

SECTION 14 - SUBDIVISION AND DEVELOPMENT

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STATEMENT - SUBDIVISION AND DEVELOPMENT - STRATEGY

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**14A STRATEGY**1. **General Statement**

This section of the District Plan contains the general provisions which relate to the subdivision and development of all land, regardless of zoning. The specific subdivisional standards for each zone are contained within the individual zoning sections of the District Plan.

The Council's powers to control the subdivision and development of land are derived from Part XX of the Local Government Act 1974 and Section 11 and Clause 1(b) of the Resource Management Act 1991.

In addition to the provisions contained within the District Plan reference will also need to be made to the Council's Code of Subdivision and Engineering Standards.

STATEMENT - SUBDIVISION AND DEVELOPMENT - GENERAL REQUIREMENTS

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**14B GENERAL REQUIREMENTS**1. General Objectives

- (a) To direct and control the subdivision of land in such a manner that will result in the orderly and best use of land, while recognising and protecting existing land uses and amenities.
- (b) To avoid or reduce the danger, damage or nuisance from flooding, erosion, landslip, subsidence and silting.

2. Policies - General Requirements

- (a) To ensure proposed new lots are capable of accommodating a land use that is allowed, are provided with adequate physical access, and where appropriate that suitable building sites are available.
- (b) That the design of subdivisions shall take into account the existing topography and land uses (in particular in rural areas the practical operation of an existing farm).
- (c) New lots shall be provided with underground connections to services where practicable.
- (d) To limit or prohibit complying subdivision or development where the land is unsuitable, or the development is likely to exacerbate an existing problem, particularly in relation to water supply, sewage and stormwater disposal.

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ALLOWED IN ALL RURAL ZONES

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**14C SUBDIVISIONS AND APPLICATIONS ALLOWED IN ALL RURAL ZONES**

1. General Objective

To make provision for boundary relocations, subdivision along zone boundaries, and applications for private roads and ways.

2. Policies

(a) Boundary Relocations

- (i) To make provision for boundary relocations which create new sites more suitable for accommodating a permitted, controlled or approved discretionary activity, particularly in terms of creating a more practicable site shape.
- (ii) The minimum site area for both existing and proposed sites shall be one hectare to ensure that existing non-complying sites are not used to further subdivide rural land.
- (iii) Where existing sites of less than one hectare are physically capable of accommodating a dwelling, in terms of the normal Council requirements, a boundary relocation will be allowed to enlarge the site provided the new site is less than one hectare.
- (iv) The one hectare standard has been adopted for all rural-residential sites within the district as being a size suitable to preserve the rural character of an area, provide for on-site servicing and provide flexibility in land use which would enable the possibility of some productive and/or non-residential use of the site.

(b) Subdivision Along Zone Boundaries

- (i) To make provision for subdivision along zone boundaries provided both lots comply with the subdivisional requirements for the respective zones.

(c) Private Roads and Private Ways

- (i) To consider applications for private roads and private ways in terms of the provisions of Section 348 of the Local Government Act 1974 and the normal Council requirements.

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CONTRIBUTIONS

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**14D RESERVES AND DEVELOPMENT CONTRIBUTIONS**

1. General Objective

- (a) To ensure that the growth and change in the need for recreational opportunities consequent on the subdivision and/or development of land is matched by the setting aside of an adequate amount of open space for active and passive recreation in each locality.
- (b) To realise the purposes of esplanade reserves and strips as listed in section 229 of the Act by acquiring esplanade reserve and strips as opportunities arise through subdivision of riparian land, and to improve accessibility to and between esplanade reserves, esplanade strips and other riparian land to which the public has access.

2. Policies - Reserves and Development Contributions

Residential Land

- (a) As a condition of approval of scheme plans of subdivision which will create new vacant residential lots (i.e. excluding boundary relocations and amalgamations) the applicant will be required:
  - (i) to set aside land within the subdivision for reserves amounting to 130 m<sup>2</sup> for each residential lot in excess of the number already existing; or
  - (ii) where the neighbourhood is already adequately served by reserves, or it is impracticable to provide such reserves, to pay a sum of money equal to 7.5% of the value of each residential lot in excess of the number already existing.

As an alternative to the above requirements (i) and (ii) the Council in any particular case may exercise any of the additional options or discretions authorised under Section 285 of the Local Government Act 1974.

