important that provision is made for pedestrians and cyclists as an alternative to motor vehicles. This also needs to ensure the safety of pedestrians and cyclists.

**Rule 23.8.11.5
Performance Criteria :
Network Utilities**

Rule 23.8.11.5.1

Performance Criteria : Network Utilities

- (a) All of the criteria in Rule 23.8.11.5.2 to Rule 23.8.11.5.5 shall apply to all subdivisions capable of being connected to reticulated systems under Rule 23.8.10.2.
- (b) Where a site is not required to be connected to reticulated systems under Rule 23.8.10.2, the criteria in Rule 23.8.11.5.2 shall not apply and criteria in Rule 23.8.11.5.3 to Rule 23.8.11.5.5 shall apply to the assessment of the site without the requirement to provide a system at the time of subdivision.

**Rule 23.8.11.5.2
General**

General

- (a) Network utilities are to be provided in a manner which enables them to be economically maintained over their design life.
- (b) Network utilities are to be provided in a co-ordinated manner wherever practicable to minimise construction costs and land allocation.
- (c) The location of network utilities within roads should not detrimentally affect the safe and efficient operation of those roads, including use by pedestrians and cyclists, or prevent the use of berms for street tree planting.
- (d) Network utilities within roads should be within any service corridor, and should avoid placement under or within the carriageway wherever possible.
- (e) Network Utilities to be designed and located in a way that avoids, remedies or mitigates any adverse effects on the environment including effects on landscape and amenity values, valued natural resources such as trees or bush, and health and safety of communities.

**Rule 23.8.11.5.3
Sewage Collection, Treatment
and Disposal Facilities**

Rule 23.8.11.5.3.1

Sewage Collection, Treatment and Disposal Facilities

- (a) Sewage collection, treatment and disposal systems to be provided that are adequate for the maintenance of public health, that eliminate the ingress of stormwater and groundwater, and avoid the occurrence of system surcharging or overflows.
- (b) New disposal facilities, or upgraded existing facilities which allow discharge of the effluent collected in the sewage reticulation system to be designed to dispose of the effluent in an environmentally appropriate manner, avoiding adverse effects on natural and physical resources.
- (c) Sewage collection, treatment and disposal systems to be designed and



located so that offensive or noxious odours do not adversely affect adjoining sites or people.

**Rule 23.8.11.5.4
Storm Drainage**

Storm Drainage

- (a) Stormwater management systems to be provided that are adequate to safeguard people from injury or illness and to protect property from damage caused by surface water.
- (b) Adequate provision to be made for the collection, treatment and disposal of stormwater runoff from impermeable surfaces.
- (c) Stormwater system to be provided which can be economically maintained.
- (d) Stormwater collection, treatment and disposal systems to be designed in a manner which does not create or exacerbate natural hazards or create a hazard to public health or safety.

**Rule 23.8.11.5.5
Water Supply and Reticulation**

Water Supply and Reticulation

- (a) An adequate, reliable safe and efficient supply of potable and wholesome water to be provided.
- (b) A supply of water sufficient to meet the demands of the intended purpose of the site to be provided.
- (c) Any reticulated water supply provided to be sufficient for fire fighting purposes.

**Rule 23.8.11.5.6
Electricity and
Telecommunication**

Electricity and Telecommunication

- (a) Adequate provision to be made for the supply of electricity and telecommunications.
- (b) Electricity and telecommunications services to be designed by a qualified person in accordance with the requirements of the relevant network utility operator.

Explanation and Reasons

This explanation and reasons relate to Rules 23.8.11.5.1 to 23.8.11.5.6.

In order to avoid adverse environmental effects it is necessary to ensure that network utilities are put in place at the time land is subdivided. This enables the utilities themselves to be installed in the most efficient and effective manner. The criteria are necessary to specify the particular level of performance necessary to avoid adverse effects. The standards for subdivision and developments are a carefully developed means of ensuring the performance criteria are met.



Rule 23.8.12
Subdivision: Additional
Assessment Criteria

Rule 23.8.12.1
Matters for Discretion

23.8.12.2
Assessment Criteria

Structure plans

Accessibility

Amenity values

Safety

Interconnections

Trough-traffic

Subdivision: Additional Assessment Criteria : Servicing of
Subdivisions

In addition to the Performance Criteria in Rule 23.8.11, and in accordance with sections 76(3B) and 105(3A), of the Act the Council will restrict its discretion to the matters listed when considering a Restricted Discretionary Activity subdivision application.

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Location, layout and design of the road network.
- (b) Location, layout and design of the sewage system.
- (c) Location, layout and design of the stormwater system.
- (d) Location, layout and design of the water supply system.
- (e) Location, layout and design of electricity and telecommunication systems.

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

- (a) Whether the transport network is consistent with or will have an adverse effect on the urban development of a Structure Plan Area shown on the Planning Maps and set out in Appendix 13A in *Chapter 13 - Future Development and Structure Plans*.
- (b) Whether the transport network provides acceptable levels of accessibility and convenience, including, access to and from passenger transport stops, for all road users including pedestrians and cyclists.
- (c) Whether the transport network provides acceptable levels of amenity value and protection of the environment from the impact of traffic.
- (d) Whether the transport network provides acceptable levels of safety for all users, including pedestrian and cyclists.
- (e) Whether, where topography permits, the road network is based upon simple geometric patterns such as rectilinear grids, crescents etc. to promote interconnections between subdivision and neighbourhoods and avoids a proliferation of culs de sac accessing strategic, arterial and collector roads.
- (f) Whether the arterial road network is designed and located so that it provides routes which adequately and efficiently cater for through-traffic.



<i>Residential roads</i>	(g) Whether the roads within any residential neighbourhood are designed to avoid becoming thoroughfares for through-traffic.
	(h) Whether in appropriate circumstances any road affected is a State Highway and whether the approval of the road controlling authority (Transit New Zealand) has been obtained.
<i>Significant natural and built features</i>	(i) Whether the street and driveway layout incorporates and protects significant natural and built features.
<i>Traffic management</i>	(j) Whether local area traffic management measures are necessary to limit the speed of vehicles in residential streets and to improve safety, movement and amenity to pedestrians and cyclists.
<i>Widened footpaths</i>	(k) Whether widened footpaths are necessary in the vicinity of meeting points, schools, and other activity centres, or where safety or topography considerations would result in cyclists using pedestrian footpaths - such as outside primary schools or on grades steeper than 5%.
<i>Cycleways</i>	(l) Whether a network of cycle ways is provided in accordance with any approved cycle way plan which has been prepared by the Council having considered: <ul style="list-style-type: none">(i) projected travel demand;(ii) opportunities to link open space networks, community facilities and public services; and(iii) environment, location, safety and weather factors.
<i>Sewage</i>	(m) Whether sewage reticulation systems are consistent with or will have an adverse effect on the urban development of a Structure Plan Area shown on the Planning Maps and set out in Appendix 13A in <i>Chapter 13 - Future Development and Structure Plans</i> , or any Sewer Network Management Plan for the area concerned.
<i>Stormwater</i>	(n) Whether stormwater collection, treatment and disposal systems are consistent with or will have an adverse effect on the urban development of a Structure Plan Area shown on the Planning Maps and set out in Appendix 13A in <i>Chapter 13 - Future Development and Structure Plans</i> , or is consistent with a Stormwater Catchment Management Plan listed in Appendix 23C.
<i>Water supply</i>	(o) Whether reticulated water supply systems are consistent with or will have an adverse effect on the urban development of a Structure Plan Area shown on the Planning Maps and set out in Appendix 13A in <i>Chapter 13 - Future Development and Structure Plans</i> , or is consistent with a Water Network Management Plan for the area concerned.
<i>Utilities</i>	(p) Whether electricity and telecommunications services are consistent with or will have an adverse effect on the urban development of a Structure Plan Area shown on the Planning Maps and set out in Appendix 13A in <i>Chapter 13 - Future Development and Structure Plans</i> .
<i>Utilities</i>	(q) Whether electricity and telecommunication services are designed and located to minimise any adverse effects on the natural and physical resources of the District.



