

## Appendix 2



### **Proposed Plan Change 4 (Residential Development of Roy Stoneham Park)**

## **KAWERAU DISTRICT PLAN**

## **Note to Reader (not part of Proposed Plan Change 4)**

### **What this Plan Change does**

The following pages from the Kawerau District Plan are proposed to be amended by Plan Change 4 (Residential Development of Roy Stoneham Park):

- Provisions to be added are underlined and shaded
- Provisions to be deleted are ~~struck through~~.

Unless indicated, all other provisions in the Kawerau District Plan are not changed.

### **Version after hearing 15 June 2023**

Additional changes as a result of decisions on submissions are shown in yellow shading:

- Provisions to be added are underlined and shaded
- Provisions to be deleted are ~~struck through~~.

### C3.1 DESCRIPTION OF THE ZONE

The Residential Zone is characterised by established low density dwellings of generally one per lot. Lot sizes range from 500m<sup>2</sup> to 2000m<sup>2</sup> with an average lot size of 800m<sup>2</sup>. There is some multi-unit development within the zone. The Residential Zone is also the location for a variety of community activities, especially those related to education, health and community well-being.

Underground utilities and a general lack of structures in the front yards contribute to the visual amenity and spaciousness of the zone. Low volumes of vehicular traffic and a lack of heavy vehicle movements provide a quiet and safe living environment. The low rise nature of the built environment adds to the feeling of privacy and spaciousness.

Rules including Development and Performance Standards have been developed for the Residential Zone to avoid or mitigate potential adverse effects of activities within the zone.

The intended outcome in the Residential Zone is to maintain or enhance the existing levels of amenity while enabling the community to meet its needs and to provide for its well-being.

Within the Residential Zone are Residential Growth Precincts. These Precincts are to enable greater density residential development, contain a variety of section sizes (including smaller lots) and a variety of housing types to improve housing supply and choice. Amenity values are maintained by providing recreational spaces and achieving attractive streetscapes.

### C3.2 OBJECTIVES AND POLICIES

#### C3.2.1 Objectives

C3.2.1.1 To ensure development and activities carried out within and adjacent to the residential zone, maintain and enhance the amenity and character of the existing residential environment.

C3.2.1.2 Residential Growth Precincts are 'communities within a community' enabling greater density of residential development through a range of section sizes and housing types, while providing quality amenity for residents through

attractive streetscapes and recreation spaces, and connectivity is provided through walking and cycling access.

### **C3.2.3 Policies**

C3.2.2.1 Activities carried out within the residential zone should be of an intensity, design and appearance that avoids or mitigates adverse effects on residential amenity and character.

C3.2.2.2 Development proposals of more than one dwelling shall be comprehensively designed to avoid or mitigate adverse effects on residential amenity and character, service infrastructure and transportation networks.

C3.2.2.3 Non-residential activities (including home occupations and visitor accommodation) within the residential zone shall be of an intensity, scale and character which avoids adverse effects on residential amenity values and visual character.

C3.2.2.4 To enable residential development in Residential Growth Precincts that provides for a variety of housing types by:

- Allowing smaller section sizes;
- Reduced daylighting requirements (recession plane);
- Providing for greater site coverage to accommodate smaller section sizes;
- Allowing an additional minor dwelling or accessory building used for habitation (sleepout) on a property; and
- Reduced front yards, with the requirement for garage setbacks to contribute to maintaining attractive streetscapes.

## **C3.3 ACTIVITY STATUS IN THE RESIDENTIAL ZONE**

### **C3.3.1 Permitted Activities**

Residential Activity, comprising one of the following:

- Dwelling
- Visitor accommodation
- Home occupation
- Relocated Dwellings where, prior to the building being relocated on to a site a building consent or consents have been granted that covers all of the matters under C3.4.11.

Residential Growth Precinct

- Residential Activity as listed above plus one additional minor dwelling per site that meets the requirements in C3.4.12.

### **C3.3.2 Restricted Discretionary Activities**

- Any permitted activity that doesn't meet any permitted activity standard in C3.4.
  - Council shall restrict to its discretion to matters as identified in Section C3.5.
- More than one dwelling per site.
  - Council shall restrict its discretion to Sections C3.5.3 and C3.5.5.

### **C3.3.3 Discretionary Activities**

Any activity not listed as permitted, controlled or restricted discretionary.

A discretionary activity shall be assessed in accordance with the Resource Management Act 1991 and the criteria specified for assessing discretionary activities in Section 104 and 104B.

## **C3.4 RULES OF THE RESIDENTIAL ZONE**

### **C3.4.1 Height**

- The maximum height of any building or structure in the Residential zone shall be:

8.0 metres

- No part of any building or structure shall exceed a height of 2.0 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary except in a Residential Growth Precinct.
- In a Residential Growth Precinct no part of the building or structure shall project beyond a 45° recession plane 2.7 metres above the ground from the shortest horizontal distance between that part of the building and the nearest site boundary. This standard does not apply to a common wall for a semi-detached dwelling.

Note: See definition of height.