- (b) Where a proposed multi-unit development is considered to be a development in terms of the Local Government Act 1974, (i.e. involves the erection of three or more new, or two or more additional household units) the applicant will be required:
  - (i) to set aside land for reserves to the extent of 20 m<sup>2</sup> for every household unit to be provided in the development after the second new unit, or first additional unit; or
  - (ii) where the Council is satisfied that it is impracticable or unnecessary to set aside such land, to pay to the Council an amount of money that would, in the Council's opinion, be sufficient to purchase an area of 20 m<sup>2</sup> of the site for each household unit assessed under (i) above.

As an alternative to the above requirements (i) and (ii), the Council in any particular case may exercise any of the additional options or discretions authorised under Section 294 of the Local Government Act 1974.

Commercial or Industrial Land

- (a) As a condition of approval of scheme plans of subdivision which will create new sites for commercial or industrial activities, the applicant will be required:
  - (i) to pay to the Council an amount of money equal to 10% of the value of the lots in the subdivision in excess of the number of existing lots; or

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- (ii) to set aside as reserves an area of land in the subdivision of a value equal to the amount that would otherwise be payable under (a)(i) above.

As an alternative to the above requirements (i) and (ii) the Council in any particular case may exercise any of the additional options or discretions authorised under Section 286 of the Local Government Act 1974.

- (b) Where a proposed commercial or industrial development is considered to be a development in terms of the Local Government Act 1974 (i.e. the value of construction, erection or alteration as determined by the Council, exceeds \$100,000) the applicant will generally be required:

- (i) to pay to the Council as a reserves contribution an amount not exceeding 0.5 percent of the value of the development as determined by the Council, or
- (ii) to set aside as reserves an area of land of a value equal to the amount that would otherwise be payable under (b)(i) above.

As an alternative to the above requirements (i) and (ii) the Council in any particular case may exercise any of the additional options or discretions authorised under Section 294 of the Local Government Act 1974.

Rural Land (Rural and Rural Conservation Zones)

- (a) Reserves contributions will be required in rural areas where the land is intended to be used solely or principally for residential, commercial or industrial purposes, except that contributions will not be levied in respect of lots created for the primary purpose of the preservation of native bush or natural features.

3. Esplanade Reserves and Strips, and Access Strips

Rural Land (Rural Activity Areas)

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 shall 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 the cost is affordable in terms of the Council's land acquisition priorities.

The width of the esplanade reserve or strip on any subdivision shall 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 shall 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.

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

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. Such cases may include, but not be limited to, those where year round access is not required; erosion is a possibility; little or no work is needed to make the strip suitable for public use; the principal purpose would be to provide walking access; topography would provide primary conservation protection; maintenance would be best left to the owner; or public usage is unlikely to be high and therefore the lower cost of a strip represents better use of public funds.

The Council will seek, as opportunities arise and as funds permit, to improve linkages between existing esplanade reserves/strips and other riparian land to which the public has access, and to connect them to other public land (e.g. roads) where they are landlocked. Mechanisms may include further esplanade reserves and strips, reserve contributions, conditions of resource consents, and negotiated easements, including access strips as provided for under Section 237B of the Act.

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**14E STRUCTURE PLANS AND CONCEPT PLANS**1. General Objective

To ensure that large undeveloped areas of land are planned to provide for efficient and co-ordinated subdivision and development for urban purposes.

2. Policies - Structure Plans

To require a structure plan to be prepared and used as the basis of a change to the District Plan to permit development of land within "future urban" zones. The following requirements shall apply in respect of structure plans:

- (a) Procedure. A structure plan may be prepared by the Council or the developer or the Council and the developer together. When a structure plan has been prepared it will be necessary to introduce a change to the District Plan to implement the plan. If in any particular case the public interest would not necessitate the adoption of a structure plan, the Council may resolve to dispense with the structure plan procedure.
- (b) Definition of Area. The boundaries of the area to be included in any particular structure plan will be determined by the Council having regard to the following:
  - (i) Topographical features.
  - (ii) Location relative to existing urban facilities and services, including roading, commercial and community facilities.
  - (iii) Size to support necessary facilities and services.
  - (iv) Economy of servicing, including water, sewage and stormwater utilities and the feasibility of and adequacy of alternatives if the area is to remain unserved.
  - (v) Location relative to other land reserved for future urban development.
  - (vi) Likely timing of development.

Thus while development proposals by individual developers may reflect the extent of their holdings, the structure plan may need to cover wider areas.