- (r) Whether the proposals comply with the Rodney District Council Standards for Engineering Design and Construction.

Explanation and Reasons

The location, layout and design of the transport network in the development of land, is important to ensure appropriate access is provided to the land and that it has suitable connections with adjoining land and other parts of the transport network and other neighbourhoods and community focal points such as business areas. The ad hoc development of the transport network can result in such connections not being achieved. It is also important to ensure that the safety of users of the transport network is maintained.

It is also important that network utilities are provided in a way which does not have an adverse effect on the urban development of the land. To assist in considering this, reference to Structure Plans prepared for an area will ensure that issues identified in the Structure Plans are taken into account when the land is subdivided.

**Rule 23.8.13
Subdivision: Indicative
Roading and Indicative
Reserves**

Subdivision: Indicative Roading and Indicative Reserves

**Rule 23.8.13.1
Indicative Roads**

Indicative Roads

Rule 23.8.13.1.1

Where an Indicative Road shown on the Planning Maps traverses land that is the subject of an application for consent as a Restricted Discretionary Activity (or Controlled Activity within Kensington Park), the subdivider shall form the road over the land in accordance with the lines indicated on the Planning Maps subject to Rules 23.8.13.1.2 and 23.8.13.1.3 below, to the extent required to serve land within the subdivision, and vest the formed road in the Council. [\[Amendment 158\]](#)

Rule 23.8.13.1.2

The location of any formed road may vary from the alignment of the Indicative Road shown on the Planning Maps by a maximum of 20 metres, except that:

- (a) The point or points at which the Indicative Road links in with any existing road, or any other Indicative Road, shall not be varied; and
- (b) The alignment of the road at the point where any Indicative Road intersects with a site boundary shall not be varied.
- (c) The alignment of roads labelled "Alignment not to be varied" in Silverdale North, Huapai North, Kensington Park and Orewa West shall not be varied. [\[Amendment 127\]](#)[\[Amendment 158\]](#)

[\[Amendment 137\]](#)

Rule 23.8.13.1.3

- (d) The alignment of the indicative road located between Tapu Road and Matua Road within Huapai North and labelled "Indicative road - No dwellings to be located between the waterway and the Greenway road" shall not be varied to enable dwellings to be constructed between the waterway and road. [\[Amendment 127\]](#)

The profile of the formed Indicative Road at the point where it meets a site



	<p>boundary shall be such that the road can be formed over any adjoining site at a gradient which would meet the Council's Standards for Engineering Design and Construction.</p>
<p>Rule 23.8.13.1.4</p>	<p>Legal and physical access for sites within the subdivision shall be either from the formed Indicative Road or by access complying with Rule 23.8.6.</p>
<p>Rule 23.8.13.1.5 Restricted Discretionary Activity</p>	<p>Restricted Discretionary Activity</p>
<p>[See Proposed Amendment 137]</p>	<p>Apart from indicative roads within Silverdale North, Huapai North and Orewa West labelled "Alignment not to be varied" and indicative roads within Kensington Park that are proposed to be varied by more than 7 metres, any application for subdivision as a Restricted Discretionary Activity (or Controlled Activity within Kensington Park) that does not comply with Rules 23.8.13.1.1 to 23.8.13.1.3 shall be a Restricted Discretionary Activity in terms of the matters to which the Rule relates. [Amendment 127][Amendment 158]</p>
<p>[See Proposed Amendment 137]</p>	<p>Any application relating to roads within Silverdale North, Huapai North and Orewa West labelled "Alignment not to be varied" and indicative roads within Kensington Park that are proposed to be varied by more than 7 metres, that does not comply with Rules 23.8.13.1.1 to 23.8.13.1.3 shall be a non-complying activity. [Amendment 127][Amendment 158]</p>
	<p>Any application relating to the indicative road located between Tapu Road and Matua Road within Huapai North labelled "Indicative Roads - No dwellings to be located between the waterway and the Greenway road" that does not comply with Rule 23.8.13.1.2(d) shall be a non-complying activity." [Amendment 127]</p>
<p>Rule 23.8.13.1.6 Matters for Discretion</p>	<p>Matters for Discretion</p>
	<p>In accordance with sections 76(3B) and 105(3A) of the Act the Council will restrict its discretion to the matters listed when considering an application for a Restricted Discretionary Activity under Rule 23.8.13.1.5.</p> <p>(a) Design and layout of the subdivision.</p> <p>(b) The location and design of the site access and roading network.</p>
<p>Rule 23.8.13.1.7 Assessment Criteria</p>	<p>Assessment Criteria</p>
	<p>When considering an application the Council will have regard to the following criteria:</p>
<p><i>Effect on indicative roads</i></p>	<p>(a) Whether, in the case of a variation to the alignment of an Indicative Road or relocation of an intersection, the proposal will adversely affect the Indicative Road network as shown on the Planning Maps. In particular whether:</p> <p>(i) the Indicative Road network shown on the Planning Maps is taken into account in the proposal to relocate the Indicative Road;</p> <p>(ii) connections, or future connections are provided, to the indicative and</p>



Further information

existing road network as shown on the Planning Maps. This includes links with higher level roads in the hierarchy, the alignment of roads on neighbouring sites and the alignment of intersections.

- (b) Whether more detailed investigation has been carried out as part of the proposal which demonstrates that a modification to the alignment of the Indicative Road on the site is warranted without compromising the Indicative Road network shown on the Planning Maps.
- (c) Whether, in respect of Kensington Park, the road alignment and building development remains consistent with the Kensington Park Master Plan. [\[Amendment 158\]](#)

Explanation and Reasons

This explanation and reasons relate to Rules 23.8.12.1 to 23.8.12.1.6.

The location of the roading network in the development of land is important to ensure appropriate access is provided to the land and that it has suitable connections with adjoining land and other parts of the roading network and other neighbourhoods and community focal points such as business areas. The ad hoc development of a roading network can result in such connections not being achieved. By ensuring that the road layout is consistent with an Indicative Roothing layout then such adverse effects can be avoided.

It is acknowledged that investigations associated with a resource consent application, which are more detailed than those undertaken to identify an Indicative Road, may enable specific aspects of the indicative road to be modified. This needs to be taken into account when a resource consent application is assessed.

**Rule 23.8.13.2
Indicative Reserves**

Indicative Reserves

Rule 23.8.13.2.1

Where an Indicative Reserve shown on the Planning Maps traverses land that is the subject of an application for consent as a Restricted Discretionary Activity, the subdivider shall, subject to Rule 23.8.13.2.2, vest the reserve in the Council.

Rule 23.8.13.2.2

The location and width of the reserve may deviate from the alignment and width shown on the Planning Maps by a maximum of 20 metres except that:

- (a) the capacity of any utility reserve to function as a floodway and flood storage area shall not be reduced. Only utility reserves are acceptable for flooding/flood storage purposes); and
- (b) the deviation shall not prevent pedestrian access being developed through the reserve; and
- (c) the deviation shall not prevent such pedestrian access being capable of being linked with pedestrian access over any adjoining lots that are subject to the Indicative Reserve provision, or with other public land which will form part of the access network; and
- (d) the deviation shall not result in a reduction in the area of the reserve.