### **C3.4.2 Yards**

#### Front Yard

- Except in a Residential Growth Precinct the minimum distance between any building or structure and the front boundary of the site shall be:

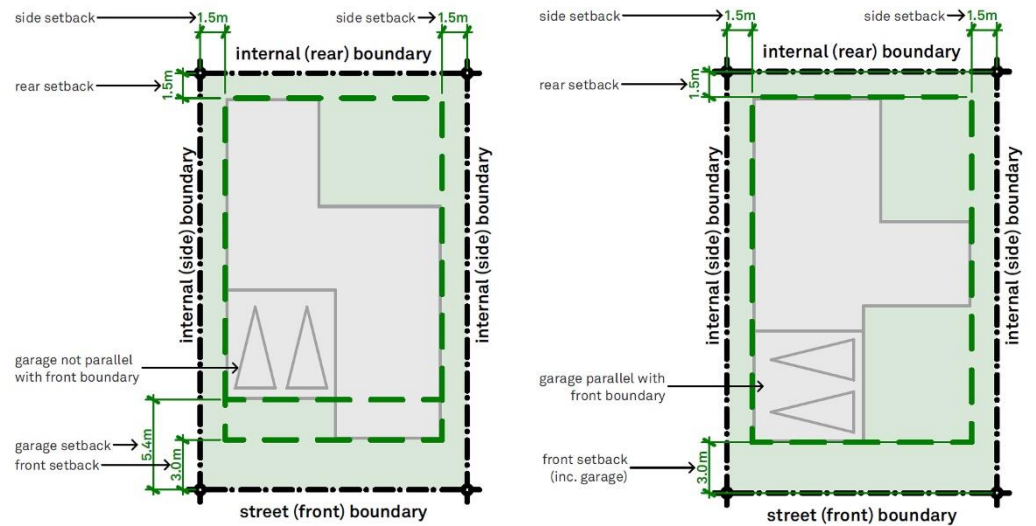
5.0 metres

– In a Residential Growth Precinct, the following standards apply:

1. The minimum distance between any building or structure front façade and the front boundary of the site shall be:

3.0 metres

2. The minimum distance between the garage door and road boundary of the site shall be 5.4 metres. Except garages that are positioned parallel to the front road boundary can utilise the front façade setback as shown in Diagram C3.4.2 below.



**Diagram C3.4.2 – Positions of garage that comply with front yard setback in Residential Growth Precinct**

### Side and rear yards

– The minimum distance between any building or structure and the side or rear boundary of the site shall be:

1.5 metres

Note: —

Except:

– This distance can be reduced subject to the written consent of the owner of land whose boundary is within 1.5 metres of the building. In the case of an access under shared ownership written consent shall be required from all persons having legal interest in the access.

- In a Residential Growth Precinct, the 1.5 metre side boundary standard does not apply to the common wall boundary of semi-detached dwellings designed for two sites and where the dwellings are constructed contemporaneously (at the same time). One side boundary of 1.5 metres must be retained on each site.

### **C3.4.3 Density Coverage**

- The maximum area of a site covered by all buildings shall not exceed 35%.
- There shall be a maximum density of one dwelling house or one household-unit per site.

- Except in a Residential Growth Precinct, where the following standards apply:

1. The maximum area of a site covered by all buildings shall not exceed 50%.

2. One additional minor dwelling or accessory building used for habitation (sleepout) is allowed. The additional minor dwelling or accessory building used for habitation must meet the permitted standards in Rule C3.4.12.

### **C3.4.4 Signs**

- The maximum signage on any site shall not exceed:

Maximum Area	0.5 m <sup>2</sup>
Maximum Height Above Ground Level	2.0 metres

- Off-site signs which are located so as to be visible from the State Highway, are an exception to these rules, and shall be classed as a discretionary activity.

### **C3.4.5 Traffic Management**

The rules set out in Section C10: Traffic Management shall apply.

### **C3.4.7 Natural, Cultural and Heritage Features**

The rules set out in Section C8: Natural, Cultural and Heritage Features shall apply.

### **C3.4.8 Noise**

- a) Every activity, other than a residential activity, shall be conducted to ensure noise from the site shall not exceed the following limits when measured at or within the boundary of any other residential zoned site or the notional boundary of any rural lifestyle zoned site:
  - 0700 to 2200 hours 50dBA  $L_{Aeq}$
  - 2200 to 0700 hours 40dBA  $L_{Aeq}$
  - 65dBA  $L_{Amax}$
- b) The noise shall be measured in accordance with the requirements of *NZS6801:2008 Acoustics – Measurement of Environmental Sound* and assessed in accordance with the requirements of *NZS6802:2008 Acoustics – Environmental Noise*.
- c) Construction noise from sites shall not exceed the limits set out in *NZS6803:1999 Acoustics – Construction Noise*.

### **C3.4.9 Home Occupation**

- Maximum floor area of the home occupation shall not exceed 40m<sup>2</sup>.
- No selling of corporeal goods shall occur on the premises.
- A maximum of 2 persons who are resident on-site shall be employed by the business.
- The outdoor storage of materials, plant or equipment is screened from public view and other properties.

### **C3.4.10 Visitor Accommodation**

- The manager(s) of the accommodation shall reside on-site.
- Maximum of 4 guests per night.

### **C3.4.11 Relocated Dwellings are subject to the following requirements:**

- i) The building shall be located on permanent foundations approved by building consent, no later than 2 months from the building being moved to the site.
- ii) Any relocated dwelling must be accompanied by a building inspection report that confirms the suitability of the building for



use as a dwelling and identifies all reinstatement work required to the exterior of the building.

- iii) All work required to reinstate the exterior of any relocated building shall be completed within 12 months of the building being moved onto the site.

