

## EXTRACTS FROM THE DISTRICT PLAN

The following extracts from the 'District Plan' form Appendix H:

1. Rule 21.9 - Activity Rules (2 pages).
2. Rule 21.10 - Development Controls and Performance Standards (10 pages).
3. Rule 21.12 - Restricted Discretionary Activities: Matters for Discretion and Assessment Criteria (7 pages).
4. Rule 21.13 - Discretionary Activities in Any Zone: Specific Assessment Criteria (1 page).
5. Appendix 21A - Defined Road Boundary (1 page).
6. Appendix 21B - Number of Parking Spaces Required by Rule 21.10.2.2 (5 pages).
7. Appendix 21C - Classification of Roads (3 pages).
8. Appendix 21D - Parking Space Dimensions (1 page).
9. Rule 23.8 - General Standards and Assessment Criteria for Subdivisions (31 pages).
  - 23.8.1 - Subdivision: Compliance with Rules and Information Requirements.
  - 23.8.2 - Subdivision: Section 224(c) Certificate.
  - 23.8.3 - Subdivision: Design and Layout.
  - 23.8.4 - Subdivision: Natural Hazard Avoidance.
  - 23.8.5 - Subdivision: Land to be Suitable.
  - 23.8.6 - Subdivision: Vehicles and Legal Access.
  - 23.8.7 - Subdivision: Maximum Road Gradients.
  - 23.8.8 - Subdivision: Culs de Sac.
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  - 23.8.10 - Subdivision: Servicing of Subdivisions.
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  - 23.8.12 - Subdivision: Additional Assessment Criteria.
  - 23.8.13 - Subdivision: Indicative Roading and Reserves.
  - 23.8.14 - Subdivision: Esplanade Reserves and Esplanade Strips.
  - 23.8.15 - Subdivision: Boundary Relocations in Rural Zones.
  - 23.8.16 - Subdivision: Along Zone Boundaries.
10. Rule 23.9 - Discretionary Activity Assessment Criteria (2 pages).

## Rule 21.9

### Rule 21.9.1 Activities

## ACTIVITY RULES

### Activities

- (a) The Development Controls in Rule 21.10 shall apply to any Permitted, Controlled or Restricted Discretionary Activity in any zone.
- (b) All Restricted Discretionary Activities in Rule 21.9.2 shall be assessed in relation to the matters over which discretion is retained as set out in Rule 21.12 Restricted Discretionary Activities: Matters for Discretion and Assessment Criteria.
- (c) All Discretionary Activities in any zone will be assessed against the criteria set out in 21.13 Discretionary Activities in Any Zone: Specific Assessment Criteria, any other relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters set out in section 104 of the Act.

### Rule 21.9.2 Restricted Discretionary Activities

### Restricted Discretionary Activities

#### Rule 21.9.2.1

For the purposes of this chapter any Permitted, Controlled or Restricted Discretionary Activity in any zone, which does not meet the Development Controls in Rule 21.10 of this chapter, is a Restricted Discretionary Activity.

#### Rule 21.9.2.2

Any activity for which no parking requirement is listed in Table 1 Appendix 21B, Number of Parking Spaces Required by Rule 21.10.2.2, shall be a Restricted Discretionary Activity.

#### Rule 21.9.2.3

For the purposes of this chapter any Permitted, Controlled or Restricted Discretionary Activity in any zone which accesses a Strategic Route or Arterial Road or Collector Road as set out in Appendix 21C, which;

- (a) is a Drive-through Activity; or
- (b) (i) requires more than 25 carparking spaces on site; or  
(ii) whose parking requirement results in any parking area exceeding 25 carparking spaces;

is a Restricted Discretionary Activity.

#### Rule 21.9.2.4

For the purposes of this chapter any Permitted, Controlled or Restricted Discretionary Activity in any zone, which requires access within a "Defined Road Boundary" is a Restricted Discretionary Activity. (See Appendix 21A for the definition of "Defined Road Boundary").

**Note:** Any activity requiring access to a state highway which is a Limited Access Road shall require the consent of Transit New Zealand.

Any activity requiring access to a Council road that is a Limited Access Road shall require the approval of Council as the Road Controlling Authority, separate from any resource consent that may be required.

## Rule 21.10

### Rule 21.10.1 Site Access

#### Rule 21.10.1.1 Vehicle Crossing Design

#### Rule 21.10.1.2 Width of Crossings

#### Rule 21.10.1.3 Number of Crossings

#### Rule 21.10.1.4 Distance Between Crossings

## DEVELOPMENT CONTROLS AND PERFORMANCE STANDARDS

### Site Access

#### Vehicle Crossing Location

- (a) Vehicle access from any site to any road or service lane shall be by way of a vehicle crossing constructed from the carriageway to the road or service lane boundary of the site at the owner's or developer's expense.
- (b) Where access is possible from a site by means of a service lane, or adjoining right-of-way over which the owner or occupier of the site requiring access enjoys right of access, such means shall be used in preference to any new vehicular crossings over footpaths.
- (c) Vehicle access from a site shall not cross an existing formed or marked roadside parking space, or cross traffic calming structures and associated landscaping.
- (d) Where entrance locations are altered, crossings no longer required shall be reinstated as verge and/or footpath and kerbs replaced. The cost of such work shall be borne by the owner of the property formerly served by the crossing.

#### Width of Crossings

- (a) The maximum width of a crossing serving a residential activity shall not exceed 6 metres at the boundary.
- (b) The maximum width of a crossing serving any other activity shall be determined by the traffic movements to be served and the tracking geometry of the vehicles expected to use the crossing, but shall not exceed 10 metres at the boundary.

#### Number of Crossings

- (a) There shall be no more than two crossings from a site that has a total road frontage of 60 metres or less.

#### Distance Between Crossings

- (a) The minimum clear length of full depth kerbface between crossings serving the same property shall be not less than 6 metres, except where the crossings are constructed as a double crossing.
- (b) The minimum clear length of full depth kerbface between crossings serving private ways shall be not less than 18 metres.

Rule 21.10.1.5  
**Construction Standards of Vehicle Crossings**

**Construction Standards of Vehicle Crossings**

- (a) All vehicle crossings shall be formed, paved to a permanent dust free (not metal) surface and drained.
- (b) Where the gradient of any driveway exceeds 10% rising from the road, the crossing shall be constructed for a distance of 6 metres from the boundary.
- (b) As a guide the minimum standard of paving to be used shall be that set out in the Rodney District Council Standards for Engineering Design and Construction applying at the time that the crossing is constructed.

Rule 21.10.1.6  
**Access for Rural Zones**

**Access in Rural Zones**

- (a) Vehicle crossings to rural selling places shall be 6 metres wide at the boundary.
- (b) Access points shall not be less than 60 metres from any adjacent intersection.

**Explanation and Reasons**

*This explanation and reasons relate to Rules 21.10.1.1 to 21.10.1.6.*

*The design and location of vehicle crossings can impact on traffic and pedestrian safety and on the operation of the road network. The standards required are considered the minimum necessary to ensure that safety is not compromised. Specific rules are included for Drive-through Activities because of their high traffic generating characteristics. Accesses in Rural Zones are also specifically addressed, because they generally occur on higher speed rural roads.*

Rule 21.10.2  
**On-site Parking**

**On-site Parking**

**Note:** These Rules relate to on-site parking. For rules relating to on-street parking see Chapter 23 - Subdivision and Servicing.

Rule 21.10.2.1  
**Parking: Requirement of Owners and Occupiers**

**Parking: Requirement of Owners and Occupiers**

- (a) Every owner or occupier of each site or each separately occupied, leased, or tenanted area who either:
  - (i) establishes an activity on a site; or
  - (ii) changes the activity on or in any land or building on any site; or
  - (iii) constructs, substantially reconstructs, alters or adds to a building on any site;

shall make provision for on-site parking for vehicles used in conjunction with the site (whether by occupiers, their employees, customers, visitors, or other persons), **except** as required by Rule 22.15 in Chapter 22 - Financial Contributions and Works.

Rule 21.10.2.2  
**Parking Space Numbers**

**Parking Space Numbers**

- (a) All Activities in any zone shall provide the number of parking spaces specified in Table 1, Appendix 21B, on-site.

Note: See Rule 22.15 - *Chapter 22 - Financial Contributions and Works* regarding parking in specific areas of Orewa and Warkworth.

- (b) Parking spaces shall be provided in accordance with Table 1 Appendix 21B for each activity using a site, or separately occupied, leased, or tenanted area in cases where there is more than one occupier, lessee or tenant on any site.
- (c) Where any activity falls under the definition of more than one activity, then the higher parking requirement shall apply.
- (d) Where an activity does not fall within a particular category, the activity which is closest in definition shall apply.

Rule 21.10.2.3  
**Parking for the Disabled**

**Parking for the Disabled**

- (a) Carparking spaces for the exclusive use of vehicles driven by disabled persons, or any person accompanying any disabled person shall be provided.
- (b) Such space or spaces shall be provided as part of the total number of carparking spaces required by Rule 21.10.2.2.
- (c) The dimensions of the spaces shall comply with the standards in Appendix 21D, Parking Space Dimensions.
- (d) The maximum gradient of pedestrian access to and around carparks for the disabled shall not exceed 8% (1 in 12).
- (e) The number of spaces designed for disabled persons shall be in accordance with the following table:

Total Number of Carparking Spaces Provided	Number of Spaces Designed for Disabled Persons
1 - 10	Not less than 1
11- 99	Not less than 2
For every additional 50 or part thereof	Not less than 1

Rule 21.10.2.4

**Joint Parking**

**Joint Parking**

- (a) Two or more owners may provide a parking area for the combined use of their sites (a joint parking area), where the number of parking spaces so provided satisfies the total parking requirements for all of the activities of all the sites intended to be served by the joint parking.
- (b) The joint parking area must be subject to a registered parking easement or undivided common title, to ensure legal access for the parties relying on the joint parking area.

Rule 21.10.2.5

**Location Of Parking Spaces**

**Location of Parking Spaces**

(a) **Residential Activities**

At least one of the required parking spaces for each household unit shall be sited so that a complying garage or carport with minimum dimensions of 6 metres by 3 metres can be erected on the parking space, without compromising any other parking space required.

(b) **Other Activities**

- (i) At least 75% of the required number of parking spaces for customers and visitors shall be located adjacent to a customer entrance to the building, **except** in Pedestrian Town Centre Areas shown on the Planning Maps.
- (ii) Where parking is provided at the rear of buildings, the existence of the parking spaces shall be clearly signposted.

Rule 21.10.2.6

**Parking Space Size and Access**

**Parking Space Size and Access**

- (a) All carparking spaces shall have dimensions in accordance with the standards in Appendix 21D, Parking Space Dimensions.
- (b) Each parking space shall be provided with such access and manoeuvring areas as are necessary:
  - (i) to allow for ingress and egress of motor vehicles from and to the road; and
  - (ii) for the manoeuvring of motor vehicles within the site.
- (c) Access and manoeuvring areas shall be designed in accordance with the standards contained in Appendix 21D, Parking Space Dimensions.
- (d) Sufficient space shall be provided on the site so that no reverse manoeuvring onto or off a road is necessary for:
  - (i) all rear sites;
  - (ii) sites where four or more parking spaces on the site are served by one carriageway;
  - (iii) sites having access to roads classified as Strategic Routes, or Arterial Roads or Collector Roads, (Refer to Appendix 21C for the Classification of Roads);

Rule 21.10.2.7  
**Stacked Parking**

(iv) sites where the crossing is or will be located within a Defined Road Boundary (see Appendix 21A).

(e) Except in the case of household units, the maximum gradient at any point within a carpark shall not exceed 12.5% (1 in 8).

**Stacked Parking**

(a) Stacked parking (one vehicle behind another) shall be allowed only for:

- (i) vehicles being serviced at vehicle repair premises;
- (ii) vehicles associated with an individual household unit.

Rule 21.10.2.8  
**Identification of Parking Spaces**

**Identification of Parking Spaces**

(a) All parking spaces shall be clearly marked out and identified in a permanent manner, **except** that this Rule shall not apply in relation to sites used for residential purposes, or in circumstances where the parking area is not required to be paved, or where less than four parking spaces are required.