Rule 23.8.13.2.3
Restricted Discretionary Activity

Restricted Discretionary Activity

Any application for subdivision as a Restricted Discretionary Activity that does not comply with Rule 23.8.13.2.1 and 23.8.13.2.2 shall be a Restricted Discretionary Activity in terms of the matters to which the Rule relates.

Rule 23.8.13.2.4
Matters for Discretion

Matters for Discretion

In accordance with sections 76(3B) and 105(3A) of the Act the Council will restrict its discretion to the matters listed when considering an application for a Restricted Discretionary Activity under Rule 23.8.13.2.3.

- (a) Design and layout of the subdivision.
- (b) The provision of reserves and the location of the reserve network.

23.8.13.2.5
Assessment Criteria

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

Reserve needs

(a) Whether the provision of reserves within the subdivision is adequate to provide for the needs of residents and future residents, and to ensure public access to the margins of rivers, lakes or the sea.

Function of network

(b) Whether non-compliance with any Indicative Reserve negates the successful implementation of the strategic direction and function of the Indicative Reserve network in the area concerned or is inconsistent with the intent of a Structure Plan set out in Appendix 13A in *Chapter 13 - Future Development and Structure Plans*.

Existing reserve

(c) Whether non-compliance with any Indicative Reserve reduces the ability of existing reserves to function for their intended purpose.

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(d) Whether more detailed investigation has been carried out as part of the proposal, which demonstrates that a modification to the Indicative Reserve on the site is warranted, without compromising the intent of the Indicative Reserve.

Huapai North

(e) Whether in the case of the Huapai North area (Special 29 Zone), the reserve is required to provide a pedestrian linkage between areas of open space or indicative reserve, such as between esplanade reserves and the Huapai Reserve. [\[Amendment 127\]](#)

Explanation and Reasons

This explanation and reasons relate to Rules 23.8.13.2.1 to 23.8.13.2.3.

It is necessary to ensure that there is adequate open space provided and that there are connections between areas of open space within a subdivision and with the open space network beyond the immediate area. It is therefore important that variations to the Indicative Reserve network are assessed to ensure that the network is able to function as intended.

Rule 23.8.14
Subdivision : Esplanade Reserves and Esplanade

Subdivision : Esplanade Reserves and Esplanade Strips



Strips

Rule 23.8.14.1 Sites Less than 4 Hectares

Sites Less than 4 Hectares

Where any site of less than 4 hectares (other than a site identified as not requiring an esplanade reserve in Appendix 23B) is to be created by subdivision on land abutting the mark of Mean High Water Springs of the sea, or the bank of any river 3 metres or more in width, or the margin of any lake having an area of more than 8 hectares, an esplanade reserve shall be set aside.

Rule 23.8.14.1.1 Width of Esplanade Reserve

Width of Esplanade Reserve

Except as provided in Appendix 23B or in Rule 23.8.14.5, or as indicated on the Planning Maps, an esplanade reserve created under Rule 23.8.14.1 above shall be a minimum width of 20 metres measured in a landward direction from the line of Mean High Water Springs of the sea or the bank of any river or the margin of any lake.

Rule 23.8.14.2 Waterside Areas Specifically Identified

Waterside Areas Specifically Identified In The Future Urban, General Rural, East Coast Rural, Landscape Protection Rural, Dune Lakes Countryside Living Rural, Countryside Living Town, Kawau Island (including all Policy Areas) and Islands General Zones, where sites are 4 hectares or greater

Rule 23.8.14.2.1

Where an application is made to subdivide any land specifically identified in Appendix 23A, and the site adjacent to the water exceeds 4 hectares in area, an esplanade reserve adjacent to the water ways shall be shown on the plan of subdivision submitted with the application for approval.

Rule 23.8.14.2.2

When a plan of subdivision providing the detail required by Rule 23.8.14.2.1 is received, the Council shall determine whether it wishes to acquire either:

- (a) an esplanade reserve over all or part of the length of the water frontage;
- (b) an esplanade strip over all or part of the length of the water frontage, and its width; or
- (c) a combination of the above; or
- (d) neither an esplanade reserve nor an esplanade strip.

Rule 23.8.14.2.3

In deciding which of the options listed in Rule 23.8.14.2.2 to take, the Council shall take into account the Assessment Criteria listed at 23.8.14.2.4 to 23.8.14.2.7.

23.8.14.2.4 Assessment Criteria

Assessment Criteria

Factors Favouring Acquisition of an Esplanade Reserve

Access

- (a) Year round access is required.

Public ownership

- (b) Outright public ownership would facilitate achieving conservation, access or recreation objectives.



- Erosion* (c) Erosion of the land comprising the esplanade reserve is unlikely.
- Links* (d) The land would constitute a short link between other existing esplanade reserves or publicly owned land.
- Work required* (e) A significant amount of physical work/capital investment will be needed to make the land suitable for public access or recreation purposes.

23.8.14.2.5
Assessment Criteria

Assessment Criteria

Factors Favouring Acquisition of Esplanade Strips

- Access* (a) Year round access is not essential.
- Erosion* (b) Erosion of the width of the strip is a distinct possibility.
- Work required* (c) Little or no work would be required to make the strip accessible for public use.
- Walking access* (d) The principal purpose would be to provide public walking access.
- Conservation* (e) Topography would provide primary conservation protection of natural values.
- Usage* (f) The expected level of usage is not high, therefore acquisition of an esplanade strip represents a better use of public funds.
- Maintenance* (g) Maintenance would be best left as the responsibility of the landowner.

23.8.14.2.6
Assessment Criteria

Assessment Criteria

Factors Likely to Favour Taking no Esplanade Reserve or Strip

- Value to public* (a) A reassessment indicates that there is likely to be little value to the public in having an esplanade reserve or strip.
- Conservation/Hazard Mitigation* (b) In circumstances where the provision of an esplanade reserve or strip would hinder or compromise conservation values or hazard mitigation objectives.
- Cost* (c) The cost of acquisition of either an esplanade reserve or strip is beyond the capacity of the Council to fund, or represents too low a ratio of benefit/cost to be justifiable.
- Future need* (d) It is likely that the relevant lots will be subdivided below 4 hectares in the future, and there is no immediate need for additional esplanade reserve or strip. Future subdivision into lots less than 4 hectares may be considered likely when this is indicated by the zoning of the land, an adopted Structure Plan or adopted Strategy document.

Note: Where the Council considers that no esplanade reserve or strip should be acquired it will, before making a final decision, formally seek the opinion of the community both by publicly advertising its intention not to acquire the esplanade reserve or strip, and directly advising any bodies known to have a particular interest in the issue, and allowing 15 working days for a response.

23.8.14.2.7

Assessment Criteria



Assessment Criteria

Public access

Protection of natural values

Rule 23.8.14.3 Waterside Areas Not Specifically Identified

Rule 23.8.14.3.1

Rule 23.8.14.3.2

Rule 23.8.14.4 Additions to Widths of

Factors Influencing the Width of Esplanade Reserve or Strip to be Acquired

- (a) Where the function of the esplanade reserve or strip is for public access, its width should be sufficient to provide for such access, taking into account the possibility of erosion of the land and the ability of the esplanade reserve or strip to continue to provide access if erosion takes place.
- (b) Where the function of the esplanade reserve or strip is for the protection of natural values, including water quality, for public recreation, or for the mitigation of natural hazards, its width should be sufficient for such purposes, provided that any width greater than 20 metres shall be acquired only with the agreement of the subdividing landowner.