#### **C3.4.12 Additional minor dwelling or accessory building used for habitation in a Residential Growth Precinct**

- The one additional minor dwelling or accessory building (sleep out) is secondary to a principal dwelling of no less than 90m<sup>2</sup> excluding decks and garage.
- The additional minor dwelling or accessory building used for habitation:
  1. Must be attached to the principal dwelling or be an integrated part of the building.
  2. Must not exceed 65m<sup>2</sup> excluding decks and garages.

Note: The additional dwelling or accessory building used for habitation must also meet the other permitted standards in section C3.4 (including yard setback, height and density coverage).

#### **C3.4.13 Servicing**

Any development within a Residential Growth Precinct shall demonstrate compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

### **C3.5 RESTRICTED DISCRETIONARY ACTIVITIES**

Matters to which council will restrict its discretion:

#### **C3.5.1 Height**

When assessing an application to exceed the Height rules Council will restrict the exercise of its discretion to the following matters:

- The distance of any building from the boundary.
- The bulk of the building in relation to the bulk of the buildings in the immediate vicinity.
- The potential for the building or structure to overshadow or overlook other buildings

- The visual appearance of building(s) and any proposed landscape mitigation.

### **C3.5.2 Yards**

When assessing an application to reduce the minimum specified yards the Council will restrict the exercise of its discretion to the following matters:

- The continuity of buildings frontages.
- The existing character and amenity of the streetscape.
- The location and density of landscaping.
- The distance between the proposed building and any other buildings.
- The effect of the building on traffic safety.
- The maintenance of visual and aural privacy.
- The visual appearance of the building(s) and any proposed landscape mitigation.

### **C3.5.3 Scale/Intensity**

Council will restrict its assessment to the following matters:

- The residential character and amenity of the area.
- The design and layout of the site, including carparking location.
- The design and appearance of buildings, including cladding materials, colour schemes and reflectivity.
- The provision of adequate service infrastructure.
- Any potential adverse visual cumulative effects.

### **C3.5.4 Signs**

In assessing an application to increase the maximum standards specified in the Signs rule the Council will restrict the exercise of its discretion to the following matters:

- The size, design, construction, location and illumination of the sign.
- The nature of the information displayed on the sign.
- The effects on amenity and landscape.

### **C3.5.5 Traffic Management**

Refer to Section C10: Traffic Management.

### **C3.5.6 Natural, Cultural and Heritage Features**

Refer to Section C8: Natural, Cultural and Heritage Features.

### **C3.5.7 Noise**

When assessing an application to dispense with the Noise standard the Council will restrict the exercise of its discretion to the following matters:

- The noise environment of the locality.
- The practicality of reducing noise from the activity.
- Any relevant New Zealand Noise Standards.
- New Zealand Standard 6806:2010.
- an acoustic assessment of the effects of proposed activity prepared by an Acoustic Engineer.

### **C3.5.8 Relocated Dwellings**

Council shall restrict the exercise of its discretion to the timeframe for completion of any work required by Rule C3.4.11.

## C7: SUBDIVISION AND DEVELOPMENT

### C7.1 INTRODUCTION

Subdivision is the process by which areas of land are divided into smaller parcels which allows them to be sold or leased as separate units.

Subdivision and development has potential to cause adverse effects on the environment, such as alteration of natural and cultural features and landscapes, deterioration in water quality and destruction or degradation of the amenity value of an area. Intensification of development in inappropriate locations or that are not managed effectively, can lead to conflicts with other lawfully established activities.

The management of the processes of subdivision and development is necessary to ensure that design including the provision of service infrastructure and construction occurs in such a way as to avoid, remedy or mitigate any adverse effects on the environment.

Land modification, including construction and site works can have other adverse effects including noise, smoke and dust.

It is necessary to ensure that adequate roading and services including an accessible water supply for fire fighting requirements are provided at a sufficient standard to support foreseeable future activities on the land.

### C7.2 OBJECTIVES AND POLICIES

#### C7.2.1 Objectives

- C7.2.1.1 To enable subdivision and development to proceed in a manner that will ensure the sustainable management of the natural and physical resources of the district.
- C7.2.1.2 Prevent subdivision and land development detracting from the amenity values of the local environment.
- C7.2.1.3 To ensure the provision of an adequate standard of infrastructure and public utility services at the time land is subdivided or developed to avoid, remedy or mitigate any adverse effect on the environment, and to ensure that the full cost of providing or upgrading services is borne by those undertaking the subdivision or development.

C7.2.1.4 To ensure that subdivision and development of land in a manner that does not adversely affect the function or capacity of the transport network.

C7.2.1.5 To ensure subdivision and development does not create conflict with sensitive land uses.

## **C7.2.2 Policies**

C7.2.2.1 Ensure that proposals for subdivision and development assess the physical characteristics, natural hazards and amenity values and qualities and avoid, remedy or mitigate any adverse effects.

C7.2.2.2 Maintain or enhance and avoid adverse effects on significant features or areas having cultural, spiritual, historical, or landscape or ecological value.

C7.2.2.3 Manage the effects of construction to avoid or mitigate any adverse effects on the environment including on people and communities.

C7.2.2.4 Identify and provide for safe and practicable building sites for all new allotments.

C7.2.2.5 Provide for the amenity values of future occupants of land development proposals.