Rule 21.10.2.9  
**Screening of Parking Spaces**

**Screening of Parking Spaces**

- (a) Where four or more parking spaces are required on a site, the area comprising such spaces shall be screened from any adjoining properties within a Residential Zone.
- (b) Such screening shall consist of a close boarded fence or wall 1.8 metres in height, or trees and shrubs providing equivalent privacy.

Rule 21.10.2.10  
**Landscaping Parking Areas**

**Landscaping of Parking Areas**

(a) In Retail Service, Mixed Business and Special Zones 9 and 14, and in the Residential Zones in relation to "Other Activities", at least one tree shall be required for every 5 outdoor parking spaces provided on the site. Trees shall be planted within or adjacent to the parking area.

Rule 21.10.2.10.1  
**Protection and Maintenance of Trees**

**Protection and Maintenance of Trees**

- (a) Any landscape planting required by Rule 21.10.2.10 shall be maintained, and if diseased or damaged shall be repaired and if dead shall be replaced.
- (b) A planting protection area with a minimum dimension or diameter of 2 metres shall be formed around each tree.
- (c) No more than 10% of any planting protection area shall be covered with impervious surfaces.

- (d) Planting protection areas and landscaping within a carparking area shall be provided with wheel stop barriers to prevent damage from vehicles. Such wheel stop barriers shall be located at least 1 metre from the trunk of any tree.

**Explanation and Reasons**

*This explanation and reasons relate to Rules 21.10.2.1 to 21.10.2.10.*

*These Rules are designed to ensure that all activities make adequate provision on-site for parking demands that they generate so that the safety, efficiency and amenity values of the adjacent road network are not diminished. The adverse effect of roadside parking on the amenity values of adjacent residential areas is a particular concern. Minimum standards avoid individual activities shifting their parking demand onto adjacent public roads.*

*The Rules relating to Financial Contributions and Works for parking also need to be taken into account. These recognise that, in some circumstances, it is preferable to take financial contributions in lieu of parking to provide centralised parking facilities.*

*Parking areas also need to be designed so that safe and convenient entry to and exit from the parking spaces can occur, and so that vehicles can move safely around the parking area.*

*The requirement for tree planting is to provide some visual relief to the expanse of paved areas of carparks.*

**Rule 21.10.3  
Loading Areas**

**Rule 21.10.3.1  
Number of Loading Spaces  
Required**

**Loading Areas**

**Number of Loading Spaces Required**

All Permitted, Controlled or Restricted Discretionary Activities in any Business Zone, and any of the activities set out in (a) and (b) in this Rule occurring in any other Zone, shall provide the number of loading spaces specified in Tables (a) and (b) set out below.

- (a) Shops, Garden Centres, Industrial and Other Goods Handling Activities

Gross Floor Area of Activity	Number of Loading Spaces Required
0 - 2,500m <sup>2</sup>	1
2,501 - 5,000m <sup>2</sup>	2
Over 5,000m <sup>2</sup>	3
Each additional 5,000m <sup>2</sup> over 5,000m <sup>2</sup>	1

(b) Offices and Other Non-Goods Handling Activities

Gross Floor Area of Activity	Number of Loading Spaces Required
0 - 10,000m <sup>2</sup>	1
Over 10,000m <sup>2</sup>	2
Each additional 10,000m <sup>2</sup> over 10,000m <sup>2</sup>	1

(c) Loading spaces shall be required in accordance with the above Tables (a) and (b) for each separately occupied, leased, or tenanted area in cases where there is more than one occupier, lessee or tenant on any site.

Rule 21.10.3.2  
Loading Spaces Size

**Loading Spaces Size**

(a) Loading Spaces shall have minimum dimensions of 12 metres long by 3.5 metres wide and shall be clear of all circulation and manoeuvring lanes, unless the space can reasonably be expected to service articulated vehicles, in which case the minimum length shall be increased to 18 metres.

Rule 21.10.3.3  
Loading Space Access and Manoeuvring Areas

**Loading Space Access and Manoeuvring Areas**

- (a) Every loading space shall be provided with such access and manoeuvring areas as are necessary to allow for:
  - (i) ingress and egress of motor vehicles from and to the road;
  - (ii) the manoeuvring of motor vehicles within the site.
- (b) Loading spaces shall not obstruct a defined parking area.
- (c) Sufficient space shall be provided on the site so that there is no reverse manoeuvring onto or off a road from any loading space.
- (d) Access aisles to loading areas shall be not less than 3.5 metres wide.
- (e) Bends in the aisle shall have extra widening to accommodate the appropriate Land Transport Safety Authority - "New Zealand On-Road Tracking Curves October 1995".
- (f) A minimum lateral side clearance of 0.3 metres shall be provided to any fixed obstruction.

Rule 21.10.3.4  
**Identification of Loading Spaces**

Rule 21.10.3.5  
**Special Loading Rules for Bakehouse Lane and Manly**

Rule 21.10.4  
**General Rules for Parking and Loading**

Rule 21.10.4.1  
**Vehicular Access to Parking and Loading Spaces**

(g) Special Loading Requirements in Rural Zones:

- (i) Structures for the loading and unloading of stock, produce, fertiliser and other materials shall be located on the site and not less than 10 metres from the road boundary. Portable bobby calf pens can be located within 10 metres of the road boundary.
- (ii) In all cases loading and unloading shall take place completely clear of the carriageway.

**Identification of Loading Spaces**

All loading spaces shall be clearly marked out and identified in a permanent manner.

**Special Loading Rules for Bakehouse Lane and Manly**

- (a) Bakehouse Lane - Rule 21.10.3.5 (c) applies only to Lot 15, Lot 16, Pt Lot 17, Pt Lot 18 and Pt Lot 19 DP 18948.
- (b) Manly - Rule 21.10.3.5 (c) applies only to Lots 377 and 378 DP 17817, Pt 2 DP 44878 and the portion of Lot 1 DP 44878 zoned Retail Service Zone.
- (c) Loading and Access - No off street loading spaces shall be required under Rule 21.10.3.

**Explanation and Reasons**

*This explanation and reasons relate to Rules 21.10.3.1 to 21.10.3.5.*

*Rules are included to require the loading of vehicles on site. Vehicle loading on the road can cause safety concerns and interfere with the flow of traffic. On-site manoeuvring is also required to avoid reverse manoeuvring off or onto the road.*

*The Rule relating to Bakehouse Lane and Manly is in recognition of the provision of service lanes to access the sites.*

**General Rules for Parking and Loading**

**Vehicular Access to Parking and Loading Spaces**

- (a) Every parking and loading space shall have access from an existing formed road frontage.
- (b) Any motor vehicle occupying a parking or loading space shall have ready access to a street at all times, without requiring the movement of any other vehicle occupying another parking or loading space, **except** where stacked parking is allowed (refer Rule 21.10.2.7).
- (c) Access serving three or more loading spaces, or 10 or more parking spaces, shall be two lanes wide.

Rule 21.10.4.2  
**Assessment of Parking and Loading Spaces**

- (d) Vertical clearance to overhead obstructions shall be not less than 2.1 metres for carparks and 3.8 metres for loading spaces.

**Assessment of Parking and Loading Spaces**

- (a) Where the parking or loading space requirement results in a fractional space, any fraction under one half shall be disregarded, **except** for staff car parking, where any fraction under one half shall be counted as one space. Any fractions of one half or more shall be counted as one parking or loading space, as appropriate.
- (b) Where more than one Permitted, Controlled or Restricted Discretionary Activity is proposed within a development, the parking and loading standards shall be assessed for each activity individually, **except** that ancillary activities occupying less than 10% of the gross floor area of any building shall be assessed in terms of the dominant use of the building or site.

Rule 21.10.4.3  
**Formation of Parking and Loading Spaces, Access and Manoeuvring Areas**

**Formation of Parking and Loading Spaces, Access and Manoeuvring Areas**

- (a) All of the parking and loading spaces, access and manoeuvring areas required on a site by this Plan shall, before the commencement of the activity to which those parking and loading spaces relate, be formed, paved to a permanent dust free (not metal) surface, and drained **except** as specified in Rule 21.10.4.3(c) and (d). Once established, such areas shall be maintained to that standard at all times.
- (b) As a guide the minimum standard of paving to be used shall be that set out in the Rodney District Council Standards for Engineering Design and Construction applying at the time that the crossing is constructed.
- (c) Areas set out in Rule 21.10.4.3(a) are not required to be sealed in the case of:
  - (i) a single household unit;
  - (ii) land within a Rural Zone; **except** as required by Rule 23.8.6.5 in *Chapter 23 - Subdivision and Servicing*;
  - (iii) yard industries. This does not include parking, loading and access associated with buildings on the site, which shall be formed and sealed in accordance with Rule 21.10.4.3(a);

**except** where the grade of the access is 1 in 10 or steeper rising from the road.
- (d) Areas set out in Rule 21.10.4.3(a) are not required to be formed in the case of:
  - (i) temporary Activities specified in Rule 16.12.1.1 (c) and (d);
  - (ii) film Making Activities in Rural Zones.

Rule 21.10.4.4  
**Parking and Loading Inside Buildings**

- (e) Where a parking or manoeuvring area abuts a site boundary, a kerb or similar non-mountable barrier not less than 150 millimetres high shall be provided, to prevent vehicles overhanging the boundary.

**Parking and Loading Inside Buildings**

- (a) This Rule does not apply to purpose built carparking buildings.
- (b) The area of any parking and loading spaces, and associated access within a building, shall be excluded from the gross floor area of that building for the purposes of assessing the total number of spaces required.
- (c) Parking or loading spaces shall be clearly defined, marked out, be visible from the road or have adequate signposting provided, and be kept available for use at all times when the building is in use, and shall not be used for any other purpose.

Rule 21.10.4.5  
**Availability For Use**

**Availability For Use**

- (a) All parking and loading spaces, access and manoeuvring areas shall be kept clear at all times for the use of motor vehicles.
- (b) Such areas shall not be used for the storage of any goods or materials or for any other purpose which would prevent the parking, loading, or manoeuvring of motor vehicles.

Rule 21.10.4.6  
**Location of Parking or Loading Areas**

**Location of Parking and Loading Areas**

No required parking or loading space or manoeuvring area or part thereof, shall be located on land designated or shown on the Planning Maps for roading purposes.

***Explanation and Reasons***

*This explanation and reasons relate to Rules 21.10.4.1 to 21.10.4.6.*

*These general rules relate to determining the parking and loading requirements, the amenity values of such areas and their efficient and appropriate use.*

*The requirement for paving is to ensure that dust does not create an adverse effect on the amenity values of adjacent sites.*

Rule 21.10.5  
**Vehicle Queuing**

**Vehicle Queuing**

- (a) All queuing space for vehicles using or waiting to use a Drive-through facility, shall be provided on-site and shall not obstruct entry to or exit from the site or parking and manoeuvring areas
- (b) The queuing space shall be a minimum of 26 metres from the site boundary to the first point of service, **except** for Service Stations. Beyond this, the length of queuing lane clear of other vehicle manoeuvring areas shall be at the rate of 6 metres for the first vehicle

and 5 metres for each subsequent vehicle. The queuing space required shall be determined by the number of vehicles predicted to be queuing at peak operating times.

- (c) The queuing aisle for a Drive-through facility shall have a minimum kerb to kerb width of 3 metres.
- (d) Bends in the aisle shall have extra widening to accommodate the appropriate Land Transport Safety Authority - "New Zealand On-Road Tracking Curves October 1995".
- (e) A minimum lateral side clearance of 0.3 metres shall be provided to any fixed obstruction.

***Explanation and Reasons***

*Vehicles queuing from a site onto the road can be a danger to pedestrians and vehicles using the road. It is therefore important that sufficient space is provided on site to accommodate vehicles queuing for a Drive-through facility. Service stations are exempt from the minimum queuing space, because they generally utilise multiple service points. The 26 metres represents five vehicles, allowing 6 metres for the first vehicle and five metres for each subsequent vehicle.*

**Rule 21.11**

**CONTROLLED ACTIVITIES: MATTERS FOR CONTROL AND ASSESSMENT CRITERIA**

There are no Controlled Activities in this chapter.