Waterside Areas Not Specifically Identified In Appendix 23A in the Future Urban, General Rural, East Coast Rural, Landscape Protection Rural, Dune Lakes, Countryside Living Rural, Countryside Living Town, Kawau Island (including all Policy Areas) and Islands General Zones, where sites are 4 hectares or greater

- (a) Where an application is made to subdivide land with a water frontage that is not included at Appendix 23A, and the sites adjacent to the water exceed 4 hectares in area, the Council may require an esplanade reserve or strip adjacent to the waterway to be provided as a condition of subdivision consent in the following circumstances:
 - (i) Where the additional reserve or strip would link up existing coastal accessways or otherwise render them more useful, or could be expected to contribute to a future link up of access.
 - (ii) Where creation of the reserve strip would protect highly valued natural resources and landscapes, including the natural character of the coastal environment and land containing or adjacent to Significant Natural Areas.
 - (iii) Where recreational use of the land would be important eg. behind a sandy beach or where a landing place would be useful.
 - (iv) Where reserves or strips are required by proposed or adopted Council Strategies or Structure Plans.
 - (b) Notwithstanding the above, if the relevant lots are likely to be subdivided below 4 hectares in the future, then esplanade reserves or strips will not generally be acquired unless there is a compelling reason. Future subdivision into lots less than 4 hectares may be considered likely when this is indicated by the zoning of the land, a Structure Plan or a Strategy document.
- (a) The decision by the Council on whether to take an esplanade reserve or strip, and the width to be acquired, shall take into account the assessment criteria listed at 23.8.14.2.4 to 23.8.14.2.7.
 - (b) If the Council decides against taking an esplanade reserve or strip, there shall be no requirement for public notification and comment on this decision except where the esplanade reserve or strip would meet the criteria listed in Rule 23.8.14.3.1. Where these criteria are met the Council will follow the process described in the 'Note' to Rule 23.8.14.2.6.

Additions to Widths of Existing Esplanade Reserves, Esplanade Strips and



Existing Esplanade Reserves, Esplanade Strips and Other Publicly Owned Land

Rule 23.8.14.4.1

Other Publicly Owned Land in the Future Urban, General Rural, East Coast Rural, Landscape Protection Rural, Dune Lakes, Countryside Living Rural, Countryside Living Town, Kawau Island (including all Policy Areas) and Islands General Zones

(a) Where an application is made to subdivide land adjoining an existing esplanade reserve, esplanade strip or other publicly owned land as listed in section 236 of the Act, and any proposed lot adjoining the reserve, strip or other land exceeds 4 hectares in area, the Council may require as a condition of subdivision consent that additional width be added to the reserve, strip or other land where it is too narrow to enable its conservation, access or recreational use function, as defined in section 229 of the Act, to be fulfilled.

Rule 23.8.14.4.2

In determining whether to require further width to be added to the reserve, strip, or other land, and if so how much, the Council shall take into account the assessment criteria listed at 23.8.14.2.4 to 23.8.14.2.7.

**Rule 23.8.14.5
Reduction of Width or Waiver of Esplanade Reserve**

Reduction of Width or Waiver of Esplanade Reserve

Rule 23.8.14.5.1

Where any esplanade reserve is required to be provided under Rule 23.8.14.1, an application may be made to reduce the width or waive the esplanade reserve by way of an application for a Discretionary Activity that shall be submitted together with the application for subdivision.

**23.8.14.5.2
Assessment Criteria**

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

Objectives and policies

(a) Whether the proposed reduction in width meets the Objectives and Policies of the Plan set out in *Chapter 10 - Open Space and Recreation*, and *Chapter 6 - Highly Valued Natural Resources*.

Purposes

(b) Whether the proposed reduction in width enables the purposes of esplanade reserves as set out in section 229 of the Act, to be achieved.

Public access

(c) Whether public access to and along the sea, river or lake margin is enabled or diminished.

Effect of reduction

(d) Whether the reduction will adversely affect:
(i) the maintenance or enhancement of the natural functioning of the adjacent sea or watercourse;
(ii) the maintenance or enhancement of water quality;
(iii) the maintenance or enhancement of terrestrial or aquatic habitats;
(iv) the mitigation of any actual or potential natural hazard;
(v) the protection of natural values associated with the water body, including protection of flora and fauna, wildlife habitats and landscape amenity values.

(e) Whether the reduction is necessary to provide for public safety.

**Rule 23.8.14.6
Access Strips**

Access Strips



Rule 23.8.14.6.1

When assessing an application for subdivision consent the Council may require the establishment of an access strip or the creation of an appropriate easement to give public access to an esplanade reserve or other public land with water frontage which otherwise would be landlocked.

Explanation and Reasons

This explanation and reasons relate to Rules 23.8.14.1 to 23.8.14.6.

Esplanade reserves will normally be required to be vested when land adjoining the sea coast, lakes or rivers and streams with an average width of at least 3 metres is subdivided, where the lots adjacent to the water-body have an area less than 4 hectares. Esplanade strips may be required as an alternative.

Where the lots have an area greater than 4 hectares an esplanade reserve or strip will be required to be vested or created if such actions would secure significant public access, recreation, water quality or conservation values (including the conservation values of the adjoining body of water) or would contribute significantly to the mitigation of natural hazards, and if the cost is affordable in terms of the Council's land acquisition priorities.

The width of the esplanade reserve or strip on any subdivision will normally be 20 metres unless otherwise specified in the Plan. In determining the appropriate width in any particular case where a width less than 20 metres is proposed, the Council will take into account the amount of land necessary to enable the reserve or strip to provide long term for the values to be secured, and whether it would be appropriate for a lesser width at one point to be offset by a compensating increase in width elsewhere. Where the esplanade reserve or strip has to be purchased the Council may also consider a lesser width where this is indicated as necessary in terms of the Council's reserve acquisition priorities.

The Council may agree not to require the vesting or creation of an esplanade reserve or strip, where it is desirable that no reserve or strip be provided for reasons of public safety, or for the protection of conservation or Maori culture values, or to ensure a level of security consistent with the purpose of a resource consent, or in other exceptional circumstances.

In choosing between an esplanade reserve and an esplanade strip, the Council will take into account the advantages to the public of the alternatives, starting from the premise that an esplanade reserve is normally preferable, but recognising that an esplanade strip may be preferable in some cases.

**Rule 23.8.15
Subdivision : Boundary
Relocations in Rural Zones**

Subdivision : Boundary Relocations in Rural Zones

Rule 23.8.15.1

- (a) The subdivision of land within a General Rural, East Coast Rural, Landscape Protection Rural, Dune Lakes, Countryside Living Town, Countryside Living Rural, Kawau Island Zone (Bush Policy Area) and Islands General Zone which is a boundary relocation, complying with Rule 23.8.15, shall be a Restricted Discretionary Activity.
- (b) A boundary relocation may involve sites for which new certificates of title have yet to be issued, but for which a certificate under section 224(c) of the Act has been issued.
- (c) Boundary relocations shall comply with Rules 23.8.1 to 23.8.14 inclusive.



- (d) Rural residential sites for which consent has been granted in return for the protection of significant stands of native forest or significant natural features including land identified as a Significant Natural Area, shall be involved in boundary relocation subdivisions only where the conditions relating to the permanent protection of any bush or natural feature remain in force in respect of those same features on any new site, and the rural residential site continues to comply with the minimum and maximum site sizes specified in the rules for subdivision of the appropriate zone.
- (e) Sites subdivided as “sites for Rural-Residential dwellings” in the General Rural Zone or the Rural 1 Zone in the Operative District Plan 1993, shall be involved in boundary relocation subdivisions only where the site for rural residential dwellings continues to meet the requirements of Rule 11.2.3 Design of Subdivision in Plan Change No. 55 to the Operative District Plan 1993.