C7.2.2.6 Provide for the operation, maintenance and minor upgrading of network utilities, including electricity generation facilities, where adverse effects on the environment are avoided remedied or mitigated where practicable or consider alternative forms of mitigation such as offsetting or environmental compensation where it is not possible to avoid, remedy or mitigate adverse effects on the environment.

C7.2.2.7 Proposals for development should be comprehensively designed to enable a full assessment of the visual effects of the activity and level of amenity provided.

C7.2.2.8 Ensure adverse effects of land use, subdivision and development on the safe and efficient functioning of the transport network are avoided.

C7.2.2.9 To manage subdivision and development to ensure compatibility with sensitive activities and reduce the potential for reverse sensitivity effects.

C7.2.2.10 Subdivision and development in the Putauaki Structure Plan area is to be undertaken in accordance with the Structure Plan to avoid compromising future development potential.

## **C7.3 SERVICING REQUIREMENTS**

### **C7.3.1 Introduction**

The development of land needs to provide for the servicing requirements of new activities and sustainably manage the resources of the district.

Subdivision and development places an increased demand upon resources of the district. In order to address these adverse effects additional services or extensions to existing services may be required to ensure there is an efficient and effective standard of service infrastructure.

The cost of upgrading existing or providing for additional infrastructure must be fairly allocated to avoid inequitable cost to the community arising from new development.

### **C7.3.2 Objectives**

C7.3.2.1 Ensure that there is an appropriate standard of public infrastructure to provide for the use of land resulting from subdivision and development.

C7.3.2.2 That subdivision or development is serviced in a way that avoids, remedies or mitigates any adverse effect on the environment.

### **C7.3.3 Policies**

C7.3.3.1 That new subdivision and development connects to public service infrastructure where there is adequate capacity to provide for the demand of additional activity.

C7.3.3.2 That the servicing of new subdivision and development provides for the sustainable management of a natural and physical resources.

C7.3.3.3 That new development is to meet the fair and reasonable cost of providing additional infrastructure necessary to service the development.

C7.3.3.4 Avoid, remedy or mitigate any adverse affects from the disposal of stormwater on the environment.

## **C7.4 INFRASTRUCTURE CONTRIBUTIONS**

### **C7.4.1 Introduction**

Where new subdivision or development occurs, upgrading of the infrastructure networks is often necessary to service the development. This upgrading adds incrementally to the demand on Council owned and operated services.

It is reasonable that the costs of addressing these issues is met by those who cause the demand for upgrading.

### **C7.4.2 Objective**

C7.4.2.1 To allocate the cost of additional service and roading infrastructure necessary to meet additional demands as a result of a subdivision or development to those who cause the demand for the upgrade.

### **C7.4.3 Policies**

C7.4.3.1 Subdividers and developers should be required to meet the full costs of providing upgraded roading and service infrastructure necessary to support their subdivision or development.

C7.4.3.2 Ensure new subdivision and development adequately compensate for any impact on service and roading infrastructure by way of financial contribution to ensure there is no degrading of that infrastructure.

C7.4.3.3 Ensure new subdivision and development contribute to providing new or upgrading existing public reserves including esplanade reserves.

## **C7.5 CONTAMINATED LAND**

The presence of contaminated land can adversely impact upon existing and future activities on the site and on the wider environment.

Identifying and managing activities in the presence of contaminated land is critical as part of the responsibility to manage effects on the environment and on the health and safety of people and communities.

Specific legislation to manage hazardous substances is expected to be deferred to. The provisions of the district plan and the Resource Management Act will be

applied to ensure a complete approach and strategy is applied to the management of potential future and existing contaminated land.

**C7.5.1 Objective**

To manage existing contaminated land and prevent the creation of additional contaminated land.

**C7.5.2 Policy**

Ensure that new activities avoid, remedy or mitigate the effect of contaminated land on the environment.

**C7.6 SUBDIVISION AND DEVELOPMENT RULES**

**C7.6.1 General**

Subdivision of land shall meet the requirements of Part 2 of the Resource Management Act.

Subdivision of land into two or more allotments or any subdivision of a title into two or more leased sites shall be a controlled activity, subject to C7.6.3 and C7.7.

In determining an application for subdivision as a controlled activity the Council shall exercise control over those matters set out in C7.7.

**C7.6.2 Utility Services**

Subdivision to create an allotment of any size for the purpose of providing for an existing or proposed network utility is a controlled activity. Subdivisional rules contained in other parts of the Plan shall not apply to activities covered by this provision unless otherwise specifically stated.

Council reserves control over allotment size.

The assessment criteria which shall apply are:

- The degree to which the proposed size of the allotment allows sufficient land to accommodate the activity and associated structures.
- The mitigation of adverse effects on amenity values.

**C7.6.3 Contaminated Land**



Require a statement to be provided as to the likelihood of contaminated land forming all or part of the site of a proposed activity.

In providing this statement, 'contaminated' land shall be as defined under the Resource Management Act 1991, and the development of all or part of that land shall be a restricted discretionary activity.

Matters over which Council will exercise discretion are limited to the effects of the contaminated land on the environment.

#### **C7.6.4 Transmission Lines**

Subdivision of land into two or more allotments within 32 metres from the centreline of the Kawerau – Deviation A and Kawerau – Matahina A circuit high voltage transmission lines on towers and/or within 16m from the centreline of the Edgecumbe – Kawerau A and B high voltage transmission lines in Pi poles shall be a restricted discretionary activity.