- (c) Content. The details of format and content of a structure plan will depend on the characteristics of the area concerned but shall include diagrams and supporting written documentation. In general a structure plan is to provide a framework within which development can occur and should demonstrate:
  - (i) The main elements of development as far as may be applicable including:
    - assessment of landscape quality and other natural features of the area
    - location and scale of general land uses
    - provision for commercial and community development
    - general roading proposals

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- proposed reserve and recreation areas

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- possible stability-sensitive areas
  - major areas of earthworks
  - general proposals for utility services including sewage, stormwater and water
  - proposals for timing or staging of development.
- (ii) That the area included in the structure plan has been considered in the wider context, e.g. that proper account has been taken of the area's role in the wider community, the objectives and policies of the District Plan, the suitability of a particular type of urban development, main transport routes, the availability of utility services, employment, community, education and recreation services.
- (iii) That the landscape (e.g. landforms, slopes, soils, vegetation, streams, floodplains and coastline), local climatic conditions (e.g. prevailing wind directions, outlook and other features of the natural environment) have been properly taken into account.
- (iv) That the suitability of various parts of the area for particular development forms has been considered taking into account for example landform, land stability and locational qualities.

3. Policies - Concept Plans

The Council may require a concept plan in terms of Section 276 of the Local Government Act 1974 where:

- (a) it is proposed to subdivide the land into more than 50 allotments any of which are to be used solely or principally for commercial, industrial or residential purposes, or any two or more such purposes, or
- (b) where in the opinion of the Council the subdivision will have special or unusual features, such as:
- (i) Particular environmental considerations in relation to coastal, river or water areas, or the nature of existing areas of native trees and bush, or areas of particular historic, scientific, wildlife, landscape quality or other interests.
  - (ii) The integration of the land with existing or proposed development, particularly in relation to roading patterns.
  - (iii) To enable the staged development of the land, where the separate stages may not necessarily comply fully with the provisions of the District Plan, (i.e. the provision of reserves) but the overall development will comply in full.

**14F AS BUILT RECORDS**1. General Objective

To collate adequate record information to enable the Council to meet its obligations under the Resource Management Act 1991, the Local Government Official Information and Meetings Act 1987 and the Building Act 1991 and to ensure that accurate assessment of the impact of development proposals on infrastructure is possible through the collection of records of that infrastructure.

2. Policies

To require all development works including earthworks, roads and streets, street furniture, and public or common private utilities to be accurately recorded using permanent reference marks to the requirements of the relevant servicing authorities, and for that information to be supplied to the Council.

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**14.1 GENERAL REQUIREMENTS**

The subdivision and development of land is subject to a range of statutory and Council requirements. In addition to the provisions of Rule 14 which follow, reference will also need to be made to the relevant provisions of:

- (a) The Local Government Act 1974, or any Act in substitution therefore.
- (b) The Rodney District Code of Subdivision and Engineering Standards.
- (c) The objectives and policies of Part 14 of the District Plan.
- (d) The specific requirements contained in the relevant zoning section of the District Plan.

**14.1.1 DESIGN OF SUBDIVISION**

- (a) Each new boundary shall be located taking into account the topography, ability to be fenced, compliance with yard requirements as appropriate in the zone, and in the case of farm land the practical operation of an existing farm.
- (b) Each site shall be designed to take account of water management and the protection of land from erosion, subsidence, slippage and inundation.
- (c) Each site on which household units or dwellings are allowed shall be able to be provided with a stable floodfree building area suitable for buildings with non specific design foundations as provided for in NZS 3604 Code of Practice for Light Timber Frame Buildings Not Requiring Specific Design, and stable vehicle access to that area for a dwelling and accessory buildings if required for the proposed activity. Such area shall not be less than 225 m<sup>2</sup>, shall have a least dimension of not less than 10 m, and shall be clear of all required yards in the relevant zone.
- (d) Where any site in the General Rural Activity Area, Special Character Activity Area, Conservation Activity Area or a Countryside Living Activity Area cannot meet the requirements of clause (c) above, the Council may consider as a limited discretionary activity the creation of such a site where a report prepared by a registered engineer with specialist knowledge relevant to the criterion in clause (c) which will not be met, setting out the limitations affection the site, and the requirements for overcoming these, has been provided. The Council will limit its discretion to matters of site suitability in terms of stability, other land hazards and flooding. The public notification of such application shall not be necessary.
- (e) 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, or be amalgamated with an adjoining site.