Rule 23.8.15.2

Any boundary relocation under Rule 23.8.15.1 above shall meet the standards specified in Rules 23.8.15.3 to 23.8.15.6 inclusive.

Rule 23.8.15.3

- (a) Both the existing and proposed sites shall comply with the general requirements of Rules 23.8.1 to 23.8.14 inclusive
- (b) Both the existing and proposed sites shall either abut each other or lie within a contiguous area of land comprising titles in the ownership of the same registered owner. Land shall be regarded as abutting other land or being in a contiguous area notwithstanding that it is separated from other land only by a road, railway, drain, water race, river or stream.

**Rule 23.8.15.4
Minimum Site Area**

Minimum Site Area

- (a) The minimum site area of a proposed site shall be 1 hectare, except:
- where the existing site is less than 1 hectare and Rule 23.8.15.4(b) can be met;
 - as provided for in Rule 23.8.15.4(d).
- (b) Where the existing site is less than 1 hectare in area, it shall be capable of accommodating a dwelling of not less than 225m² in floor area and with a minimum building platform area of 15 metres by 15 metres. This dwelling shall be clear of all required yard setbacks in the relevant zone and the existing site shall be capable of accommodating on-site services in accordance with the general requirements of Rules 23.8.1 and 23.8.2, and Rules 23.8.4 to 23.8.14 inclusive. In such cases the proposed site shall not exceed 9,999m² in area.
- (c) Except as provided for in clause (b) above and clause (d) below, boundary relocation where the existing and proposed sites are less than 1 hectare is a Discretionary Activity.
- (d) Where a site was created by a subdivision under rule 7.14.1.1(g) of the Plan, or under Rule 11.6 of the former Plan (as amended by Plan Change 55), boundary relocation where the proposed sites are less than 120 hectares, is a Non-Complying Activity.



**Rule 23.8.15.5
Number of Sites Permitted**

Number of Sites Permitted

There shall be no increase in the number of sites from that existing at the time of application.

**Rule 23.8.15.6
Design of Subdivision**

Design of Subdivision

Where the land being subdivided by way of a boundary relocation is located in the East Coast Rural Zone, the Dune Lakes or Landscape Protection Rural Zone:

- (a) Each proposed site shall accommodate a specified building area, such building area to be identified on the plan of subdivision and located to minimise the visual impact of any future building on the environment, with the objective of retaining a non-urban character.
- (b) Each specified building area shall comply with Rule 23.8.4.
- (c) Each defined area for building shall be identified by pegging before the proposed plan of subdivision is submitted for approval and shall be shown on all plans of proposed subdivision submitted for approval including the land transfer plan, and its existence shall be noted on the title for each site pursuant to a consent notice or some similar mechanism.

**Rule 23.8.15.7
Matters for Discretion**

Matters for Discretion

In accordance with sections 76(3B) and 105(3A) of the Act the Council will restrict its discretion to the matters listed when considering an application under Rule 23.8.15.

- (a) The size, shape, contour and arrangement of any site.
- (b) The access to any site.
- (c) The protection of significant native bush or other natural features.
- (d) The provision of utilities.
- (e) The provision of reserves.
- (f) Measures designed to avoid/mitigate effects of natural hazards
- (g) The location and design of sites and building areas in relation to existing mineral extraction activities and the potential future extraction resources that are identified on the Planning Maps as Significant Mineral Extraction Resources.

**23.8.15.8
Assessment Criteria**

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

Suitable for activities

(a) Whether the design and layout of the sites are suitable for the activities proposed on them or those permitted by the District Plan.

Intensity of development

(b) Whether the design and layout of the sites would result in an intensity of development which is contrary to the policies and objectives of the particular zone in which the subdivision is located.



Suitability of access

(c) Whether the proposed access is suitable for the activities proposed on the sites.

Traffic safety

(d) Whether the access adversely affects traffic safety and efficiency on any public road.

Significant bush or features

(e) Whether the site layout and building sites adversely affect any significant native bush or other natural features.

Services

(f) Whether adequate services are proposed.

Effect on skyline

(g) Whether the subdivision arrangement will avoid the location of building areas on prominent ridges, knolls, or skylines where the erection of buildings would dominate the natural landscape and detract from the amenities of the area.

Location of buildings

(h) Whether the location of the specified building areas is/are a sufficient distance from the road boundary to ensure that the non urban character of the landscape is retained. Specified building areas close to a public road may be acceptable where there are site specific circumstances, such as topography or existing vegetation that make the building area less prominent than a site further from the road.

(i) Whether any site is located so that a household unit can be erected upon it without unduly limiting quarry operations or future extraction at sites which are identified on the planning maps as Significant Mineral Extraction Resources.

Note: The desirable buffer distance between the mineral extraction and processing site and an activity that could potentially conflict with extraction and processing is 500 metres for rock extraction using blasting and 200 metres for other extraction. Exceptions to this desirable buffer distance from the mineral extraction and processing site are shown in the Planning Maps where the Quarry Effects Management Area on the maps may vary to reflect local circumstances. Activities which can be sensitive to noise and vibration generated during extraction and processing and to adverse visual effects include residential and community activity. Any building for a potentially sensitive activity should be located, designed and constructed to mitigate any adverse effects of proximity to existing and probable future quarry operations.

Explanation and Reasons

Enabling Boundary Relocation Subdivision to occur provides an opportunity for landowners to manage their titles to best suit their individual needs. Provided that the land with a title can meet the general standards for sites on which buildings can be established, and that there is no overall increase in the number of titles created, then relocating boundaries between contiguous titles in the same ownership is one means of landowners making efficient use of land resource. It is important, however, that provisions and restrictions be imposed to protect elements of the environment, eg. "bush lot" covenants are not circumvented or rendered untenable through the boundary relocation provisions.

Rule 23.8.15.9

Discretionary Activity

Discretionary Activity

Any Boundary Relocation Subdivision not complying with Rules 23.8.15.1 to 23.8.15.8 inclusive shall be a Discretionary Activity and shall be assessed



against the criteria in 23.9 Discretionary Activity Assessment Criteria.

**Rule 23.8.16
Subdivision Along Zone
Boundaries**

Subdivision Along Zone Boundaries

Rule 23.8.16.1

Where a site is partly in the General Rural, East Coast Rural, Landscape Protection Rural, Dune Lakes, Countryside Living Town, Countryside Living Rural, Kawau Island Zones (including all Policy Areas) or the Islands General Zone, and partly in a Residential, Business, Open Space, Special 6 or Special 29 Zone, the land in the General Rural, East Coast Rural, Landscape Protection Rural, Dune Lakes, Countryside Living Town, Countryside Living Rural, Kawau Island or Islands General Zones may be subdivided from the land in a Residential, Business Open Space, Special 6 or Special 29 Zone, without meeting the subdivisional rules for the General Rural, East Coast Rural, Landscape Protection Rural, Dune Lakes, Countryside Living Town, Countryside Living Rural, Kawau Island or Islands General Zones, as a Restricted Discretionary Activity. Any subdivision along a zone boundary shall comply with the following: [\[Amendment 127\]](#)

Rule 23.8.16.2

- (a) In respect of the land in the General Rural, East Coast Rural, Landscape Protection Rural, Dune Lakes, Countryside Living Town, Countryside Living Rural, Kawau Island or Islands General Zones, the relevant requirements of Rules 23.8.4 to 23.8.6, Rule 23.8.10, and Rules 23.8.14 to 23.8.16 are met;
- (b) In respect of the land in the Residential, Business, Open Space, or Special 6 Zones, the subdivisional requirements for the particular zone are met.
- (c) In respect of land within the General Rural Zone that adjoins land within the Special 29 Zone, the resulting rural site shall include an area of land, which incorporates a suitable building platform, within the Special 29 Zone.
Note: This will result in lots that retain a split zoning to ensure that a suitable flood free building platform is created. [\[Amendment 127\]](#)

**23.8.16.3
Matters for Discretion**

Matters for Discretion

In accordance with sections 76(3A) and 105(34) of the Act the Council will restrict its discretion to the matters listed when considering an application under this Rule.