In determining an application for subdivision Council shall restrict its discretion to the following matters:

- The extent to which the subdivision design mitigates the effects on the lines, for example through the location of roads and reserves under the route of the line;
- The ability for maintenance and inspection of transmission lines and the minimisation of risk or injury and/or property damage from such lines;
- The extent to which potential adverse effects including visual impact are mitigated, for example through the location of building platforms;
- Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001); and
- The outcomes of any consultation with the affected utility operator.

### **C7.7 SUBDIVISION AND DEVELOPMENT REQUIREMENTS**

#### **C7.7.1 Subdivision to Create Separate Titles**

- New subdivision and development which gains direct access off State Highway 34 is a restricted discretionary activity. Matters to which Council will restrict its discretion are:
  1. The adverse effects of the proposal on the safe and efficient operation and function of the state highway and adjoining transport network;

and

2. Any measure required to avoid, remedy or mitigate adverse effects on the safe and efficient functioning of the state highway and adjoining transport network.
- An application for subdivision will be a non-complying activity where:
    - a) Any of the land the subject of the application or any structure on that land is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source; or any use subsequent to the subdivision is likely to accelerate, worsen, or result in material damage to that land or other land from these causes; or the land is subject to man-made hazards to future occupiers of the land.

Provided however, this rule will not apply where:

- i The application is for a boundary adjustment between allotments and will not create additional building sites, or change the use of the sites; or
  - ii Any proposed allotment has an adequate building platform whether constructed or not, that will not be affected by any erosion, falling debris, subsidence, slippage or inundation in a 2% AEP flood event. Use will be made of consent notices or other instruments to limit building to those parts of the site which are free from such effects; or
  - iii Adequate works or other innovative solutions can be undertaken to avoid, remedy or mitigate these hazardous effects.
- b) The land is not suitable to be subdivided in the manner proposed because of the potential adverse effects the proposal would have on the environment or on public health and safety.
  - d) The proposal is inappropriate in relation to the requirements of Sections 5, 6, 7 and 8 of the Resource Management Act and especially the protection of the natural features and landscapes as required by Section 6 of the Resource Management Act.
  - e) The proposal is for a staged unit development, and the proposal depicted in the application has not been granted a resource consent or a Certificate of Compliance has not been issued.
- Rules for subdivision around a network utility are included in section C9.8.

- Any subdivision of land to create separate titles in the Rural Lifestyle Zone in the Putauaki Structure Plan area is a Discretionary Activity. The exception is utility lots which will be subject to Rule C7.6.2.

#### **C7.7.2 Requirements for the Lease of a Building or Part of a Building Where a Cross-Lease, Company Lease or Unit Title is not Involved**

- a) Before granting a subdivision consent the Council shall be satisfied that the subject building has been lawfully erected.
- b) No minimum areas for each allotment is required, but the boundaries of the allotments created by these provisions shall follow existing or proposed walls, ceilings and floors, and the plan shall show the allotment in relation to the exterior of the building and shall give upper and lower elevations in terms of a datum to be established.

#### **C7.7.3 Requirements for Unit Title and Cross-Lease Subdivision**

- a) Where an application for subdivision consent affects a building or any part thereof, compliance with relevant legislation concerning the erection or modification to buildings is required.
- b) Where an existing building included in an application for subdivision consent, has obtained a resource consent or is a permitted activity, any proposed covenant, unit or auxiliary unit boundary shall take into account all relevant development controls for the zone.
- c) Where any building included in the application for subdivision consent has not been constructed or is under construction at a time of granting the consent, the Council will not approve the survey plan under Section 223 of the Resource Management Act, until the building is completely framed up to and including the roof level and the Council is satisfied that it has been built in accordance with the Plan or any resource consent granted. The Council may require the height of the building and its position in relation to the boundaries of the site to be confirmed by a Certificate from a Registered Surveyor.
- d) Before granting consent to a staged cross-lease subdivision the Council shall be satisfied that the site has sufficient area for further complying development and that such development will be free from inundation and capable of adequate servicing.
- e) Consent to an application for a staged unit title subdivision is subject to the production of the unit development plan for the site approved in terms of the Plan.

#### **C7.7.4 Requirements for Development**

Where a development plan approval is required separately or as part of any resource consent the Council will not approve any such plan where:

- a) Any of the land the subject of the application or any structure on that land is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source; or any use is likely to accelerate, worsen, or result in material damage to that land or other land from these causes; or the land is subject to man-made hazards such as pollutants from industrial activities, that may be hazardous to future occupiers of the land.

Provided however, this rule will not apply where:

- i Any proposed building site has an adequate building platform, whether constructed or not, that will not be affected by any erosion, falling debris, subsidence, slippage or inundation in a 1% AEP flood event. Use may be made of consent notices or other instruments to limit building to those parts of the site which are free from such effects; or
  - ii Adequate works or other innovative solutions can be undertaken to avoid, remedy or mitigate these hazardous effects.
- b) The land is not suitable for development in the manner proposed because of the potential adverse effects the proposal would have on the environment or on public health and safety and because of inadequate means of stormwater and sewerage disposal.
  - c) The proposal is inappropriate in relation to the requirements of Sections 5, 6, 7 and 8 of the Resource Management Act and especially the protection of the natural features and landscapes as required by Section 6 of the Resource Management Act.