## Rule 21.12

### Rule 21.12.1 Activities Not Meeting the Development Controls

#### Rule 21.12.1.1 Site Access

##### Rule 21.12.1.1.1 Matters for Discretion

##### 21.12.1.1.2 Assessment Criteria

*Access location and design*

*Pedestrian movement*

*Volume of traffic*

*Additional crossings*

*Distance between crossings*

*Drive-through activities*

*Rural selling places*

## RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS FOR DISCRETION AND ASSESSMENT CRITERIA

In accordance with sections 76(3B) and 105(3A) of the Act the Council will restrict its discretion to the matters listed against each specified activity, when considering resource consent applications for Restricted Discretionary Activities.

### Any Permitted, Controlled or Restricted Discretionary Activity in Any Zone which Does Not Meet the Development Controls in Rule 21.10

#### Any Permitted, Controlled or Restricted Discretionary Activity in Any Zone which Does Not Meet Rule 21.10.1 Site Access

##### Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Location and design of site access.

##### Assessment Criteria

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

- (a) Whether the site access is located and designed to ensure safe access and exit from the site, and does not adversely affect the safety and efficiency of the frontage road, or create traffic conflicts with adjoining site access.
- (b) Whether pedestrian movement past the site access will be adversely affected, to an extent greater than would be the case if the rules were complied with.
- (c) Whether the site access can accommodate the expected type and volume of traffic.
- (d) Whether, where additional crossings are proposed, the extra crossings will adversely affect the safety and efficiency of the road.
- (e) Whether, where a reduced distance between crossings is proposed, extra traffic conflict may be created by vehicles queuing across a vehicle crossing, or confusion may arise between vehicles turning at the crossing.
- (f) Whether, in relation to Drive-through Activities, access to the activity can be provided, without creating an adverse effect on the safe and efficient movement of vehicles on the site and on the adjoining roads.
- (g) Whether in relation to access for rural selling places:

- (i) the speed of vehicles travelling on the frontage road is likely to exacerbate any adverse effects of the access on the safety of road users;
- (ii) the existing road width is adequate to allow vehicles to pass slowing or turning vehicles safely.

**Explanation and Reasons**

See the explanation and reasons for Rule 21.10.1.

**Rule 21.12.1.2  
Parking**

**Any Permitted, Controlled or Restricted Discretionary Activity in Any Zone which Does Not Meet Rule 21.10.2 Parking**

**Rule 21.12.1.2.1  
Matters for Discretion**

**Matters for Discretion**

The Council will restrict its discretion to the following matters:

- (a) Location, size and design of parking areas.
- (b) Access to parking areas.
- (c) Scale, management and operation of an activity as it relates to its demand for parking.

**21.12.1.2.2  
Assessment Criteria**

**Assessment Criteria**

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

*Number of parking spaces*

- (a) Where the required number of on-site carparking spaces are proposed not to be provided:

*Provided on-site*

- (i) Whether the required parking can not physically be accommodated on the site.

*Safety*

- (ii) Whether the traffic capacity, function and/or safety of the surrounding road network, including pedestrian access, will be adversely affected by extra parked and manoeuvring vehicles on the roads.

*Effects on amenity*

- (iii) Whether vehicles parked on the street will have an adverse effect on the amenity values of adjoining activities.

*Future requirements*

- (iv) Whether a reduction in parking will adversely affect the ability of future activities on the site to meet the parking requirements.

*Cumulative effect*

- (v) Whether there will be a cumulative effect from the lack of on-site parking for the proposal and other activities in the vicinity which may not be providing the required number of parking spaces.

*Separate site*

- (b) Whether the required number of parking spaces can be provided on a separate site which:

- (i) is within easy walking distance of the development; or
- (ii) is clearly associated with the development through, for example, signage; or
- (iii) has a legal agreement bonding the parking to the development.

*Time of demand*

(c) Whether the parking demand occurs at a different time from another land use, with which a parking area could be shared without adverse effects on the road network, and a legal agreement is entered into between the landowners securing mutual usage of the parking areas.

*Effect on roads*

(d) Whether any variation of the parking rules will result in parking occurring on the adjoining road network.

*Size and access to parking*

(e) Whether any variation of the size and access requirements for parking spaces will have an adverse effect on access to parking spaces, or on vehicle manoeuvring and circulation on the site.

*Landscaping*

(f) Whether a reduction in screening or landscaping will have an adverse effect on the amenity values of adjoining sites.

***Explanation and Reasons***

*See the explanation and reasons for Rule 21.10.2.*

**Rule 21.12.1.3  
Loading Areas**

**Any Permitted, Controlled or Restricted Discretionary Activity in Any Zone which Does Not Meet Rule 21.10.3 Loading Areas**

**Rule 21.12.1.3.1  
Matters for Discretion**

**Matters for Discretion**

The Council will restrict its discretion to the following matters:

- (a) Location, size and design of loading areas.
- (b) Access to loading areas.
- (c) Scale, management and operation of an activity as it relates to its generation of traffic requiring loading space.

**21.12.1.3.2  
Assessment Criteria**

**Assessment Criteria**

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

*Loading space*

(a) Whether sufficient loading space can be provided without disrupting traffic circulation on the site.

*Access and manoeuvring*

(b) Whether any alteration to access and manoeuvring requirements will adversely affect vehicle movement onto and off a site.

***Explanation and Reason***

*See the explanation and reasons for Rule 21.10.3.*

**Rule 21.12.1.4  
General Rules for Parking and Loading**

**Rule 21.12.1.4.1  
Matters for Discretion**

**Rule 21.12.1.4.2  
Assessment Criteria**

*Paving*

*Effects on roads*

*Effects on parking and loading areas*

**Rule 21.12.2  
Activities Not Listed in Appendix 21B Parking Spaces Required**

**Rule 21.12.2.1  
Matters for Discretion**

**21.12.2.2  
Assessment Criteria**

*Parking spaces*

**Any Permitted, Controlled or Restricted Discretionary Activity in Any Zone which Does Not Meet Rule 21.10.4 General Rules for Parking and Loading**

**Matters for Discretion**

The Council will restrict its discretion to the following matters:

- (a) Location, size and design of parking and loading areas.
- (b) Access to parking and loading areas.
- (c) Scale, management and operation of an activity, in relation to its generation of traffic requiring parking and loading space.

**Assessment Criteria**

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

- (a) Whether a reduction in the parking requirement will result in an adverse effect on the amenity values of adjoining sites.
- (b) Whether any variation from the parking Rules will result in parking occurring on the adjoining road network.
- (c) Whether any reduction in the requirements of the Rules will have an adverse effect on the safe and efficient operation of the parking or loading area.

***Explanation and Reasons***

*See the explanation and reasons for Rule 21.10.4.*

**Any Activity for which No Parking Requirement is Listed in Table 1 Appendix 21B Number of Parking Spaces Required by Rule 21.10.2.2**

**Matters for Discretion**

The Council will restrict its discretion to the following matters:

- (a) Number of carparks.

**Assessment Criteria**

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

- (a) Whether sufficient carparks are provided to meet the expected number of vehicles generated by the activity.

**Rule 21.12.3  
Vehicle Queuing**

**Rule 21.12.3.1  
Matters for Discretion**

**21.12.3.2  
Assessment Criteria**

*Effect on roads*

*Capacity and function*

*Effects on site*

**Rule 21.12.4  
Drive-through Activities  
and Activities Requiring  
Large Carparks Accessing  
Certain Roads**

**Rule 21.12.4.1  
Matters for Discretion**

***Explanation and Reasons***

*See the explanation and reasons for Rule 21.10.2.*

**Any Permitted, Controlled or Restricted Discretionary Activity in Any Zone which Does Not Meet Rule 21.10.5 Vehicle Queuing**

**Matters for Discretion**

The Council will restrict its discretion to the following matters:

- (a) Location and design of queuing space.
- (b) Amount of queuing space.

**Assessment Criteria**

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

- (a) Whether vehicle queuing will adversely affect the safe and efficient operation of the adjoining road network and pedestrian access.
- (b) Whether the capacity and function of the adjoining road network will be adversely affected.
- (c) Whether the safe and efficient circulation of vehicles on the site will be adversely affected.

***Explanation and Reasons***

*See the explanation and reasons for Rule 21.10.5.*

**Any Permitted, Controlled or Restricted Discretionary Activity in Any Zone which Accesses a Strategic Route or Arterial or Collector Road as set out in Appendix 21C, which;**

- (a) is a Drive-through Activity; or
- (b) (i) requires more than 25 carparking spaces on site; or  
(ii) whose parking requirement results in any parking area exceeding 25 carparking spaces.

**Matters for Discretion**

The Council will restrict its discretion to the following matters:

- (a) Location and design of site access and crossing.

21.12.4.2  
**Assessment Criteria**

*Safety and efficiency of road*

*Volume of traffic*

*Access points*

*On-site effects*

*Pedestrians*

*On-street parking*

*Amenity values*

*Queuing*

(b) Location and design of parking areas.

(c) Design and standard of the adjoining road network serving the site.

**Assessment Criteria**

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

(a) Whether the traffic generated will adversely affect the function and the safe and efficient operation of the adjoining road network, particularly at peak traffic times.

(b) Whether the surrounding road network is capable of accommodating the volume of traffic generated, including the cumulative effect of traffic generated by other activities in the vicinity.

(c) Whether the site access points are located to ensure safe entry to and exit from the site, and do not create conflict with adjoining access points.

(d) Whether on site parking and circulation areas are located and designed to facilitate safe and efficient movement on and off the site, and do not result in congestion on the adjoining roads.

(e) Whether pedestrian passage across the access points will be adversely affected.

(f) Whether the activity will generate increased demand for on-street parking.

(g) Whether the volume of traffic will have an adverse effect on the amenity values of the surrounding road network.

(h) Whether vehicles queuing to enter or exit the site will have an adverse effect on the road network and adjoining sites, or on on-site vehicle circulation.

**Explanation and Reasons**

*High traffic generating activities can have significant adverse effects on the safe and efficient operation of the road network. The location and design of accesses are important in this regard. Effects occur to all levels of the roading hierarchy, but differ in nature. On strategic and arterial routes the effects relate to the safe and efficient flow of traffic on the roads. In relation to collector roads, a key issue is whether the road is capable of receiving a large volume of traffic, and the effects that this could have on local traffic circulation.*

Rule 21.12.5  
Access within a Defined  
Road Boundary

Rule 21.12.5.1  
Matters for Discretion

21.12.5.2  
Assessment Criteria

*Effect on road*

Any Permitted, Controlled or Restricted Discretionary Activity in  
Any Zone Requiring Access within a Defined Road Boundary

**Matters for Discretion**

The Council will restrict its discretion to the following matters:

- (a) Location and design of access.

**Assessment Criteria**

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

- (a) Whether the access will have an adverse effect on the safe and efficient operation of the road network.

***Explanation and Reasons***

*The location of access points too close to other intersections, especially major intersections, can create serious safety concerns. It is therefore important that any proposal to locate an access within a defined road boundary is assessed to determine whether this can be achieved safely, and whether mitigation measures can be put in place.*

## 21.13

### DISCRETIONARY ACTIVITIES IN ANY ZONE: SPECIFIC ASSESSMENT CRITERIA

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications in any zone, the Council will have regard to the following additional Assessment Criteria, and any relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters set out in section 104 of the Act:

*Development controls*

(a) Whether the activity complies with the Development Controls and Performance Standards in Rule 21.10. As a general guide the activity should comply with those controls and standards, unless it is not appropriate to do so because of inherent site characteristics, particular site development considerations or unusual environmental factors.

*Safety and efficiency of road*

(b) Whether the traffic generated will adversely affect the function and the safe and efficient operation of the adjoining road network, particularly at peak traffic times.

*Volume of traffic*

(c) Whether the surrounding road network is capable of accommodating the volume of traffic generated, including the cumulative effect of traffic generated by other activities in the vicinity and projected increases in traffic volumes.