- (a) The size, shape contour and arrangement of any site.
- (b) The access to any site.
- (c) The protection of significant native bush or other natural features.

**Rule 23.8.16.4
Assessment Criteria**

Assessment Criteria

When assessing an application the Council will have regard to the following criteria:

Suitability for activities

- (a) Whether the design and layout of the sites are suitable for the activities proposed on them or the permitted by the District Plan.



- Access*
- (b) Whether the proposed access is suitable for the activities proposed on the sites.
- Safety*
- (c) Whether the access adversely affects traffic safety and efficiency on any public road.
- Significant bush or features*
- (d) Whether the site layout and building site adversely affect any significant native bush or other natural features.

**Rule 23.8.17
Subdivision Within 20m of
Transmission Lines**

Rule 23.8.17.1

Subdivision Within 20m of Transmission Lines [Decision Report 2208]

The subdivision of land situated within 20m either side of the centreline of an existing high voltage transmission line shall be a Restricted Discretionary Activity in terms of the matters to which the Rule relates.

Note: The notations on the Planning Maps illustrating High Voltage (HV) transmission lines are indicative only and are not intended to show precise details of transmission lines).

In accordance with sections 77(3) and 104(C) of the Act the Council will restrict its discretion to the matters listed when considering an application for a Restricted Discretionary Activity.

Rule 23.8.17.2
Matters for Discretion

In accordance with sections 76(3) and 104(C) of the Act the Council will restrict its discretion to the matters listed when considering an application under this Rule.

- (a) Measures necessary to protect existing high voltage transmission lines and people's health and safety.

Rule 23.8.17.3
Assessment Criteria

When considering an application the Council will have regard to the following criterion.

Location of building sites and works

- (a) Whether the location of the building site or works will inhibit the safe and efficient operation of any network utility, or result in adverse effects on people's health and safety including:
- The ability for maintenance and inspection of transmission lines and supporting structures and the minimising of risk of injury or property damage from or to such lines;
 - The extent to which any buildings, structures, mobile plant or earthworks could affect transmission lines and support structures;
 - How the separation distances in the New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP:34 1993 are met;
 - The nature and location of tree planting adjoining transmission lines and support structures;
 - Availability of access to utility services.

Explanation and Reasons

This Rule is intended to protect existing utilities in relation to their safe and efficient operation and to protect people's health and safety by ensuring that the design of subdivisions results in the location of appropriate activities under and in close proximity to a high voltage transmission line.



23.9

23.9.1

All Proposals Except Those Which Do Not Comply With Rule 23.8.15.1 to 23.8.15.8 inclusive

DISCRETIONARY ACTIVITY ASSESSMENT CRITERIA

All Proposals Except Those Which Do Not Comply With Rule 23.8.15.1 to 23.8.15.8 inclusive

Without limiting the exercise of its discretion, where resource consent applications are required by Rule 23.8.1.1 to be assessed as a Discretionary Activity, the Council will have regard to the following assessment criteria and the relevant matters in section 104 of the Act:

Natural hazards

(a) Whether the location and design of the site or sites, including the location and nature of building areas will result in an increased exposure to natural hazards such as flooding, erosion or land instability, or exacerbate any natural hazards.

Network utilities

(b) Whether the location of a building area will inhibit the safe and efficient operation of any network utility, including access for inspection and maintenance purposes.

Amenity values

(c) Whether the location of a building area will adversely affect the amenity values of adjacent sites.

Suitability for activities

(d) Whether the design and layout of the site or sites are suitable for the activities proposed on them or those permitted by the District Plan.

Access

(e) Whether the proposed access is adequate to enable the site to be readily used for the activities proposed on it.

Safety

(f) Whether the proposed access is capable of being used without adversely affecting traffic safety and efficiency on any public road, and the amenity values of any other sites in the vicinity.

Parking

(g) Whether the on road parking provision made is sufficient to ensure adequate parking opportunities for residents and visitors without adversely affecting the efficient function of the road, and traffic/pedestrian safety.

Servicing

(h) Whether the site is capable of being adequately serviced to ensure that there are no adverse effects on the environment including cumulative effects.

Servicing for long term

(i) Whether the method of servicing is durable and able to function for the long term.

Compatibility

(j) Whether the method of servicing proposed is compatible with existing systems where connection to existing reticulated systems is proposed.

Avoid effects

(k) Whether the proposed methods of servicing are able to avoid, remedy or mitigate adverse effects on the natural and physical resources of the District.

Effects

(l) Whether the methods of servicing proposed do not themselves result in adverse effects on the environment.



Roading

(m) Whether the roading network, including provision for pedestrians and cyclists is suitable for its intended functions, without creating adverse effects on the environment.

Reserves

(n) Whether the provision of reserves within the subdivision is adequate to ensure public access to the margins of rivers, lakes or the sea.

Indicative reserves

(o) Whether non-compliance with any indicative reserve negates the successful implementation of the strategic direction and function of the indicative reserve network in the area concerned.

Function of reserves

(p) Whether non-compliance with any indicative reserve reduces the ability of existing reserves to function for their intended purpose.

(q) Whether in the Countryside Living Town Zones within the Warkworth area, any potential adverse visual effects resulting from any section of proposed road and/or access to the lots (including footpaths, kerb and channelling) and/or within the lots to any defined building platforms, over maximum permitted gradient in Rule 23.8.6 is able to be mitigated through the use of coloured (pigmented) concrete and/or tree planting. Details including plans of any proposed landscaping proposed to mitigate the visual effects of the proposal shall be provided outlining the species, planting size and location of plants and trees. Those areas include all Countryside Living Town Zones close to the Warkworth township, being those sites in the general vicinity of Falls Road, Hepburn Creek Road, Pulham Road, Sandspit Road and Matakana Road.

**Rule 23.9.2
Proposals Which Do Not
Comply With Rules 23.8.15.1
to 23.8.15.8 inclusive**

Proposals Which Do Not Comply With Rules 23.8.15.1 to 23.8.15.8 inclusive

Without limiting its discretion, where resource consent applications are required by Rule 23.8.14 to be assessed as a Discretionary Activity the Council will have regard to the following assessment criteria and the relevant matters in section 104 of the Act:

Objectives and policies

(a) Whether the number, layout and design of the sites will be contrary to the objectives and policies for the particular part of the District Plan.

Effects

(b) Whether the non compliance with the Rules will generate adverse effects on any significant natural features or result in an erosion of rural character.

Safety

(c) Whether the non-compliance will adversely affect the safety and efficiency of public road.

Amenity values

(d) Whether the non compliance will adversely affect the amenity values of sites in the vicinity.