#### **C7.7.5 Certification**

The Council will not issue:

- a) Any certificate under Section 222 of the Resource Management Act; or
- b) Any certificate enabling the use or occupation of any building for which a development consent has been sought.

Nor will it accept any infrastructure or utility service for vesting unless:

- i All contributions in the form of works and services have been completed as required by the Council and fully documented into the Council records, all fees and charges have been paid, all technical works have been tested and certified as to standard, quality, performance and function and all necessary documentation has been approved. **Note:** any easement in favour of the Council shall be an easement in gross.
- ii The Council will not approve a survey plan under Section 223 of the Resource Management Act unless a subdivision consent has been obtained for the subdivision to which the survey plan relates and the survey plan is in accordance with that consent. In the case of applications for cross-leases, company leases or unit titles [other than those being staged] the Council must be satisfied that the buildings, the subject of the leases, have been constructed in accordance with their building consent especially as to bulk, level and location.
- iii Where a subdivision other than for cross-lease and unit title is likely to be carried out in stages, the developer must signify this to the Council at the time of the application for subdivision consent and indicate the time period over which the development is likely to take place. Approvals in terms of Section 223 and 224 of the Resource Management Act for each stage will only be given when the Council is satisfied the conditions that apply to that stage have been met, and the balance of the area being subdivided in an allotment that complies with the provisions of this Plan.
- iv All buildings subject to a cross-lease, unit title or company lease application must have:
  - Existing use rights; or
  - Comply with the relevant provisions of the Plan; or
  - A resource consent.

Where any building fails to comply, a subdivision consent will not be granted until the appropriate land use consent has been granted.

#### **C7.7.6 Subdivision Design**

##### **a) Lot Size**

No minimum lot sizes are specified in this plan, except in the Rural Lifestyle zone (see rule C6.4.3), however a minimum lot size may be a condition of any consent where it may be necessary to ensure other standards relating to the subdivision can be met.

b) Shape Factor

All lots intended to be used for residential dwellings shall be of a shape which would contain a 15m diameter circle as minimum requirement except in a Residential Growth Precinct.

In a Residential Growth Precinct all lots intended to be used for residential dwellings shall be of a shape which would contain a 10m diameter circle as a minimum requirement.

All lots intended to be used for Commercial or Industrial activity shall be of a shape capable of containing a rectangle equal to half the site area and with sides in proportion of not more than 2:1 without encroaching on any specific yard spaces.

c) Frontage

No residential lot shall have a frontage of less than 5m provided that where lots share frontage in the form of access strips the requirements for access to rear sites shall apply.

There is no minimum width of frontage in other zones but no front site shall have a lesser frontage width than would be required if it were a rear site.

No lot shall use a service lane for the purpose of frontage.

d) Layout of Allotments

In determining the layout of subdivisions particular consideration shall be given to:

- i The need to ringmain water supplies – particularly between cul-de-sacs heads.
- ii The need for a secondary flow path for stormwater overflows.
- iii The undesirability for cul-de-sacs to fall toward the head.
- iv The economic use of utility services.
- v The roading hierarchy.
- vi Within a Residential Growth Precinct, the location of fire hydrants in relation to proposed building platforms and whether compliance is achieved with the requirements of New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

e) Access to Rear Sites

		Minimum Width	Minimum Clearance Height	Minimum Formation Width
<b>1</b>	<b>Residential Zones</b>			
	a. Up to 3 dwellings b. Up to 12 dwellings	3.5m 6m	3m 3m	3m Sufficient formation width to enable two vehicles to pass
	c. <u>Within a Residential Growth Precinct:</u> i. <u>Up to 3 dwellings</u> ii. <u>More than 3 dwellings</u>	<u>3.5m</u> <u>6m</u>	<u>4m</u>	<u>3.5m</u>
<b>2</b>	<b>Commercial / Industrial Zones</b>			
	a. One or two lots b. More than two lots	6m 7.5m	4m 4m	6m 7.5m
<b>3</b>	<b>Rural Lifestyle Zone</b>			
	a. 3 lots or less b. 4 lots or more	10m 10m	5m 5m	3m Sufficient formation width to enable two vehicles to pass

f) Provision for Access to Rear Lots

Access to a rear site may be by way of an entrance strip of the required width integral with the site, or by a right of way easement over adjoining land or by a combination of these provided the total width of the access complies with these rules. The granting or reserving of any such right of way will be a condition of the subdivision. Where the right of way is outside the land being subdivided, the right of way will need to be registered prior to the approval of the survey plan. Access may also be provided by means of an interest in an access lot as a tenancy in common, subject to:

- i No access strip shall be more than 60m in length.
- ii Compliance as specified in this rule.
- iii Amalgamation of an individual share in the access lot with each site to be served.

In the Residential Growth Precinct, where an access exceeds 50m in length, the minimum access width shall be 4m with a vertical clearance no less than 4m.

- g) To reduce the potential for flood risk, the minimum platform level for all subdivision and development is above 1% of annual exceedance probability (AEP) flood levels.
- h) Subdivision design is required to be in accordance with the Putauaki Structure Plan.

### **C7.7.8 Works and Services Requirements**

The Resource Management Act provides for a resource consent to include a condition requiring that a financial contribution be made in the form of works or services, including the planting or replanting of any tree or other vegetation or the restoration or enhancement of any natural or physical resource.