*Access conflicts*

(d) Whether the site access points are located to ensure safe entry to and exit from the site and do not create conflict with adjoining site access points.

*On-site effects*

(e) Whether on site parking and circulation areas are located and designed to facilitate safe and efficient movement on and off the site, and do not result in congestion on the adjoining roads.

*Pedestrians*

(f) Whether pedestrian passage across the access points will be adversely affected.

*On-street parking*

(g) Whether the activity will generate increased demand for on-street parking.

*Amenity values*

(h) Whether the volume of traffic will have an adverse effect on the amenity values of the surrounding street network.

*Queuing*

(i) Whether vehicles queuing to access or exit the site will have an adverse effect on the road network and adjoining sites, or on on-site vehicle circulation.

**Rule 21.14**

**SUBDIVISION**

There are no subdivision rules relating to this chapter

**DEFINED ROAD BOUNDARY**

For the purpose of Rule 21.9.2.4, the "Defined Road Boundary" is defined as:

- (a) Any Strategic Route, Regional Arterial, District Arterial, or Collector Road boundary which is within 90 metres of its intersection with any other Strategic Route, Regional Arterial, District Arterial, or Collector Road boundary. (Refer to Appendix 21C for the classification of roads).
- (b) Any Strategic Route, Regional Arterial, District Arterial, or Collector Road boundary which is within 30 metres of its intersection with any Local Road, and any Local Road boundary which is within 30 metres of its intersection with any strategic route, regional arterial, district arterial, or collector road boundary.
- (c) Any Local Road boundary which is within 15 metres of its intersection with any other Local Road boundary or bridge abutment.
- (d) Any Strategic Route, Arterial Route or Collector Road boundary within 30 metres of a bridge abutment.

All the distances in (a), (b), (c) and (d) are to be measured as follows (refer to Diagram 1):

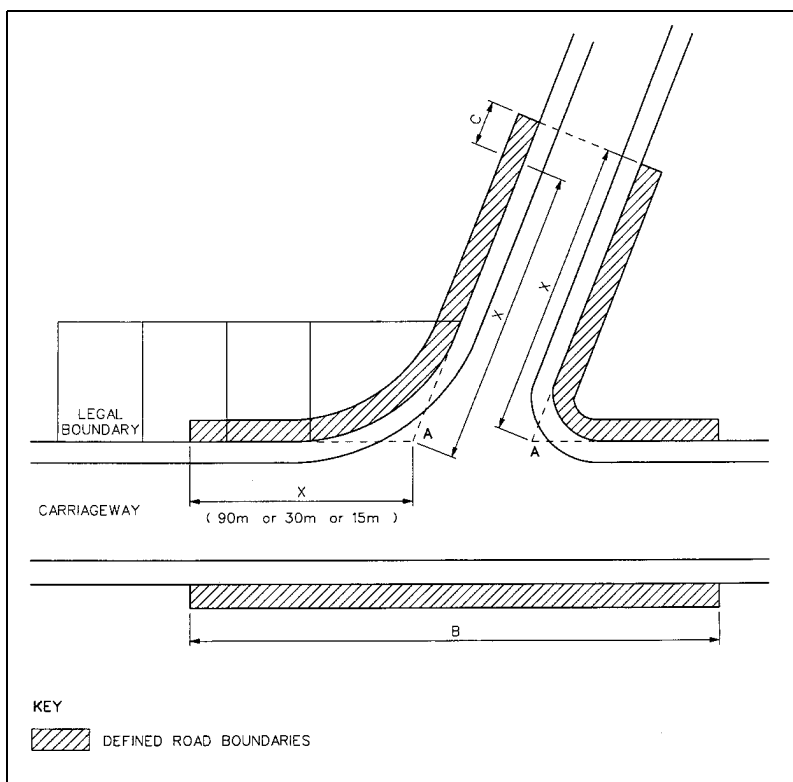
Project the boundary of the road fronting the relevant property to its point of intersection with the projection of the nearest straight boundary of the nearest confluent or intersecting road (labelled A in Diagram 1).

Measure the distance 'X' as specified in Diagram 1, along the frontage road boundary.

This represents the extent of the defined road boundary.

In the case of a T-intersection, the defined road boundary shall also include the length of boundary immediately opposite the defined road boundary, as determined above (labelled B in Diagram 1).

In the case of a skewed intersection, the defined road boundary shall also include the length of boundary immediately opposite the defined road boundary, as determined above (labelled C in Diagram 1).



**Diagram 1 - Defined Road Boundary**

**Table 1**  
**Number of Parking Spaces Required by Rule 21.10.2.2**

The number of parking spaces required shall be as indicated below

GFA = Gross Floor Area  
 GLA = Gross Leasable Area.

"Employees on the site" shall be calculated as the maximum number of persons who may work on or from the site at any one time.

BUILDING OR ACTIVITY	SPACES REQUIRED
Banks	1 for every 25m <sup>2</sup> of GFA.
Child Care Facilities and Pre-Schools	See Schools - Pre-schools and Childcare Facilities.
Cinemas and Theatres	1 for every 3 persons the facility is designed to accommodate, <u>plus</u> 1 for every 1.3 employees on the site.
Commercial Services	1 for every 35m <sup>2</sup> of GFA.
Daycare Facilities for the Elderly	1 for every 5 clients, to be available for the setting down and picking up of clients; <u>plus</u> 1 for every 1.3 employees on the site.
Dairies	See Shops.
Depots	1 for every 90m <sup>2</sup> of both GFA and site area used for such purposes, <u>or</u> 1 for every employee on the site, whichever is the greater.
Educational Facilities (excluding schools)	1 for every 2 persons the activity is designed to accommodate; <u>plus</u> 1 for every 1.3 employees on the site.
Entertainment Facilities	1 for every 3 persons the facility is designed to accommodate; <u>plus</u> 1 for every 1.3 employees on the site.
Funeral Parlours	1 for every 3 persons the building is designed to accommodate <u>plus</u> 1 for every 1.3 employees on the site.

BUILDING OR ACTIVITY	SPACES REQUIRED	
Garden Centres (excluding shops selling plants, etc.)	1 for every 100m <sup>2</sup> outdoor display area, <u>plus</u> 1 for every 25m <sup>2</sup> of enclosed indoor selling area; <u>plus</u> 1 for every 1.3 employees on the site.	
Health and Welfare Services	5 for the rooms for one consultant, <u>plus</u> 3 for the rooms for each subsequent consultant.	
Hire Premises (excluding video hire premises, see Shops)	1 for every 40m <sup>2</sup> of GFA, <u>plus</u> 1 for every 100m <sup>2</sup> of remaining site area, <u>plus</u> 1 for every 1.3 employees on the site.	
Home Occupations	1 for every non-resident employee, <u>plus</u> 1 where customers are permitted on the site. (these parking spaces are additional to the required residential parking).	
Homes for the Aged	1 for every 5 persons the premises are designed to accommodate, <u>plus</u> 1 for every resident employee, <u>plus</u> 1 for every non-resident employee on the site.	
Hospitals	1 for every 3 beds, <u>plus</u> 1 for every 1.3 employees on the site.	
Hostels	1 for every 3 persons the building is designed to accommodate, <u>plus</u> 1 for every non-resident employee on the site.	
Hotels	See Visitor Accommodation	
Household Units (Single or Multiple)	2 for every household unit, at least 1 of which must be sited so that a complying private garage or carport of 3 metres x 6 metres can be erected.	
Household Units (Multiple Household Units) in the Special 18 (Gulf Harbour) Zone	Dwelling Size	Spaces per dwelling
	Small      less than 75m <sup>2</sup>	1.0
	Medium      75m <sup>2</sup> to 110m <sup>2</sup>	1.5
	Large      larger than 110m <sup>2</sup>	2
	Added spaces for visitors per dwelling	0.25

BUILDING OR ACTIVITY	SPACES REQUIRED
Household Units in the Orewa Retail Service Zone	1 Bedroom - 1 space per unit 2 Bedrooms - 1.5 spaces per unit 3 Bedroom or more - 2 spaces per unit  In all cases 0.25 spaces per unit are to be provided for visitors.
Industries not otherwise provided for	1 for every 46m <sup>2</sup> of both GFA and site area used for such purpose, <u>or</u> 1 for every 1.3 employees on the site, whichever is the greater.
Marinas	0.7 for every berth.
Medical Offices	See Health and Welfare Services.
Offices	1 for every 35m <sup>2</sup> of GFA.
Outdoor Recreation	1 for every 3 persons the activity is designed to accommodate.
Places of Assembly	1 for every 3 persons the activity is designed to accommodate; <u>plus</u> 1 for every 1.3 employees on the site.
Private Hotel	See Hostels.
Restaurants	1 for every 4 persons the activity is designed to accommodate; <u>plus</u> 1 for every 1.3 employees on the site.
Service Stations	4 for each mechanical repair bay, lubrication bay or work bay for the first two bays, <u>plus</u> 2 for every additional lubrication, mechanical repair or working bay, <u>plus</u> 1 for every 40 m <sup>2</sup> of retail SHOP space GFA, <u>plus</u> 1 for every employee on the site, <u>plus</u> 3 per carwash, <u>plus</u> 1 for each airhose/vacuum.  (Required parking spaces may not be located in a repair bay, lubrication bay, work bay or car wash facility.)
Schools: Pre-schools and Childcare Facilities	1 for every 5 students, to be available for the setting down and picking up of students; <u>plus</u> 1 for every employee on the site (including daily non-paid parent help).

BUILDING OR ACTIVITY	SPACES REQUIRED
Schools: Primary and Intermediate Schools	1 per 10 students, to be available for the setting down and picking up of students; <u>plus</u> 1 for every employee on the site.
Schools: Secondary Schools	1 for every 20 students 15 years and over, <u>plus</u> 1 for every 20 students for the setting down and picking up of students; <u>plus</u> 1 for every employee on the site.
Shops	1 for every 20m <sup>2</sup> GLA.
Shops with Outdoor Display Areas	See Garden Centres.
Show-home sites	3 spaces for 1 or 2 show-homes, <u>plus</u> 1 additional space for each additional show-home.
Takeaway Foodbars	See Shops. (Note: Premises where seating is provided for food to be eaten on the site are to be assessed as Restaurants).
Taverns	See Entertainment Facilities.
Utilities allowed in <i>Chapter 19 - Utilities</i>	1 for each facility, <u>plus</u> 1 for every 1.3 employees on the site.
Vehicle and Boat Sales Premises	2 <u>plus</u> 1 for every 200 m <sup>2</sup> of Showroom and Outdoor Display Areas.
Video Hire Premises	See Shops.
Visitors' Accommodation	1 for every accommodation unit, <u>plus</u> 1 for every 10m <sup>2</sup> of GFA of bar or restaurant space (outdoor drinking areas shall be assessed at 1 for every 15m <sup>2</sup> ); <u>plus</u> 1 for every 1.3 employees on the site.
Warehouses not retailing	1 for every 90m <sup>2</sup> of GFA.
Wholesale Liquor Outlet	See Shops.

BUILDING OR ACTIVITY	SPACES REQUIRED
Yard Industries	1 for every 200m <sup>2</sup> of site area used for yard purposes, <u>plus</u> 1 for every 35m <sup>2</sup> of GFA used for Offices, <u>plus</u> 1 for every 25m <sup>2</sup> gross shopping floor area.

## CLASSIFICATION OF ROADS

### Strategic Routes

State Highway No. 1 - Incorporating the following:

Hibiscus Coast Highway - Orewa  
 Rodney Street - Wellsford  
 Auckland Street - Warkworth  
 Brown Road - Warkworth  
 Great North Road - Warkworth

State Highway No. 1A - Incorporating the section of motorway between the Silverdale Interchange and Grand Drive.

State Highway No.16 - Incorporating the following:

Railway Street - Helensville  
 Bridge Street - Helensville  
 Garfield Road (part) - Helensville  
 Commercial Road - Helensville  
 Mill Road - Helensville  
 Main Road - Kumeu  
 Port Albert Road - Wellsford

State Highway No.17 - Incorporating the former State Highway No. 1 from Albany Heights Road to the Silverdale Interchange.