**14.1.2 VEHICLE AND LEGAL ACCESS**

- (a) Each site must be able to obtain adequate physical access for vehicles to an existing formed road maintained by the Council, except that the Council may approve 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 therefor.

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- (b) All entrance strips shall be not less than 6 m in width for all their length, unless otherwise specified in the relevant subdivision rules for the zone. Additional width may be required for topographical or stability reasons.
- (c) 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.

14.1.3 **SERVICES**

- (a) Where sites cannot be connected to reticulated services each site shall be capable of being adequately serviced for on-site water supply and stormwater and sewage disposal.
- (b) Each site shall be capable of being provided with adequate electric power and telephone services. The subdivider shall ensure that such services are placed underground unless either the supply authority deems that it is not practicable for specified technical, economic or physical reasons or the Council resolves that it is not practical to make such supply available, provided that in rural areas underground reticulation will generally not be required.

The Rural Settlement 2, 3, 4 and 5 Zones are deemed to be urban for the purpose of this rule.

14.1.4 **LAND TO BE SUITABLE**

Notwithstanding that a scheme plan of subdivision may comply with the general requirements of Rule 14 and the specific requirements for the particular zone in which the subdivided land is located, and without limiting the statutory powers of the Council to refuse to approve any scheme plan, the Council shall not approve the scheme plan of subdivision under the Local Government Act 1974, or any Act in substitution therefore, if:

- (a) The site is not suitable for some stated permitted, controlled or approved discretionary activity;
- (b) Adequate provision has not been made for stormwater drainage or disposal of sewage;
- (c) Adequate provision is not able to be made for water supply;
- (d) The activity proposed, or the arrangement of sites, or area of any site, is not in conformity with accepted planning principles; and
- (e) It is likely to promote or cause an extension to, or creation of, any development not appropriate to the zone or in the public interest.

In determining whether a site is suitable, regard shall be had for the best use of the land with regard to:

- (i) The zone in which it is situated and the objectives and policies of the District Plan;
- (ii) Its economic servicing and development; and
- (iii) Liability to flooding, erosion, stability, adequate access and safety, health and amenities.

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**14.1.5 PUBLIC WORKS AND PUBLIC UTILITIES**

Nothing in this or any other rule specifying a minimum site size shall prevent the subdivision of land for a public work or a public utility that is allowed.

**14.1.6 WATER RIGHTS, WATERWAY APPROVALS, SEDIMENT CONTROL PLANS**

Any development/scheme plan will need to comply fully with the relevant requirements of the Environmental Management Department of the Auckland Regional Council in relation to water rights, waterway approvals, and sediment control plans.

**14.1.7 ESPLANADE RESERVES AND ESPLANADE STRIPS****14.1.7.1 WATERSIDE AREAS SPECIFICALLY IDENTIFIED IN THE SPECIAL 12 (FUTURE URBAN) ZONE, GENERAL RURAL, SPECIAL CHARACTER, CONSERVATION AND COUNTRYSIDE LIVING ACTIVITY AREAS**

14.1.7.1.1 Where a proposal is made to subdivide land specifically identified at Appendix 14A, and the lots adjacent to the water exceed 4 hectares in area, and in the case of a river or inlet the bed has an average width of 3 metres or more, an esplanade reserve or esplanade strip adjacent to the water ways shall be shown on the plan of subdivision submitted for approval.

14.1.7.1.2 When a plan of subdivision providing the detail required by 14.1.7.1.1 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, and its width; or
- (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.

14.1.7.1.3 In deciding which of the options listed at 14.1.7.1.2 to take, the Council shall take into account the factors listed at 14.1.7.1.4 to 14.1.7.1.7.

**14.1.7.1.4 Factors Favouring Acquisition of an Esplanade Reserve**

1. Year round access is required.
2. Outright public ownership would facilitate achieving conservation, access or recreation objectives.
3. Erosion of the land comprising the esplanade reserve is unlikely.
4. The land would constitute a short link between other existing esplanade reserves or publicly owned land.
5. A significant amount of physical work/capital investment will be needed to make the land suitable for public access or recreation purposes.