The Council considers that the developers and subdividers should provide, or contribute to the provision of, those works and services necessary to ensure the efficient functioning of their developments and subdivisions. A contribution may also include the formation of an unformed road, the upgrading of a formed road where the activity is likely to generate additional traffic to the extent that increased pressure on the facility will go beyond the ability of the road to cater for, the upgrading of an undersized sanitary sewer or stormwater drain, the contribution toward any sewage treatment or water supply headworks or any trunk sewer, water main or stormwater drain.

The provision of these services, or any contribution towards them, should include the undergrounding of all reticulation involved in these, together with individual connections to each separate allotment, lease site or dwelling unit.

The amount of contribution will be limited to the works necessary to meet the additional loading on the infrastructure or utility service caused by the subdivision and developments, as determined by the Council.

In determining the amount of any financial contribution the Council shall consider any design and operational factors provided by the developer that may have a benefit to the wider community.

In the case of a subdivision consent, where services are not immediately available to serve land on an application plan, but are expected to be available within 5 years, the Council may require the applicant to pay or enter into a bond to pay to the Council, such amounts as the Council considers fair and reasonable towards the cost of providing such services to serve the subdivision.



- a) Adequate works and services are required to ensure that:
- i All new sites created as a result of subdivision are suitable for their intended purpose.
  - ii All sites containing or intended for development are capable of sustaining the permitted activities allowed in this plan without giving rise to loss of amenity due to nuisance or unsanitary conditions or resulting in other significant adverse effects on the environment.
  - iii Any roading or private ways provided minimise any loss of amenity caused by traffic or the routing of utility services by making adequate and appropriate provisions:
    - For the formation, construction and drainage to the appropriate standard of all proposed roads, parking and manoeuvring areas.
    - For the formation and construction of a carriageway over every proposed private way and private road.
    - For the provision of frontage to a road or private road which will give vehicular access from an existing road or private road.
    - For both vehicles and pedestrian and cycle traffic whether generated by the permitted activities on the land being subdivided, or in transit through the area.
    - For all utility services which may be needed to service future and existing development on the land being subdivided or developed.
- b) Any roading or other vehicular access, sanitary or stormwater drainage, water supply or other works or services which may be reasonably required for the proposed land use activity are provided without cost to the Council, using materials and methods which will minimise future maintenance costs and not unduly detract from the amenities of the area and not endanger the lives of citizens.
- c) All easements for the identification and protection of private and public services and secondary flow paths are to be granted by the owner. All services should be underground with separate lots set aside for network utility operators for transformers etc.

- d) Subdivision or development activities avoid adverse effects upon existing and proposed network utilities by compromising the effective operation, maintenance, development and protection of that network.
- e) Specifically Council must be satisfied that:
- Telecommunication facilities can be made available to the subdivided lots from existing services, or that agreement has been reached with the telecommunication provider for the provision of any necessary services and that all telecommunication facilities provided by the subdivider are approved by the telecommunication provider as suitable for connection to its network before installation.
  - If the land proposed to be subdivided is crossed by existing telecommunication lines adequate provision is made for any necessary relocation or undergrounding of such lines.
  - There are suitable arrangements for the reticulation of a gas supply for every lot, lease area and building site within the subdivision, where existing gas reticulation is available within 200 metres of the subdivision.
  - When determining the layout of subdivisions, particular regard shall be given to:
    - i Operational, safety and protection requirements for existing and proposed transmission lines and transmission gas pipelines;
    - ii That suitable access to transmission lines and transmission gas pipelines will be maintained;
    - iii That there will be no need to erect buildings within 32m of the centre line of high voltage transmission lines; and
    - iv That building platforms for residential dwellings will facilitate the main living area not facing the transmission lines.
    - v Existing and proposed transmission lines.
    - vi Any new buildings and structures shall comply with the permitted activity standards for activities in proximity to transmission lines in Section C4.3.7; and
    - vii That where practical the building platforms for residential dwellings will facilitate the main living area not directly facing the transmission lines.

## **C7.8 RESOURCE CONSENT APPLICATIONS FOR SUBDIVISION AND DEVELOPMENT**

### **C7.8.1 All applications for a subdivision consent or for a land use consent**

shall be accompanied by either:

- a) A concept plan outlining the development concept where it is proposed to subdivide 50 or more allotments [singularly or in stages] or where in the opinion of the Council there are special circumstances relating to the integration with surrounding land or the provision of network services.
- b) A development plan depicting the process or stages involved in a proposed subdivision where two or more household units are to be constructed on any site or where any rule in this plan requires the submission of a development plan.
- c) A subdivision plan where any division of land onto two or more separate allotments is proposed.
- d) Copies of subdivision plans shall be served on the following organisations, and evidence of this consultation and any written comment they provide shall be submitted to the Council as part of the application for a subdivision consent:

The Bay of Plenty Regional Council  
Electricity generators and suppliers  
Telecommunication provider (if relevant)  
New Zealand Transport Agency [if adjacent to a State Highway]  
Vector Gas Limited [if relevant]  
Historic Places Trust [if relevant]  
Local iwi [if affecting Maori land]  
Department of Conservation [if adjacent to a Department of Conservation reserve, conservation covenant, or significant natural area]