### Regional Arterial Roads

Coatesville Riverhead Highway (Regional Route 28)  
 East Coast Road (Regional Route 25)  
 Grand Drive  
 West Hoe Road (State Highway No. 1 to start of Grand Drive)  
 Whangaparaoa Road (State Highway No. 1 to Wade River Road)

### Future Regional Arterials

Kahikatea Flat Road (Pine Valley Road to SH16)  
 Pine Valley Road

### District Arterial Routes

Awanohi Road  
 Bawden Road (East Coast Road to Dairy Stream Road)  
 Centreway Road (State Highway No. 1 to Puriri Avenue)  
 Dairy Stream Road  
 Durey Road  
 Gulf Harbour Drive (Whangaparaoa Road to beyond Laurie Southwick Parade)  
 Hauraki Road (Leigh Road to Cumberland Street)  
 Kahikatea Flat Road (SH1 to Pine Valley Rd)  
 Leigh Road

Mahurangi East Road (Sandspit Road to Snells Beach Road)  
 Mangawhai Road (State Highway 1 to Black Swamp Road)  
 Matakana Road  
 Muriwai Road (Motutara Road to State Highway No. 16)  
 Old North Road (State Highway No.16 to Peak Road)  
 Peak Road  
 Postman Road (Dairy Stream Road to State Highway 1)  
 Red Beach Road  
 Riverhead Road  
 Sandspit Road (State Highway No. 1 to Mahurangi East)  
 Taupaki Road (Waitakere Road to State Highway 16)  
 Whangaparaoa Road (Wade River Road to Gulf Harbour)  
 West Coast Road  
 Woodcocks Road

### **Collector Roads**

Access Road (Station Road to State Highway No: 16 [Main Road])  
 Ahuroa Road (from Saleyards Road to Tunnel Road)  
 Alnwick Street (Percy Street to Neville Street)  
 Bay Street  
 Baxter Street  
 Beach Road (Manly)  
 Broadland Drive  
 Brightside Road  
 Cumberland Street (Hauraki Road to Pakiri Road)  
 Duck Creek Road (Spur Road to Stillwater Crescent)  
 Elizabeth Street (Warkworth)  
 Factory Road (State Highway No: 16 to Waimauku Station Road)  
 Florence Avenue (State Highway No: 1 to Hatton Road)  
 Forge Road  
 Foster Road (State Highway No: 16 to Trigg Road)  
 Foundry Road  
 Garfield Road  
 Gulf Harbour Drive (Shakespear Road end)  
 Hardley Avenue  
 Hatton Road  
 Hill Street (State Highway No: 1 to Victoria Street)  
 Kaipara Flat Road (Railway Crossing to State Highway No: 1)  
 Karepiro Drive (Rishworth Ave to Whangaparaoa Road)  
 Ladies Mile  
 Langton Road (Vipond Road to Brightside Road)  
 Laurence Street  
 Lonely Track Road  
 Mahurangi East Road (Snells Beach Road to Martins Bay Road)  
 Mahurangi West Road (State Highway No: 1 to Pukapuka Road)  
 Makarau Road (State Highway No: 16 to Tahekeroa Road)  
 Marellen Drive  
 Matakana Valley Road (Smith Road to Leigh Road)  
 Matheson Road (Rodney Street to Rustybrook Road)  
 Matua Road (State Highway No: 16 to Pinotage Place)  
 Mill Lane  
 Moana Avenue  
 Moenui Avenue  
 Neville Street

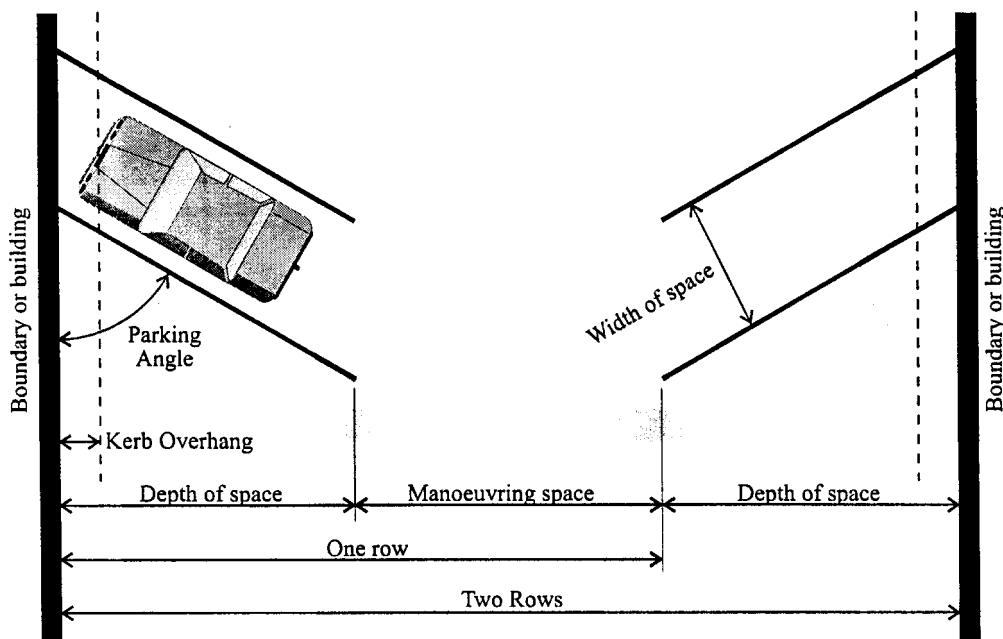
Old North Road (Peak Road to Wishart Road)  
 Omaha Flats Road  
 Pakiri Road  
 Parkhurst Road (South Head to State Highway No: 16)  
 Percy Street (Baxter Street to Alnwick Street)  
 Port Albert Road (Wharf Road to Kaipara Coast Highway)  
 Puhoi Road (State Highway No: 1 to Saleyards Road)  
 Puriri Avenue (Centreway Road to State Highway One)  
 Queen Street  
 Rishworth Avenue  
 Riverside Road (West of Centreway Road)  
 Run Road (Burma Road to Wharehine Road)  
 School Road (Tomarata Valley Road to Radcliffe Road)  
 Shakespear Road (Whangaparaoa Road - Gulf Harbour Drive)  
 Silverdale Street  
 South Head Road (Monk Road to Parkhurst)  
 Spur Road (East Coast Road to Duck Creek Road)  
 Stanmore Bay Road (Whangaparaoa Road to Brightside Road)  
 Station Road (Rodney Street to Matheson Road)  
 Takatu Road (Leigh Road to Whitmore Road)  
 Tamariki Avenue  
 Tauhoa Road (Kaipara Coast Highway to Poynter Road)  
 Tavern Road (State Highway No: 1 to Foundry Road)  
 Tawa Road (Puke Road to Station Road)  
 Taylor Road  
 Tindalls Bay Road  
 Tomarata Valley Road (Whangaripo Valley Road to School Road)  
 Vipond Road  
 Wade River Road  
 Waikoukou Valley Road (Railway Crossing to Taylor Road)  
 Waimauku Station Road (State Highway No: 16 to Railway Crossing)  
 Wainui Road  
 Waitakere Road (Access Road to Wairere Road)  
 Waitoki Road  
 Waiwera Road  
 Weranui Road (Upper Waiwera to Waiwera Road)  
 Whangaparaoa Road (Gulf Harbour Drive to Shakespear Farm Park)  
 Whangaripo Valley Road (Rustybrook Road to Matakana Valley Road)  
 Wharehine Road (Run Road to Wharf Road)  
 Whittaker Street  
 Wishart Road  
 Worker Road (Rodney Street to Hood Street)

## Local Roads

All other roads.

PARKING SPACE DIMENSIONS

All dimensions in metres



Type of Parking		Width of Parking Space	Kerb Overhang	Depth of Parking Space	Manoeuvring Space	Total Depth	
Angle						One Row	Two Row
90°	Nose in : left turn	2.5	1.0	4.9	7.7	12.6	17.5
		2.6				11.9	16.8
		2.8				11.5	16.4
90°	Nose in : right turn (or blind aisle)	2.5	1.0	4.9	8.4	13.3	18.2
		2.6				12.8	17.7
		2.8				12.4	17.3
75°	Nose in	2.5	1.0	5.2	6.3	11.5	16.7
		2.6				10.4	15.6
		2.8				9.3	14.5
60°	Nose in	2.5	1.0	5.2	4.1	9.3	14.5
		2.6				8.9	14.1
		2.8				8.9	14.1
45°	Nose in	2.5	0.8	4.9	3.7	8.6	13.5
		2.6				8.6	13.5
		2.8				8.6	13.5
30°	Nose in	2.5	0.5	4.0	3.7	7.7	11.7
		2.6				7.7	11.7
		2.8				7.7	11.7
0°	Parallel	6.1	0.4	2.5	3.7	6.2	8.7

Note: 1. These Standards are based on Ministry of Transport 1975 Metric Parking Dimensions.

## Rule 23.8

## GENERAL STANDARDS AND ASSESSMENT CRITERIA FOR SUBDIVISIONS

### Rule 23.8.1

#### Subdivision: Compliance with Rules and Information Requirements

#### Subdivision: Compliance with Rules and Information Requirements

#### Rule 23.8.1.1

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

Unless otherwise specified in Rules 23.8.1 to 23.8.10 inclusive, Rules 23.8.13 and 23.8.14, or in the relevant subdivision rules for the zone, any subdivision not complying with Rules 23.8.1 to 23.8.10 inclusive of Rule 23.8.13 and 23.8.14, shall be a Discretionary Activity, and shall be assessed against the criteria in Rule 23.8.9.

#### Rule 23.8.1.2

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

### Rule 23.8.2

#### Subdivision : Section 224(c) Certificate

#### Subdivision : Section 224(c) Certificate

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

### Rule 23.8.3

#### Subdivision : Design and Layout

#### Subdivision : Design and Layout

#### Rule 23.8.3.1

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

#### **Explanation and Reasons**

*This explanation and reasons relate to Rules 23.8.1 to 23.8.3.*

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

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

**Rule 23.8.4  
Subdivision : Natural  
Hazard Avoidance**

**Subdivision : Natural Hazard Avoidance**

**Rule 23.8.4.1  
Sites Less Than 1,000m<sup>2</sup>**

**Sites Less Than 1,000m<sup>2</sup>**

**Rule 23.8.4.1.1**

Each site with a net area less than 1,000m<sup>2</sup>, and each exclusive site area on a crosslease, unit title or company lease with an area less than 1,000m<sup>2</sup>, which is capable of being occupied by a building under the rules of this Plan shall:

- (a) be free of erosion, avulsion, alluvion, falling debris, subsidence, inundation (in an event with an Annual Exceedance Probability (AEP) of 1%) or slippage;
- (b) be suitable for building foundations complying with the requirements of the New Zealand Building Code - Acceptable Solution B1/AS4 of Approved Document B1/4 Structure Foundations;
- (c) have stable, practical vehicle access at a grade not steeper than 1 in 5, from the frontage of the site to the building area.

**Rule 23.8.4.1.2  
Restricted Discretionary  
Activity**

**Restricted Discretionary Activity**

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

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

**Rule 23.8.4.1.3  
Matters for Discretion**

**Matters for Discretion**

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

23.8.4.1.4  
**Assessment Criteria**

*Hazard*

*Flood mitigation*

*Network utilities*

*Natural process*

*Health and safety*

- works to make the site suitable;
- (v) the location and nature of vehicle access;
- (vi) the location of or existence of utilities within the building area.

**Assessment Criteria**

- (a) When considering an application the Council will have regard to the following criteria:
  - (i) Whether the location and/or size of the building site or the foundation and/or building design and any engineering works and/or flood protection measures, or proposed constraints on building foundations or design enable the siting of a household unit which complies with the performance criteria of the building code without exposing people and property on the site or any other sites to unnecessary hazard or risk, and without resort to section 36(2) of the Building Act 1991.
  - (ii) Whether the location and/or size of the building site, or any flood mitigation measures will unduly restrict the ability of the site to be used for an intended purpose anticipated by the zoning or will be likely to adversely affect amenity values on adjoining sites.
  - (iii) Whether the location of the building site will inhibit the safe and efficient operation of any network utility, including access for inspection and maintenance purposes.
  - (iv) Whether the location or size of the building site will adversely affect natural processes, such as sediment or flood flow.
  - (v) Whether the health and safety of residents on the site and any other site is likely to be adversely affected.