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14.1.7.1.5 Factors Favouring Acquisition of Esplanade Strips

1. Year round access is not essential.
2. Erosion of the width of the strip is a distinct possibility.
3. Little or no work would be required to make the strip accessible for public use.
4. The principal purpose would be to provide public walking access.
5. Topography would provide primary conservation protection.
6. The expected level of usage is not high, therefore acquisition of an esplanade strip represents a better use of public funds.
7. Maintenance would be best left as the responsibility of the landowner.

14.1.7.1.6 Factors likely to Favour taking No Esplanade Reserve or Strip

1. A reassessment indicates that there is likely to be little value to the public in having an esplanade reserve or strip.
2. 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.
3. 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, a structure plan or a strategy document.

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

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

1. Where the function of the esplanade reserve or strip is for public access, its width shall 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.
2. Where the function of the esplanade reserve or strip is for the protection of natural values, including water quality, or public recreation, or the mitigation of natural hazards, its width shall be sufficient, in the Councils opinion, to provide for such purposes, provided that any width greater than 20 metres shall be acquired only with the agreement of the subdividing landowner.

14.1.7.2 WATERSIDE AREAS NOT SPECIFICALLY IDENTIFIED IN GENERAL RURAL, SPECIAL CHARACTER, CONSERVATION AND COUNTRYSIDE LIVING ACTIVITY AREAS

- 14.1.7.2.1 Where a proposal is made to subdivide land with a water frontage that is not included at Appendix 14A, and the lots adjacent to the water exceed 4 hectares in area, and in the case of

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a river or inlet the bed has an average width of at least 3 metres, and in the case of a lake the bed has an area of at least 8 hectares, the Council may require an esplanade reserve or strip adjacent to the waterway to be provided as a condition of plan approval in the following circumstances.

1. 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.
2. Where creation of the reserve or strip would protect high conservation values.
3. Where recreational use of the land would be important e.g. behind a sandy beach or where a landing place would be useful.
4. Where reserves or strips are required by proposed or adopted Council strategy plans.

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.

14.1.7.2.2 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 considerations listed at 14.1.7.1.4 to 14.1.7.1.7.

14.1.7.2.2 If the Council decides against taking an esplanade reserve or strip there shall be no provision for public notification and comment on this decision, except where the esplanade reserve or strip would, in the Council's opinion, meet the criteria listed at 14.1.7.2.1. Where this is the case the Council will follow the process described in the 'Note' to Rule 14.1.7.1.6.

14.1.7.3 ADDITIONS TO WIDTHS OF EXISTING ESPLANADE RESERVES, ESPLANADE STRIPS AND ESPLANADE STRIPS IN THE SPECIAL 12 (FUTURE URBAN) ZONE, GENERAL RURAL , SPECIAL CHARACTER, CONSERVATION AND COUNTRYSIDE LIVING ACTIVITY AREAS

14.1.7.3.1 Where a proposal is made to subdivide land adjoining an existing esplanade reserve, esplanade strip or 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 plan approval 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 at Section 229 of the Act, to be fulfilled.

14.1.7.3.2 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 considerations listed at 14.1.7.1.4 to 14.1.7.1.7.

14.1.7.3.3 When the function of the addition to the esplanade reserve, strip or other land is to allow for access, the additional width shall be sufficient, in the Council's opinion, to provide for practical pedestrian access.

14.1.7.3.4 When the function of the addition to the esplanade reserve, strip or other land is for the protection of natural values, or for recreation purposes, the additional width shall be

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sufficient to provide for such protection or recreational use as the Council considers necessary, provided that any land that increases the width of the reserve, strip or other land beyond 20 metres shall be acquired only with the agreement of the subdividing landowner.

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**14.1.8 AS BUILT RECORD PLANS**

Every owner of land who subdivides or develops land shall provide to the Rodney District Council As Built records conforming to the requirements of the Rodney District Council "Code of subdivision - Engineering standards for subdivisions and Developments, Standard Details".

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**14.2 BOUNDARY RELOCATIONS**

In the General Rural, Special Character and Nature Conservation 2 Activity Areas, the Council may consent to the re subdivision of existing titles, including the re subdivision of land which has been granted subdivision consent where new certificates of title have yet to be issued but for which a certificate under section 224(c) has been received. Rural residential sites for which consent has been given in return for the protection of significant stands of native forest or significant natural features may only be involved in boundary relocation subdivisions where the conditions relating to the permanent protection of any bush or natural feature remain on those same features on any new site, and the rural residential site continues to comply with the minimum and maximum site sizes specified in Rule 11.1.7 of the appropriate Activity Area.