APPENDIX 23A

ESPLANADE RESERVES AND ESPLANADE STRIPS

Schedule of properties from which the Council may require an esplanade reserve or esplanade strip to be provided when coastal and waterside lots with an area greater than four hectares are proposed by a plan of subdivision (Refer Rules 23.8.13.2 and 23.8.13.3)

	Planning Map No	Location	Legal Description	Approx Length (m)	Purposes	Additional Information/Requirements
1	8, 9, 15, 16	Adjoining boundary of Tawharanui Regional Park	Lot 1 DP 44611	1,360	1. Access (Linking esplanade reserve from Omaha with Tawharanui Regional Park.)	<ol style="list-style-type: none"> 1. Esplanade strip preferable to esplanade reserve, as minimal work required to form walking track, other than steps and benching; and possibility of erosion behind beaches. 2. 20m not likely to be adequate along whole length because of topography. 3. Adjacent to house north west of Pukemihinihi Point strip should be minimum width that will allow pedestrian access.
2	53, 55	Mahurangi River north bank between Shoemith Reserve and Falls Road (Wairere Scenic Reserve)	<ol style="list-style-type: none"> a) Pt Lot 1 DP 158563 b) Lot 1 DP 178636 c) Allot 52 Mahurangi Parish d) Allot 53 Mahurangi Parish 	<ol style="list-style-type: none"> a) 120 b) 300 c) 630 d) 740 <hr/> 1,790	1. Access (Linking Shoemith Reserve with Wairere Scenic Reserve).	<ol style="list-style-type: none"> 1. If land likely to be subdivided into lots smaller than 4 hectares in medium term, Council may not seek to acquire esplanade reserve or strip. Alternatively may acquire esplanade strip, for conversion into reserve when re-subdivision occurs later. 2. 20m width adequate, except when additional width required to take in native bush.





Planning Map No	Location	Legal Description	Approx Length (m)	Purposes	Additional Information/Requirements
3	Mahurangi River south bank between Mahurangi College and Falls Road/ Woodcocks Road (Wairere Scenic Reserve)	a) Lot 2 DP 160103 b) Lot 3 DP 160103 c) Pt Allot 62 Mahurangi Parish	a) 250 b) 460 c) 720 (+190 along side stream) <hr/> 1,430 +190	1. Access (Linking esplanade reserves in Warkworth and College grounds with Wairere Scenic Reserve.) 2. Protection of Conservation Values (Where native bush included in reserve or strip.)	1. If land likely to be subdivided into lots smaller than 4 hectares in medium term, Council may not seek to acquire esplanade reserve or strip. Alternatively may acquire esplanade strip, for conversion into reserve when re-subdivision occurs later. 2. 20m width adequate except when additional width required to take in native bush. 3. Either bridge required between Pt Allot 62 and Wairere Scenic Reserve across side stream or esplanade reserve or strip needs to be continued along bank of side stream to Woodcocks Road.
4	North western bank of Mahurangi River opposite Old Cement Works, Warkworth	a) Pt Lot 1 DP 571 b) Pt Lot 2 DP 571	a) 80 b) 590 <hr/> 670	1. Access (Linking existing scenic reserves and forming part of potential walkway between Elizabeth Street and Duck Creek Road.) 2. Protection of Conservation Values (By including part or all of bushed escarpment on north western river bank.)	1. Esplanade reserve preferable to esplanade strip, to allow for comprehensive management of bushed river bank reserves along this stretch of river. 2. 20m probably sufficient to provide for access, depending on topography, but greater width would be desirable so all bush could be included.
5	Sandspit	a) Pt Allot 23 Mahurangi Parish	a)	1. Access (Linking Sandspit recreation reserve to existing esplanade reserve.)	1. Esplanade reserve preferable to esplanade strip to facilitate comprehensive management of existing reserves along this section of coastline and provide the necessary link to existing accessways. 2. 20m likely to be adequate.



	Planning Map No	Location	Legal Description	Approx Length (m)	Purposes	Additional Information/Requirements
6	15	Prospect Bay to Christian Bay via unnamed bay and Karangatuoro Point, Kawau Bay	a) Pt Allot 2 Parish of Matakana b) Lot 2 DP 13876 c) Lot 1 DP 183826 d) Lot 2 DP 183826 e) Lot 4 DP 183826	a) 1,270 b) 560 c) 1,020 d) 210 <hr/> 3,430	<ol style="list-style-type: none"> 1. Access (Linking Prospect Bay, unnamed bay, Christian Bay, and public road at eastern end of Christian Bay.) 2. Recreation (Dry land above tops of three beaches. Access possible from sea if not available from land.) 	<ol style="list-style-type: none"> 1. Esplanade strip preferable to esplanade reserve because of: length; minimal need for work to form walking track, other than benching and steps on higher ground; no need for work to make land suitable for recreation behind beaches; possibility of erosion behind beaches; and advantage of leaving land owners with stake in maintenance of land. 2. 20m sufficient behind beaches, reduced or omitted altogether in front of houses in Christian Bay. 3. 20m likely to be adequate along much of route between beaches, but additional width may be required at some point to overcome difficulties caused by topography. 4. Western limit of esplanade strip in Prospect Bay is among trees at western end of first, longer beach.
7	16	Waikauri Bay	Lot 1 DP 48057	180	<ol style="list-style-type: none"> 1. Recreation (Dry land above top of beach. Access from sea or along foreshore at low tide only.) 	<ol style="list-style-type: none"> 1. Esplanade strip preferable to reserve, to leave land owners with stake in maintenance of land, and because no work is required to make land useable for recreation. 2. Strip to be acquired from area behind sand beach only. 3. Width required approx 20m (width between sea wall and private roadway).



	Planning Map No	Location	Legal Description	Approx Length (m)	Purposes	Additional Information/Requirements
8	14, 15, 57	Duck Creek and Mahurangi River	a) Lot 1 DP 101313 b) Pt Allot 41 Mahurangi Parish	a) 100 b) 1,250 <hr/> 1,350	<ol style="list-style-type: none"> Access (Linking existing scenic reserves and esplanade strip, and forming part of potential walkway from Elizabeth Street to Duck Creek Road, with spur from Duck Creek down river toward Hamiltons Landing - but see note 4 in next column.) Protection of Conservation Values (Over part of Pt Allot 41 facing Mahurangi River.) 	<ol style="list-style-type: none"> Over Lot 1 DP 101313 esplanade reserve would be more appropriate than a strip, to facilitate management of existing reserves on north western bank of Mahurangi River and north eastern bank of Duck Creek. Also appropriate, in view of need to construct bridge across Duck Creek, and potential relatively high usage of walkway. Esplanade strip appropriate over Pt Allot 41. 20m probably sufficient to provide for access. Bridging structure will be necessary across Duck Creek linking either the two parts of Lot 1, or Duck Creek Scenic Reserve and Pt Allot 41. Value of reserves as access (walkway) very dependent on owners of Lot 1 DP 101313 or Pt Allot 41 being willing to grant access strip to link new esplanade reserve or strip to end of Duck Creek Road.
9	60	Mahurangi River, near the end of Hamilton Road	a) Lot 1 DP 30364 b) Pt Allot 44 Mahurangi Parish		<ol style="list-style-type: none"> Access (Linking existing crown owned marginal strip, scenic reserve and part unformed legal road along the Mahurangi River. Also forming part of a walkway identified in the Walkways Strategy 1997.) 	<ol style="list-style-type: none"> Esplanade strip more appropriate than esplanade reserve as the principal purpose of acquiring the land is for access. The walkway which this would form part of is not a high priority in the Walkways Strategy 1997, and little work and capital investment will be necessary to form a walking track. 20m probably sufficient for access. Value of reserves as access (walkway) partly dependent on gaining access over Pt Allot 41 to end of Duck Creek Road.