**Explanation and Reasons**

*This explanation and reasons relate to Rules 23.8.4.1 to 23.8.4.1.3.*

*A variety of natural hazards exist within the District.*

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

**Rule 23.8.4.2  
Sites 1,000m<sup>2</sup> or Greater**

**Sites 1,000m<sup>2</sup> or Greater**

**Rule 23.8.4.2.1**

Each site with a net area of 1,000m<sup>2</sup> or greater, and each exclusive use area on a crosslease, unit title or company lease with an area of:

- (a) 1,000m<sup>2</sup> or greater, which is capable of being occupied by a building under the rules of this Plan shall contain an identified area of not less than 1,000m<sup>2</sup> (or such greater area as may be required by rules in the relevant chapter of this Plan) free of erosion, avulsion, alluvion, falling debris, subsidence, inundation (in an event with an Annual Exceedance Probability (AEP) of 1% or slippage;
- (b) be suitable for building foundations complying with the requirements of

the New Zealand Building Code - Acceptable Solution B1/AS4 of Approved Document B1/4: Structure Foundations;

- (c) have stable practical vehicle access at a grade not steeper than 1 in 5, from the frontage to the identified building area.

Rule 23.8.4.2.2  
**Restricted Discretionary Activity**

### **Restricted Discretionary Activity**

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

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

Rule 23.8.4.2.3  
**Matters for Discretion**

### **Matters for Discretion**

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

23.8.4.2.4  
**Assessment Criteria**

### **Assessment Criteria**

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

*Hazard*

Flood mitigation

Network utilities

Natural processes

Health and safety

- (ii) Whether the location and/or size of the building site, or any flood mitigation measures will unduly restrict the ability of the site to be used for an intended purpose anticipated by the zoning or will be likely to adversely affect amenity values on adjoining sites.
- (iii) Whether the location of the building site will inhibit the safe and efficient operation of any network utility, including access for inspection and maintenance purposes.
- (iv) Whether the location or size of the building site will adversely affect natural processes, such as sediment or flood flow.
- (v) Whether the health and safety of residents on the site and any other site is likely to be adversely affected.

**Explanation and Reasons**

*This explanation and reasons relate to Rules 23.8.4.2 to 23.8.4.2.3.*

*A variety of natural hazards exist within the District.*

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

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

**Subdivision : Land to be Suitable**

Rule 23.8.5.1

- (a) The arrangement of the sites, including roads shall be in general conformity with any indicative roading or reserve network shown on the Planning Maps or shown in a Structure Plan Area shown on the Planning Maps and set out in Appendix 13A - Chapter 13 - Future Development and Structure Plans or any adopted Stormwater Catchment Management Plan listed in Appendix 23C.
- (b) All sites shall be suitable for some stated Permitted, or where a resource consent has been granted, Controlled, Restricted Discretionary, Discretionary or Non-complying Activity.
- (c) The size, shape and arrangement of sites shall not promote or cause an extension to, or creation of, any development not appropriate to the zone or not in conformity with the objectives and policies in the Plan.

**Explanation and Reasons**

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

Rule 23.8.6  
Subdivision : Vehicle and Legal Access

Subdivision : Vehicle and Legal Access

Rule 23.8.6.1

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

Rule 23.8.6.2

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

Rule 23.8.6.3

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

Rule 23.8.6.4

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

Rule 23.8.6.5

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

Rule 23.8.6.6

No jointly owned access lots or rights of way shall abut each other but shall be separated by at least one site not served by a jointly owned access lot or right of way.

Rule 23.8.6.7

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

**Explanation and Reasons**

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

Rule 23.8.7  
Subdivision: Road Gradients

Subdivision: Maximum Road Gradients and Road Intersections

Rule 23.8.7.1

(a) The maximum longitudinal gradient on residential access places, culs de sac and local roads within Residential Zones and the Special 10, 14, 16, 17

and 18 Zones, and on rural roads carrying less than 250 vehicles per day shall not exceed 16.5%.

- (b) The maximum longitudinal gradient on roads fronting land zoned Industrial or Mixed Business or Special 1 to 7 or 9, and roads classified as arterial routes or higher shall not exceed 8%.
- (c) On all other roads the maximum longitudinal gradient shall not exceed 12.5%.
- (d) Road intersection shall be preferably at 90° and in no case at less than 80°.
- (e) Boundary setbacks shall be provided at all intersections to provide adequate sight lines.
- (f) Cross-road intersections shall not be provided.

Rule 23.8.7.2  
**Restricted Discretionary Activity**

**Restricted Discretionary Activity**

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

Rule 23.8.7.3  
**Matters for Discretion**

**Matters for Discretion**

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

- (a) Road Gradient.
- (b) Intersection design.

23.8.7.4  
**Assessment Criteria**

**Assessment Criteria**

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

Grade of road

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

Safety

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

Effect on utilities

- (c) Whether the steeper gradient will unduly limit the ability to install or operate utilities within the road.
- (d) Whether the geometry of the intersection will result in adverse effects on the safety and efficiency of the roading network.

- (e) Whether sight distances at the intersection will result in adverse effects on the safety and efficiency of the roading network.
- (f) Whether mitigation measures will promote the safe and efficient operation of the roading network.

**Explanation and Reasons**

*This explanation and reasons relate to Rules 27.8.7.1 to 23.8.7.3.*

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

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

**Rule 23.8.8  
Subdivision : Culs de sac**

Rule 23.8.8.1

**Subdivision : Restrictions on Creation of Culs de sac**

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

**Rule 23.8.8.2  
Restricted Discretionary Activity**

**Restricted Discretionary Activity**

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

Rule 23.8.8.3  
**Matters for Discretion**

**Matters for Discretion**

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

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

23.8.8.4  
Assessment Criteria

Topography

Intensity of development

Safety

Type of traffic

Safety

Amenity values

Accessibility

**Assessment Criteria**

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

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

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

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

**Explanation and Reasons**

*This explanation and reasons relate to Rules 23.8.8.1 to 23.8.8.3.*

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

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

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

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

Rule 23.8.9.1

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

Rule 23.8.9.2

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

**Explanation and Reasons**

*Rules in Chapter 21 - Transportation and Access, require the provision of on site parking when land is developed. However, in addition to on site parking, provision needs to be made for additional parking within the road reserve to accommodate visitors, or additional vehicles generated by activities on the sites served by the roads. This parking can be in a variety of forms including parallel parking or indented bays. The provision of such parking ensures that adverse effects on the environment, including the road network, do not result.*

Rule 23.8.10  
**Servicing of Subdivisions**

**Servicing of Subdivisions**

Rule 23.8.10.1  
**Sites to be Serviced**

**Sites to be Serviced**

Provision for sewage and stormwater collection treatment and disposal systems and a water supply system shall be made for each site in conformity with Rule 28.8.10.2 or Rule 28.8.10.3 in a manner which meets the Performance Criteria in Rule 23.8.11.5.

Rule 23.8.10.2  
**Connection to Reticulated Systems**

**Connection to Reticulated Systems**

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

Rule 23.8.10.3  
**On-Site Servicing**

**On-Site Servicing**

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

Rule 23.8.10.4  
**Power and Telephone Services**

**Power and Telephone Services**

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

Rule 23.8.10.5  
**Restricted Discretionary Activity**

**Restricted Discretionary Activity**

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

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

Rule 23.8.10.6  
**Matters for Discretion**

**Matters for Discretion**

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

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

23.8.10.7  
**Assessment Criteria**

**Assessment Criteria**

- (a) When considering an application made under Rule 23.8.10.5 above relating to Rule 23.8.10.2 (connection to reticulated systems) the Council will have regard to the following criteria:
  - (i) Whether there is adequate site area to provide for the alternatives to connection to a reticulated system.
  - (ii) Whether the alternative to a reticulated system is adequate to ensure that no adverse effects on the environment result.
  - (iii) Whether the alternative system will result in the failure of any reticulated system to be efficiently and effectively extended or operated.
  - (iv) Whether the system, particularly for stormwater disposal, can incorporate open drains without adverse effects being generated.

*Site Area*

*Effects on the environment*

*Effect on reticulated system*

*Adverse effects*

Undergrounding impractical  
Effects on the environment  
Visual impacts

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

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

**Explanation and Reasons**

*This explanation and reasons relate to Rules 23.8.10.1 to 23.8.10.6.*

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

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

**Rule 23.8.11  
Performance Criteria for  
Subdivisions**

**Rule 23.8.11.1  
Performance Criteria to be  
met**

**Rule 23.8.11.1.1**

**Rule 23.8.11.1.2  
Compliance**

**Performance Criteria for Servicing of Subdivisions**

**Performance Criteria to be met**

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

**Compliance**

Compliance with the Rodney District Council Standards for Engineering Design

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

and Construction is deemed to achieve the relevant performance criteria in Rule 23.8.11.2 to Rule 23.8.11.5.6 inclusive.

**Performance Criteria : Roads : Road Design**

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

Rule 23.8.11.3  
**Performance Criteria : Roads :  
Road Construction**

**Performance Criteria : Roads : Road Construction**

- (a) Roads to be constructed to an appropriate strength to enable the passage of the anticipated number and weight of vehicles without being damaged, at a minimum total cost to the community, both in initial construction and long term maintenance.
- (b) Roads to be designed and constructed with a design life of 20 years,

except for vehicle pavement wearing surfaces which may be designed for re-surface treatment at 12 year intervals.

- (c) Pavement surfaces to be of a design quality and durability to ensure the safe passage of vehicles, pedestrians, cyclists, and disabled persons, discharge of rainwater, the preservation of all weather access and maintenance of a reasonable, comfortable riding quality.
- (d) Road pavement and edge treatment to be suitable for ensuring a satisfactory containment and drainage of the roadway pavement; and in particular, that pavement materials suitable for the function of the road be used.
- (e) Pavement edges to be provided that are appropriate for the control of vehicle movements, that perform any drainage function, prevent edge fretting and are structurally adequate.
- (f) Pavement edge treatment to be such as to allow ready access to abutting properties at the appropriate locations.
- (g) Roads to incorporate adequate lighting provisions within urban areas and at locations where safety of users is enhanced by good visibility in low/no natural light conditions.
- (h) All regularly used vehicle crossings (eg. urban, residential, rural tanker entrances) to be formed, surfaced and drained to allow safe and effective vehicle access from the carriageway to the boundary without damage to the carriageway or the berm.
- (i) Adequate road marking, traffic signs and traffic control measures to be provided on each road.

Rule 23.8.11.4

**Performance Criteria :  
Pedestrians and Cyclists**

**Performance Criteria : Pedestrians and Cyclists**

- (a) The road network to be designed to accommodate pedestrians.
- (b) The design of footpaths to facilitate ease of use by the disabled, aged and very young and to be of sufficient width to enable two way pedestrian traffic.
- (c) The design of footpaths to be such that pedestrians are adequately separated from vehicle movements.
- (d) The design of footpaths to take into account the requirements of NZS 4121:1985 "Code of Practice for Design for Access and Use of Buildings and Facilities by Disabled Persons".
- (e) Footpaths to be constructed in permanent materials so that they provide a durable non-skid all weather surface, that does not detract from the amenity values of an area.
- (f) Widened footpaths to be provided in the vicinity of meeting points, schools, shops, and other activity centres, and where safety or topography

considerations would result in cyclists using pedestrian footpaths - such as outside primary schools or on grades steeper than 5%.

- (g) The road network to aim towards providing a permanent network of low speed routes for cyclists. The design and construction of road pavements in all residential roads to facilitate use by cyclists. Abutting culs de sac to have a pedestrian and cycle connection path.