**14.2.1 GENERAL REQUIREMENTS**

Both the existing and proposed sites shall comply with the general requirements of Rule 14.1, and the existing sites shall either abut each other or lie within a contiguous area of land comprising titles in one ownership.

**14.2.2 MINIMUM SITE AREA**

- (a) The minimum site area of a proposed site shall be 1 ha, except where the existing site is less than 1 ha.
- (b) Where the existing site is less than 1 ha in area a boundary relocation will only be considered where the existing site is capable of accommodating a dwelling in accordance with the general requirements of Rule 14.1. In such cases the proposed site shall not exceed 9,999 m<sup>2</sup> in area.
- (c) Except as provided for in clause (b) above existing and proposed sites of less than 1 ha shall not be considered as a site for the purpose of a boundary relocation.

**14.2.3 NUMBER OF SITES PERMITTED**

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

**14.2.4 DESIGN OF SUBDIVISION**

Where the land being subdivided is located in a Special Character or Nature Conservation 2 (Bush Conservation) Activity Area:

- (a) Each proposed site shall accommodate a specified building platform, such platform to be identified on the plan of subdivision and located so as to minimise the visual impact on the environment, with the objective of retaining a non-urban character.

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- (b) The Council will discourage the location of buildings sites on prominent ridges, knolls, or skylines where the erection of buildings would dominate the natural landscape and detract from the amenities of the area.
- (c) Building sites should be located below the crests of hills to reduce their visual impact on the landscape of the area from public viewpoints, generally roads and reserves.
- (d) The location of the specified building platforms should generally be a sufficient distance from the road boundary to ensure that the non-urban character of the landscape is retained. Specified building platforms close to a public road may be acceptable where there are site specific circumstances such as topography or existing vegetation that screen the building site from public view.

#### 14.3 **SUBDIVISION ALONG ZONE AND ACTIVITY AREA BOUNDARIES**

Where a site is partly in a General Rural Activity Area, a Special Character Activity area or a Conservation 2 Bush Conservation Activity Area, and partly in an urban or Special 6 zone or in the Countryside Living 1, Countryside Living 2 or Conservation 1 (Nature Conservation) Activity Area, the land in the General Rural, Special Character or Nature Conservation 2 Activity Area may be subdivided from the land in the urban or Special 6 zone, Countryside Living 1, Countryside Living 2 or Conservation 1 Activity Area along the common boundary without meeting the requirements of Section 11 of the General Rural Activity Area, Special Character or Nature Conservation 2 Activity Area, provided that:

- (a) In respect of the land in the General Rural Activity Area, Special Character Activity Area or Nature Conservation 2 Activity Area, the relevant requirements of Rule 14.1 are met;
- (b) In respect of the land with the urban or Special 6 zoning or in the Countryside Living 1 or Countryside Living 2 Activity Area the subdivisional requirements for that zone or activity area are met; and
- (c) In respect of the land in Conservation 1 (Nature Conservation) Activity Area, the purpose of the subdivision is to facilitate the long term protection of the natural values of the land by means such as a Queen Elizabeth II Trust covenant.

#### 14.4 **APPLICATIONS FOR PRIVATE ROADS AND PRIVATE WAYS**

The Council will generally not approve applications in relation to private roads and private ways under Section 348 (powers of Council with respect to private roads and private ways) of the Local Government Act 1974 unless the general requirements of Rule 14.1 (with the exception of access) have been met.

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**APPENDIX 14A: 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 Rule 14.1.7)**

Item No.	Planning Map No	Location	Legal Description	Approx Length (m)	Purposes	Additional Information/Requirements
1	I25	Adjoining boundary of Tawharanui Regional Park	Lot 1 DP 44611	1,360	Access (Linking esplanade reserve from Omaha with Tawharanui Regional Park.)	<p>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.</p> <p>2. 20 m not likely to be adequate along whole length because of topography.</p> <p>3. Adjacent to house north west of Pukenihihi Point strip should be minimum width that will allow pedestrian access.</p>
2	J19	Mahurangi River north bank between Shoesmith Reserve and Falls Road (Wairere Scenic Reserve)	a) Pt Lot 1 DP 158563 b) Pt Allot 51 Lot 6 DRO Plan C29 c) Allot 52 Mahurangi Parish d) Allot 53 Mahurangi Parish	a) 120 b) 300 c) 630 d) 740 <hr style="width: 50px; margin-left: 0;"/> 1,790	Access (Linking Shoesmith Reserve with Wairere Scenic Reserve).	<p>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.</p> <p>2. 20 m width adequate except when additional width required to take in native bush.</p>

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3	J19	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. 20 m width adequate except when additional width required to take in native bush.  3. <u>Either</u> bridge required between Pt Allot 62 and Wairere Scenic Reserve across side stream <u>or</u> esplanade reserve or strip needs to be continued along bank of side stream to Woodcocks Road.
4	J20	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. 20 m probably sufficient to provide for access, depending to topography, but great width would be desirable so all bush could be included.