	Planning Map No	Location	Legal Description	Approx Length (m)	Purposes	Additional Information/Requirements
10	63	Scandretts Bay and Martins Bay	a) Pt Allot 6 Mahurangi Parish b) Pt Allot 8 Mahurangi Parish	a) 70 b) 1,000 (north) 300 (south) ----- 4,590	2. Access (Linking Algies Bay to Martins Bay. Assumption made that esplanade reserve will be vested at Goldsworthy Bay when land is developed in accordance with Special 10 zoning. Also assumes access will be made available across Allot 7 Mahurangi Parish on new Regional Park.)	1. Esplanade strip preferable to esplanade reserve because minimal works required to form track (other than steps, benching and handrails), and land behind beaches may be prone to erosion. 2. Less than 20m should be required where track passes Scandretts bach settlement overlooking Kawau Bay where houses are very close to beach. 3. Special arrangement will be necessary at north end of Martins Bay, where houses very close to beach and cliff edge. 4. Council may not acquire reserve or strip if closer subdivision, or development that will yield an esplanade at no cost to Council, is foreseeable.
11	64	Head of South Cove	Pt Kawau Island DP 7067	530	1. Access (Linking Hauraki Gulf Maritime Park Historic Reserve and recreation reserve in South Cove residential subdivision.)	1. Esplanade strip more appropriate than esplanade reserve as minimal need for capital improvements other than benching or steps to create walking track. 2. Steep topography and swampy ground likely to require more than 20m for walking track.
12	64	Bostaquet Bay, Kawau Island	Pt Kawau Island DP 7067	150	2. Recreation (Dry land above top of beach. Access from sea only.)	1. Esplanade strip preferable to esplanade reserve, to leave land owner with stake in maintenance of land and because no work required to make land useable for recreation. Also possibility of erosion behind beach. 2. Minimum 20m width required, with additional width to provide more space, if agreeable to owner and affordable by Council.



	Planning Map No	Location	Legal Description	Approx Length (m)	Purposes	Additional Information/Requirements
13	114	Rangitopuni Creek, Riverhead	a) Lot 2 DP 62145 b) Pt Allot 13 Paremoremo Parish		<ol style="list-style-type: none"> Access (Linking existing esplanade reserve which currently extends along the eastern bank of the Rangitopuni to the Waitemata Harbour. Also forms part of a proposed Riverhead Walkway identified in the Walkways Strategy 1997.) Protection of conservation values (Where bush included in reserve.) 	<ol style="list-style-type: none"> Esplanade reserve preferable to esplanade strip to facilitate management of existing reserves. 20m sufficient except where native bush and mangroves present, as an additional width may be required.

APPENDIX 23B



SCHEDULE OF SITES WHERE EITHER:

- (a) NO ESPLANADE WILL BE REQUIRED ON SUBDIVISION OR ROAD CLOSURE, OR
- (b) THE ESPLANADE RESERVE REQUIRED ON SUBDIVISION WILL BE WIDER OR NARROWER THAN 20 METRES.

(Refer Rule 23.8.13.1)

ITEM NO.	LEGAL DESCRIPTION	LOCATION	ESPLANADE RESERVE REQUIREMENT	REASONS FOR VARIATION FROM STANDARD 20M REQUIREMENT
1.	Pt Allot 68, Parish of Mahurangi SO 1110E	Off end of Alnwick Street, Warkworth	Esplanade reserve to be not less than 3m in width around the northern bank of the "lagoon" between the causeway and the western end of Designation No. 151, except that no esplanade reserve will be required where the "lagoon" is closest to the rear boundaries of properties in Rivendell if an esplanade reserve at this point would prevent vehicle access being created between the areas of residential land to the east and west of this point.	Public access can be satisfactorily provided along the southern side of the "lagoon" by Designation No. 151. The conservation value of the 3m reserve will relate solely to the immediate relationship with the water, and will not be significantly affected if the "lagoon" is not completely encircled by reserve.
2.	Pt Allot 68, Parish of Mahurangi SO 1110E	Off end of Alnwick Street, Warkworth	No esplanade is required along the river frontage of the boatyard (ie. between the proposed esplanade reserve along the southern bank of the "lagoon" and the boundary of the sewage treatment plant) provided that an equivalent area of Designation No. 157 is vested as reserve at no cost to the Council, on the basis that: (a) the "equivalent area" is the length in metres of the river frontage to the boatyard, multiplied by 20m. (b) The width of Designation No. 157 is 15m.	The river frontage of the boatyard has no conservation value as esplanade reserve. Providing for public access would present considerable difficulties for the operation of the boatyard, and the proposed link around the inland side of the boatyard will enable the public access element of section 229 of the Act to be met.



ITEM NO.	LEGAL DESCRIPTION	LOCATION	ESPLANADE RESERVE REQUIREMENT	REASONS FOR VARIATION FROM STANDARD 20M REQUIREMENT
3.	Northern end of Percy Street and Pt Allot 67, Parish of Mahurangi, and Pt Lot 2, Lot 3 and Pt Lot 4 DP 18685	Mahurangi River frontage of Percy Street, and the four properties immediately downstream, Warkworth.	No esplanade reserve required provided pedestrian access is provided along the river bank as part of the development of the land.	The land is the site of the proposed Warkworth Civic Centre. Pedestrian access along the riverbank is essential, but this can be achieved in the design of the civic centre without requiring the land to be vested or classified as esplanade reserve.



APPENDIX 23C

ADOPTED STORMWATER CATCHMENT MANAGEMENT PLANS

Name of Catchment Management Plan	Date Plan Adopted
Arkles Bay	1 June 1993
Army Bay	1 May 1996
Big Manly	1 June 1993
Coal Mine Bay	28 April 1997
Hatfields	1 May 1998
Hobbs	28 May 1989
Little Manly	1 June 1993
Matakatia	30 May 1998
Nukumea	1 March 1994
Okoromai Bay	1 July 1996
Orewa N/W	29 June 1998
Orewa N/W (Riverside Road)	1 June 1993
Orewa South	1 September 1989
Puawai	28 March 1998
Red Beach	1 November 1991
Silverdale/Wade	1 May 1998
Stanmore Bay	1 April 1992
Stillwater	1 July 1989
Tindalls	1 March 1994
Waiwera	1 March 1994
Weiti River North	30 March 1998
Algies	1 May 1994
Baddeleys Bay	May 1999
Buckletons Bay	May 1999
Campbells Bay	May 1999
Coatesville	1 December 1993
Jamieson Bay	May 1999
Kaipara River (Parakai)	1 April 1996



Name of Catchment Management Plan	Date Plan Adopted
Kaipara River (Helensville Town)	1 June 1996
Kaipara River (Kumeu River)	1 June 1996
Kaipara River (Kaipara River)	8 August 1989
Kaipara River (Awaroa)	1 August 1993
Kaukapakapa	1 February 1993
Leigh	June 1999
Matakana	April 1999
Matheson Bay	June 1999
Muriwai	1 June 1995
Omaha	16 April 1999
Omaha East	May 1994 and March 1999
Omaha West	
Opahi Bay	May 1999
Point Wells	30 March 1998
Port Albert	June 1999
Puhoi	28 March 1998
Riverhead	1 January 1994
Sandspit	30 June 1997
Shelly Beach	1 September 1996
Snells East	1 May 1994
Snells West	1 May 1994
Te Hana	October 1998
Ti Point	June 1999
Waitakere River	8 August 1990
Warkworth	1 March 1994
Wellsford	1 March 1994
Wellsford South	1 August 1996
Whangateau	June 1999