**Explanation and Reasons**

*This explanation and reasons relate to Rules 23.8.11.2 to 23.8.11.4.*

*To ensure the safe and efficient operation of the road network it is important that it is designed and constructed to appropriate standards. This will minimise the deterioration of the road network and avoid disruption due to the need for maintenance and repairs. It is also important that provision is made for pedestrians and cyclists as an alternative to motor vehicles. This also needs to ensure the safety of pedestrians and cyclists.*

Rule 23.8.11.5  
**Performance Criteria :  
Network Utilities**

Rule 23.8.11.5.1

**Performance Criteria : Network Utilities**

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

Rule 23.8.11.5.2  
**General**

**General**

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

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

Rule 23.8.11.5.3.1

**Sewage Collection, Treatment and Disposal Facilities**

- (a) Sewage collection, treatment and disposal systems to be provided that are adequate for the maintenance of public health, that eliminate the ingress of stormwater and groundwater, and avoid the occurrence of system surcharging or overflows.
- (b) New disposal facilities, or upgraded existing facilities which allow discharge of the effluent collected in the sewage reticulation system to be designed to dispose of the effluent in an environmentally appropriate manner, avoiding adverse effects on natural and physical resources.
- (c) Sewage collection, treatment and disposal systems to be designed and located so that offensive or noxious odours do not adversely affect adjoining sites.

**Rule 23.8.11.5.4  
Storm Drainage**

**Storm Drainage**

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

**Rule 23.8.11.5.5  
Water Supply and Reticulation**

**Water Supply and Reticulation**

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

**Rule 23.8.11.5.6  
Electricity and  
Telecommunication**

**Electricity and Telecommunication**

- (a) Adequate provision to be made for the supply of electricity and telecommunications.
- (b) Electricity and telecommunications services to be designed by a qualified

person in accordance with the requirements of the relevant network utility operator.

**Explanation and Reasons**

*This explanation and reasons relate to Rules 23.8.11.5.1 to 23.8.11.5.6.*

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

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**Rule 23.8.12  
Subdivision: Additional  
Assessment Criteria**

**Subdivision: Additional Assessment Criteria : Servicing of  
Subdivisions**

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

**Rule 23.8.12.1  
Matters for Discretion**

**Matters for Discretion**

The Council will restrict its discretion to the following matters:

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

**23.8.12.2  
Assessment Criteria**

**Assessment Criteria**

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

*Structure plans*

- (a) Whether the transport network is consistent with or will have an adverse effect on the urban development of a Structure Plan Area shown on the Planning Maps and set out in Appendix 13A in *Chapter 13 - Future Development and Structure Plans*.

Accessibility	(b) Whether the transport network provides acceptable levels of accessibility and convenience, including, access to and from passenger transport stops, for all road users including pedestrians and cyclists.
Amenity values	(c) Whether the transport network provides acceptable levels of amenity value and protection of the environment from the impact of traffic.
Safety	(d) Whether the transport network provides acceptable levels of safety for all users, including pedestrian and cyclists.
Interconnections	(e) Whether, where topography permits, the road network is based upon simple geometric patterns such as rectilinear grids, crescents etc. to promote interconnections between subdivision and neighbourhoods and avoids a proliferation of culs de sac accessing strategic, arterial and collector roads.
Trough-traffic	(f) Whether the arterial road network is designed and located so that it provides routes which adequately and efficiently cater for through-traffic.
Residential roads	(g) Whether the roads within any residential neighbourhood are designed to avoid becoming thoroughfares for through-traffic.
Significant natural and built features	(h) Whether the street and driveway layout incorporates and protects significant natural and built features.
Traffic management	(i) Whether local area traffic management measures are necessary to limit the speed of vehicles in residential streets and to improve safety, movement and amenity to pedestrians and cyclists.
Widened footpaths	(j) Whether widened footpaths are necessary in the vicinity of meeting points, schools, and other activity centres, or where safety or topography considerations would result in cyclists using pedestrian footpaths - such as outside primary schools or on grades steeper than 5%.
Cycleways	(k) Whether a network of cycle ways is provided in accordance with any approved cycle way plan which has been prepared by the Council having considered: <ul style="list-style-type: none"> <li>(i) projected travel demand;</li> <li>(ii) opportunities to link open space networks, community facilities and public services; and</li> <li>(iii) environment, location, safety and weather factors.</li> </ul>
Sewage	(l) Whether sewage reticulation systems are consistent with or will have an adverse effect on the urban development of a Structure Plan Area shown on the Planning Maps and set out in Appendix 13A in <i>Chapter 13 - Future Development and Structure Plans</i> , or any Sewer Network Management Plan for the area concerned.
Stormwater	(m) Whether stormwater collection, treatment and disposal systems are consistent with or will have an adverse effect on the urban development of a Structure Plan Area shown on the Planning Maps and set out in Appendix 13A in <i>Chapter 13 - Future Development and Structure Plans</i> , or is consistent with a Stormwater Catchment Management Plan listed in Appendix 23C.

Water supply

(n) Whether reticulated water supply systems are consistent with or will have an adverse effect on the urban development of a Structure Plan Area shown on the Planning Maps and set out in Appendix 13A in *Chapter 13 - Future Development and Structure Plans*, or is consistent with a Water Network Management Plan for the area concerned.

Utilities

(o) Whether electricity and telecommunications services are consistent with or will have an adverse effect on the urban development of a Structure Plan Area shown on the Planning Maps and set out in Appendix 13A in *Chapter 13 - Future Development and Structure Plans*.

Utilities

(p) Whether electricity and telecommunication services are designed and located to minimise any adverse effects on the natural and physical resources of the District.  
  
(q) Whether the proposals comply with the Rodney District Council Standards for Engineering Design and Construction.

**Explanation and Reasons**

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

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

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

**Subdivision: Indicative Roading and Indicative Reserves**

**Rule 23.8.13.1  
Indicative Roads**

**Indicative Roads**

Rule 23.8.13.1.1

Where an Indicative Road shown on the Planning Maps traverses land that is the subject of an application for consent as a Restricted Discretionary Activity, the subdivider shall form the road over the land within the subdivision in accordance with the lines indicated on the Planning Maps subject to Rules 23.8.13.1.2 and 23.8.13.1.3 below, and vest the formed road in the Council.

Rule 23.8.13.1.2

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

(a) The point or points at which the Indicative Road links in with any existing road, or any other Indicative Road, shall not be varied; and

	(b) The alignment of the road at the point where any Indicative Road intersects with a site boundary shall not be varied.
Rule 23.8.13.1.3	The profile of the formed Indicative Road at the point where it meets a site boundary shall be such that the road can be formed over any adjoining site at a gradient which would meet the Council's Standards for Engineering Design and Construction.
Rule 23.8.13.1.4	Legal and physical access for sites within the subdivision shall be either from the formed Indicative Road or by access complying with Rule 23.8.6.
<b>Rule 23.8.13.1.5</b> <b>Restricted Discretionary Activity</b>	<b>Restricted Discretionary Activity</b>  Any application for subdivision as a Restricted Discretionary Activity that does not comply with Rules 23.8.13.1.1 to 23.8.13.1.3 shall be a Restricted Discretionary Activity in terms of the matters to which the Rule relates.
Rule 23.8.13.1.6 <b>Matters for Discretion</b>	<b>Matters for Discretion</b>  In accordance with sections 76(3B) and 105(3A) of the Act the Council will restrict its discretion to the matters listed when considering an application for a Restricted Discretionary Activity under Rule 23.8.13.1.5.  (a) Design and layout of the subdivision.  (b) The location and design of the site access and roading network.
Rule 23.8.13.1.7 <b>Assessment Criteria</b>	<b>Assessment Criteria</b>  When considering an application the Council will have regard to the following criteria:
<i>Effect on indicative roads</i>	(a) Whether, in the case of a variation to the alignment of an Indicative Road or relocation of an intersection, the proposal will adversely affect the Indicative Road network as shown on the Planning Maps. In particular whether: <ul style="list-style-type: none"> <li>(i) the Indicative Road network shown on the Planning Maps is taken into account in the proposal to relocate the Indicative Road;</li> <li>(ii) connections, or future connections are provided, to the indicative and existing road network as shown on the Planning Maps. This includes links with higher level roads in the hierarchy, the alignment of roads on neighbouring sites and the alignment of intersections.</li> </ul>
<i>Further information</i>	(b) Whether more detailed investigation has been carried out as part of the proposal which demonstrates that a modification to the alignment of the Indicative Road on the site is warranted without compromising the Indicative Road network shown on the Planning Maps.  <b>Explanation and Reasons</b> <i>This explanation and reasons relate to Rules 23.8.12.1 to 23.8.12.1.6.</i>

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

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

**Rule 23.8.13.2  
Indicative Reserves**

**Indicative Reserves**

Rule 23.8.13.2.1

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

Rule 23.8.13.2.2

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

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

**Rule 23.8.13.2.3  
Restricted Discretionary  
Activity**

**Restricted Discretionary Activity**

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

**Rule 23.8.13.2.4  
Matters for Discretion**

**Matters for Discretion**

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

- (a) Design and layout of the subdivision.

23.8.13.2.5  
**Assessment Criteria**

*Reserve needs*

*Function of network*

*Existing reserve*

*Further information*

(b) The provision of reserves and the location of the reserve network.

**Assessment Criteria**

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

- (a) Whether the provision of reserves within the subdivision is adequate to provide for the needs of residents and future residents, and to ensure public access to the margins of rivers, lakes or the sea.
- (b) Whether non-compliance with any Indicative Reserve negates the successful implementation of the strategic direction and function of the Indicative Reserve network in the area concerned or is inconsistent with the intent of a Structure Plan set out in Appendix 13A in *Chapter 13 - Future Development and Structure Plans*.
- (c) Whether non-compliance with any Indicative Reserve reduces the ability of existing reserves to function for their intended purpose.
- (d) Whether more detailed investigation has been carried out as part of the proposal, which demonstrates that a modification to the Indicative Reserve on the site is warranted, without compromising the intent of the Indicative Reserve.

**Explanation and Reasons**

*This explanation and reasons relate to Rules 23.8.13.2.1 to 23.8.13.2.3.*

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

Rule 23.8.14  
**Subdivision : Esplanade Reserves and Esplanade Strips**

**Subdivision : Esplanade Reserves and Esplanade Strips**

Rule 23.8.14.1  
**Sites Less than 4 Hectares**

**Sites Less than 4 Hectares**

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

Rule 23.8.14.1.1  
**Width of Esplanade Reserve**

**Width of Esplanade Reserve**

Except as provided in Appendix 23B or in Rule 23.8.14.5, or as indicated on the Planning Maps, an esplanade reserve created under Rule 23.8.14.1 above

shall be a minimum width of 20 metres measured in a landward direction from the line of Mean High Water Springs of the sea or the bank of any river or the margin of any lake.

**Rule 23.8.14.2  
Waterside Areas Specifically Identified**

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

Rule 23.8.14.2.1

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

Rule 23.8.14.2.2

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

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

Rule 23.8.14.2.3

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

**23.8.14.2.4  
Assessment Criteria**

**Assessment Criteria**

**Factors Favouring Acquisition of an Esplanade Reserve**

*Access*

(a) Year round access is required.

*Public ownership*

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

*Erosion*

(c) Erosion of the land comprising the esplanade reserve is unlikely.

*Links*

(d) The land would constitute a short link between other existing esplanade reserves or publicly owned land.

*Work required*

(e) A significant amount of physical work/capital investment will be needed to make the land suitable for public access or recreation purposes.

23.8.14.2.5  
**Assessment Criteria**

*Access*

*Erosion*

*Work required*

*Walking access*

*Conservation*

*Usage*

*Maintenance*

23.8.14.2.6  
**Assessment Criteria**

*Value to public*

*Cost*

*Future need*

23.8.14.2.7  
**Assessment Criteria**

*Public access*

**Assessment Criteria**

**Factors Favouring Acquisition of Esplanade Strips**

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

**Assessment Criteria**

**Factors Likely to Favour Taking no Esplanade Reserve or Strip**

- (a) A reassessment indicates that there is likely to be little value to the public in having an esplanade reserve or strip.
- (b) 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.
- (c) It is likely that the relevant lots will be subdivided below 4 hectares in the future, and there is no immediate need for additional esplanade reserve or strip. Future subdivision into lots less than 4 hectares may be considered likely when this is indicated by the zoning of the land, an adopted Structure Plan or adopted Strategy document.