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5	J23 J24	Prospect Bay to Christian Bay via unnamed bay and Karangatuoro Point, Kawai Bay	a) Pt Allot 2 Parish of Matakana b) Lot 2 DP 13876 c) Lot 3 DP 81364 d) Lot 2 DP 81364	a)1,270  b) 560 c)1,020 d) 210 <hr/> 3,430	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.)	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. 20 m sufficient behind beaches, reduced or omitted altogether in front of houses in Christian Bay.  3. 20 m 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.
6	J25	Waikauri Bay	Lot 1 DP 48057	180	Recreation (Dry land above top of beach. Access from sea or along foreshore at low tide only.)	1. Esplanade strip preferable to reserve to leave land owners with stake in maintenance of land, and because no work required to make land useable for recreation.  2. Strip to be acquired from area behind sand beach only.  3. Width required approx 20 metres (width between sea wall and private roadway).

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7	K20	Duck Creek and Mahurangi River	a) Lot 1 DP 101313 b) Pt Allot 41 Mahurangi Parish	a) 100 b)1,250 <hr/> 1,350	1. 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.)  2. Protection of Conservation Values (Over part of Pt Allot 41 facing Mahurangi River.)	1. 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.  2. 20 m probably sufficient to provide for access.  3. Bridging structure will be necessary across Duck Creek linking <u>either</u> the two parts of Lot 1, <u>or</u> Duck Creek Scenic Reserve and Pt Allot 41.  4. 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.
8	K11 K12 K13	South bank of Hoteo River upstream of Kaipara Coast Highway	a) Pt Puatahi 3B Block, Lot 1 DP 28000 b) Pt Puatahi 3B Block, ML 9642 c) Mangakura ML 3506	a) 280 b)1,190 c)2,060 <hr/> 3,530	Access (Between Kaipara Coast Highway and Paraua Rapids via Mt Auckland Stewardship Area.)	1. Esplanade strip more appropriate than esplanade reserve, as no significant capital investment required to form walking track.  2. 20 m likely to adequate along much of route, but additional width may be required at some points to overcome difficulties caused by topography or swampy land.  3. Lot 1 DP 28000 already less than 4 ha in area, so esplanade reserve or strip would automatically vest on subdivision. However, if subdivision does not occur negotiations could be undertaken to acquire access strip along southern boundary of this lot, or along northern boundary of adjacent Pt Puatahi 3B ML 9642, as means of connecting public road to new river bank reserve or strip.

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9	K23 L23	Scandretts Bay, Mullet Point and Martins Bay	a) Pt Lot 6 Mahurangi Parish b) Lot 7 Mahurangi Parish c) Pt Lot 8 Mahurangi Parish	a) 70 b)3,220 c)1,000 (north) 300 (south) <hr/> 4,590	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.)	<p>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.</p> <p>2. More than 20 m required on some high ground around Mullet Point. Less should be required where track passes Scandretts bach settlement overlooking Kawau Bay where houses are very close to beach.</p> <p>3. Special arrangement will be necessary at north end of Martins Bay where houses very close to beach and cliff edge.</p> <p>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.</p>
11	L26	Head of South Cove	Pt Kawau Island DP 7067	530	Access (Linking Hauraki Gulf Maritime Park Historic Reserve and recreation reserve in South Cove residential subdivision.)	<p>1. Esplanade strip more appropriate than esplanade reserve as minimal need to capital improvements other than benching or steps to create walking track.</p> <p>2. Steep topography and swampy ground likely to require more than 20 m for walking track.</p>
12	L26	Bostaquet Bay, Kawau Island	Pt Kawau Island DP 7067	150	Recreation (Dry land above top of beach. Access from sea only.)	<p>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.</p> <p>2. Minimum 20 m with required, with additional width to provide more space if agreeable to owner and affordable by Council.</p>

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