**C7.8.2 The following information is to be shown on any plan:**

- All of the land in the title(s) being subdivided including balance areas, existing and proposed boundaries and areas of all allotments;
- Contours to show general topography of the site in terms of mean sea level and using not more than a 2m contour interval;
- Any existing buildings on the site, including any residential units within those buildings;
- The relationship of existing or proposed buildings to any proposed new site boundaries including their height in relation to that boundary;
- Public sewers and private drains on or adjacent to the land;

- Other utility services, sewers, watermains and drainage systems including the position of the nearest fire hydrant and details of any private rights;
- All trees and indigenous vegetation bush including the spread of the canopy;
- The proposed grade of any private way [including a driveway to a proposed building site]; and any new road;
- Any existing building line;
- Any flood plains and any existing overland flowpaths;
- All roads, private roads, reserves, retirement or conservation areas, land to be vested in the Council and private ways;
- Any fences, water courses or such other data as may be necessary to fully depict the physical features of the land and any constraints on its development or use.
- The location of any high voltage transmission lines traversing or within 32 metres of the site.

For the subdivision of rural land plans need only show the outline details of the proposal recording the area to be subdivided and the residual land. Where appropriate such additional data as contours, existing and proposed road access points, water supplies, public services, location of buildings etc should also be shown.

### **C7.8.3 Details**

a) An application for a consent shall include:

- A development plan; and
- A description of the activity for which consent is sought and its location; and
- Any information required to be included in the application by this Plan and any regulations; and
- A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the application has applied for such consents; and
- The prescribed administration charge; and

- A current copy of the title(s) of the subject land.

An application for a subdivision for cross-lease, company lease or unit title, in addition to the foregoing shall include:

- i Sufficient information to demonstrate that the buildings have existing use rights or;
  - ii A copy of the certificate of compliance for each building depicted on the application; or
  - iii Evidence or any required land use consent granted for the buildings the subject of the application; or
  - iv) Sufficient information to demonstrate the buildings (the subject of the application) meet the relevant development controls.
- b) The application shall be accompanied by adequate information to define:
- The position of all boundaries [new and existing];
  - Except in the case of a subdivision to be affected by the grant of a cross-lease or company lease or by the deposit of a unit plan, the areas of all new allotments;
  - The location and areas of any part of the bed of a river or lake, which is required under Section 237A of the Resource Management Act to be shown on a survey plan as land to be vested in the Crown;
  - The location and areas of land to be set aside as new road.
- c) A report covering the matters set out in C7.8.4 to C7.8.11 where appropriate.

#### **C7.8.4 Stormwater Drainage**

Where existing stormwater sewers are proposed to be used to service the subdivision, confirmation that adequate capacity is available. If stormwater is proposed to be discharged into a watercourse or lake, comment on the situation with respect to any other resource consents required and the result of any consultation held with the Regional Council.

Onsite disposal of stormwater by soakpits will be required in all parts of the district except where special provision has been made to accept discharges into the public stormwater drains.

#### **C7.8.5 Sanitary Drainage**

Where existing sanitary sewers are proposed to be used to service the subdivision, confirmation that adequate capacity is available. In all other cases, the applicant must submit evidence that this proposed means of sewage disposal have had the prior approval of the Council and the Regional Council.

#### **C7.7.6 Stability**

A statement is required confirming that there is no uncontrolled fill on the site, that the Council's hazards register has been checked and that there is no sign of soil creep or slumping. Where the stability of the site or part of the site is suspect, a full report from a qualified civil engineer experienced in these matters must be submitted.

#### **C7.8.7 Designations**

A statement identifying any designations applying to the land.

#### **C7.8.8 Archaeological Sites**

A statement covering archaeological sites as they may relate to the land including consultation if any with tangata whenua and the relationship to known archaeological sites. Subdividers are encouraged to undertake a surface archaeological inspection at the time of survey. There are many unknown sites and the subdivision process should seek to identify these where possible so that the planning for the layout of the development can take these into account.

Archaeological sites are subject to protection under the Historic Places Act that includes the ability to prosecute in the event of any unlawful disturbance of sites.

#### **C7.8.9 Other Consents**

Detail of any other consents required [including any works] and whether they have been applied for.

#### **C7.8.10 Cross-Lease and Unit Title [not being staged]**

- a) Comment on any other buildings on the site not being included in the lease.
- b) Comment on whether any residential buildings being leased are subdivided into further residential units.

- c) For proposed buildings, what building consents have been applied for and whether they have been issued.
- d) For buildings under construction, the building consents numbers and dates of issue if applicable.

### **C7.8.11 Staging**

In the case of freehold subdivisions, the applicant shall state whether the subdivisions is to be staged and if so over what period of time to ensure the consent can be made current for the appropriate period.

Applications for cross-lease, unit titles and company leases [non-staged or second and subsequent stage cross leases].

These fall into two categories:

- i) Those with existing completed buildings.

Applications for this type may be made by using the survey plan as the application plan provided the following information is supplied:

- Where an existing residential building within 1 metre of a site or proposed site boundary, the distance to that boundary;
- Where an existing commercial and industrial building is within 3 metres of a site or proposed site boundary the distance to that boundary and the percentage of the wall nearest to that boundary made up of openings formed by doors and windows.

- ii) Those with proposed buildings or buildings under construction and which are to be cross-leased or unit titled.

Applications for these may be made either by lodging the final survey plan as the application plan or lodging the site plan that accompanied the building consent application, provided it is to a recognised scale, showing the whole site the subject of the cross-lease and all buildings that will be subject of the leases.