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

**Assessment Criteria**

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

- (a) Where the function of the esplanade reserve or strip is for public access, its width should be sufficient to provide for such access, taking into account the possibility of erosion of the land and the ability of the esplanade reserve or strip to continue to provide access if erosion takes place.

Protection of natural values

Rule 23.8.14.3  
Waterside Areas Not Specifically Identified

- (b) Where the function of the esplanade reserve or strip is for the protection of natural values, including water quality, for public recreation, or for the mitigation of natural hazards, its width should be sufficient for such purposes, provided that any width greater than 20 metres shall be acquired only with the agreement of the subdividing landowner.

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

Rule 23.8.14.3.1

- (a) Where an application is made to subdivide land with a water frontage that is not included at Appendix 23A, and the sites adjacent to the water exceed 4 hectares in area, the Council may require an esplanade reserve or strip adjacent to the waterway to be provided as a condition of subdivision consent in the following circumstances:
  - (i) Where the additional reserve or strip would link up existing coastal accessways or otherwise render them more useful, or could be expected to contribute to a future link up of access.
  - (ii) Where creation of the reserve strip would protect highly valued natural resources.
  - (iii) Where recreational use of the land would be important eg. behind a sandy beach or where a landing place would be useful.
  - (iv) Where reserves or strips are required by proposed or adopted Council Strategies or Structure Plans.
- (b) Notwithstanding the above, if the relevant lots are likely to be subdivided below 4 hectares in the future, then esplanade reserves or strips will not generally be acquired unless there is a compelling reason. Future subdivision into lots less than 4 hectares may be considered likely when this is indicated by the zoning of the land, a Structure Plan or a Strategy document.

Rule 23.8.14.3.2

- (a) The decision by the Council on whether to take an esplanade reserve or strip, and the width to be acquired, shall take into account the assessment criteria listed at 23.8.14.2.4 to 23.8.14.2.7.
- (b) If the Council decides against taking an esplanade reserve or strip, there shall be no requirement for public notification and comment on this decision except where the esplanade reserve or strip would meet the criteria listed in Rule 23.8.14.3.1. Where these criteria are met the Council will follow the process described in the 'Note' to Rule 23.8.14.2.6.

Rule 23.8.14.4  
Additions to Widths of Existing Esplanade Reserves, Esplanade Strips and Other Publicly Owned Land

**Additions to Widths of Existing Esplanade Reserves, Esplanade Strips and Other Publicly Owned Land in the Future Urban, General Rural, East Coast Rural, Landscape Protection Rural, Dune Lakes, Countryside Living Rural, Countryside Living Town, Kawau Island (including all Policy Areas) and Islands General Zones**

Rule 23.8.14.4.1

- (a) Where an application is made to subdivide land adjoining an existing esplanade reserve, esplanade strip or other publicly owned land as listed in

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

Rule 23.8.14.4.2

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

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

**Reduction of Width of Esplanade Reserve**

Rule 23.8.14.5.1

Where any esplanade reserve is required to be provided under Rule 23.8.10.1, an application may be made to reduce the width of the esplanade reserve by way of an application for a Restricted Discretionary Activity that shall be submitted together with the application for subdivision.

Rule 23.8.14.5.2  
**Matters for Discretion**

**Matters for Discretion**

In accordance with sections 76(3B) and 105(3A) of the Act the Council will restrict its discretion to the matters listed when considering an application under Rule 23.8.14.5.1.

- (a) The width of the proposed esplanade reserve.
- (b) Alternative measures necessary to ensure that the purposes of esplanade reserves, as set out in section 229 of the Act are achieved.

23.8.14.5.3  
**Assessment Criteria**

**Assessment Criteria**

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

*Objectives and policies*

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

*Purposes*

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

*Public access*

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

*Effect of reduction*

- (d) Whether the reduction will adversely affect:
  - (i) the maintenance or enhancement of the natural functioning of the adjacent sea or watercourse;
  - (ii) the maintenance or enhancement of water quality;
  - (iii) the maintenance or enhancement of terrestrial or aquatic habitats;
  - (iv) the mitigation of any actual or potential natural hazard;

- (v) the protection of natural values associated with the water body, including protection of flora and fauna, wildlife habitats and landscape amenity values.

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

Rule 23.8.14.6  
Access Strips

**Access Strips**

Rule 23.8.14.6.1

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

**Explanation and Reasons**

*This explanation and reasons relate to Rules 23.8.14.1 to 23.8.14.6.*

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

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

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

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

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

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

Rule 23.8.15.1

**Subdivision : Boundary Relocations in Rural Zones**

- (a) The subdivision of land within a General Rural, East Coast Rural, Landscape Protection Rural, Dune Lakes, Countryside Living Town, Countryside Living Rural, Kawau Island Zone (Bush Policy Area) and Islands General Zone which is a boundary relocation, complying with Rule 23.8.15, shall be a Restricted Discretionary Activity.
- (b) A boundary relocation may involve sites for which new certificates of title have yet to be issued, but for which a certificate under section 224(c) of the Act has been issued.
- (c) Boundary relocations shall comply with Rules 23.8.1 to 23.8.14 inclusive.
- (d) Rural residential sites for which consent has been granted in return for the protection of significant stands of native forest or significant natural features including land identified as a Significant Natural Area, shall be involved in boundary relocation subdivisions only where the conditions relating to the permanent protection of any bush or natural feature remain in force in respect of those same features on any new site, and the rural residential site continues to comply with the minimum and maximum site sizes specified in the rules for subdivision of the appropriate zone.
- (e) Sites subdivided as “sites for Rural-Residential dwellings” in the General Rural Zone or the Rural 1 Zone in the Operative District Plan 1993, shall be involved in boundary relocation subdivisions only where the site for rural residential dwellings continues to meet the requirements of Rule 8.7.7.3 : Design of Subdivision in the Operative District Plan 1993, or Rule 11.2.3 Design of Subdivision in Proposed Plan Change No. 55 to the Operative District Plan 1993.

Rule 23.8.15.2

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

Rule 23.8.15.3

- (a) Both the existing and proposed sites shall comply with the general requirements of Rules 23.8.1 to 23.8.14 inclusive
- (b) Both the existing and proposed sites shall either abut each other or lie within a contiguous area of land comprising titles in the ownership of the same registered owner.

**Rule 23.8.15.4**  
**Minimum Site Area**

**Minimum Site Area**

- (a) The minimum site area of a proposed site shall be 1 hectare, except where the existing site is less than 1 hectare and Rule 23.8.15.4(b) can be met.
- (b) Where the existing site is less than 1 hectare in area it shall be capable of accommodating a dwelling and associated on-site services in accordance with the general requirements of Rules 23.8.1 to 23.8.2 inclusive and Rules 23.8.4 to 23.8.14 inclusive. In such cases the proposed site shall not exceed 9,999m<sup>2</sup> in area.

- (c) Except as provided for in clause (b) above, boundary relocation where the existing and proposed sites are less than 1 hectare is a Discretionary Activity.

**Rule 23.8.15.5  
Number of Sites Permitted**

**Number of Sites Permitted**

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

**Rule 23.8.15.6  
Design of Subdivision**

**Design of Subdivision**

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

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

**Rule 23.8.15.7  
Matters for Discretion**

**Matters for Discretion**

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

- (a) The size, shape, contour and arrangement of any site.
- (b) The access to any site.
- (c) The protection of significant native bush or other natural features.
- (d) The provision of utilities.
- (e) The provision of reserves.
- (f) Measures designed to avoid/mitigate effects of natural hazards.

**23.8.15.8  
Assessment Criteria**

**Assessment Criteria**

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

<i>Suitable for activities</i>	(a) Whether the design and layout of the sites are suitable for the activities proposed on them or those permitted by the District Plan.
<i>Intensity of development</i>	(b) Whether the design and layout of the sites would result in an intensity of development which is contrary to the policies and objectives of the particular zone in which the subdivision is located.
<i>Suitability of access</i>	(c) Whether the proposed access is suitable for the activities proposed on the sites.
<i>Traffic safety</i>	(d) Whether the access adversely affects traffic safety and efficiency on any public road.
<i>Significant bush or features</i>	(e) Whether the site layout and building sites adversely affect any significant native bush or other natural features.
<i>Services</i>	(f) Whether adequate services are proposed.
<i>Effect on skyline</i>	(g) Whether the subdivision arrangement will avoid the location of building areas on prominent ridges, knolls, or skylines where the erection of buildings would dominate the natural landscape and detract from the amenities of the area.
<i>Location of buildings</i>	(h) Whether the location of the specified building areas is/are a sufficient distance from the road boundary to ensure that the non urban character of the landscape is retained. Specified building areas close to a public road may be acceptable where there are site specific circumstances, such as topography or existing vegetation that make the building area less prominent than a site further from the road.

***Explanation and Reasons***

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

**Rule 23.8.15.9  
Discretionary Activity**

**Discretionary Activity**

Any Boundary Relocation Subdivision not complying with Rules 23.8.15.1 to 23.8.15.8 inclusive shall be a Discretionary Activity and shall be assessed against the criteria in 23.9 Discretionary Activity Assessment Criteria.

**Rule 23.8.16  
Subdivision Along Zone  
Boundaries**

**Subdivision Along Zone Boundaries**

Rule 23.8.16.1

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

Rule 23.8.16.2

- (a) In respect of the land in the General Rural, East Coast Rural, Landscape Protection Rural, Dune Lakes, Countryside Living Town, Countryside Living Rural, Kawau Island or Islands General Zones, the relevant requirements of Rules 23.8.4 to 23.8.6, Rule 23.8.10, and Rules 23.8.14 to 23.8.16 are met;
- (b) In respect of the land in the Residential, Business, Open Space, or Special 6 Zones, the subdivisional requirements for the particular zone are met.

23.8.16.3  
**Matters for Discretion**

**Matters for Discretion**

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

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

Rule 23.8.16.4  
**Assessment Criteria**

**Assessment Criteria**

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

*Suitability for activities*

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

*Access*

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

*Safety*

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

*Significant bush or features*

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

## 23.9

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

## DISCRETIONARY ACTIVITY ASSESSMENT CRITERIA

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

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

<i>Natural hazards</i>	(a) Whether the location and design of the site or sites, including the location and nature of building areas will result in an increased exposure to natural hazards such as flooding, erosion or land instability, or exacerbate any natural hazards.
<i>Network utilities</i>	(b) Whether the location of a building area will inhibit the safe and efficient operation of any network utility, including access for inspection and maintenance purposes.
<i>Amenity values</i>	(c) Whether the location of a building area will adversely affect the amenity values of adjacent sites.
<i>Suitability for activities</i>	(d) Whether the design and layout of the site or sites are suitable for the activities proposed on them or those permitted by the District Plan.
<i>Access</i>	(e) Whether the proposed access is adequate to enable the site to be readily used for the activities proposed on it.
<i>Safety</i>	(f) Whether the proposed access is capable of being used without adversely affecting traffic safety and efficiency on any public road, and the amenity values of any other sites in the vicinity.
<i>Parking</i>	(g) Whether the on road parking provision made is sufficient to ensure adequate parking opportunities for residents and visitors without adversely affecting the efficient function of the road, and traffic/pedestrian safety.
<i>Servicing</i>	(h) Whether the site is capable of being adequately serviced to ensure that there are no adverse effects on the environment including cumulative effects.
<i>Servicing for long term</i>	(i) Whether the method of servicing is durable and able to function for the long term.
<i>Compatibility</i>	(j) Whether the method of servicing proposed is compatible with existing systems where connection to existing reticulated systems is proposed.
<i>Avoid effects</i>	(k) Whether the proposed methods of servicing are able to avoid, remedy or mitigate adverse effects on the natural and physical resources of the District.
<i>Effects</i>	(l) Whether the methods of servicing proposed do not themselves result in

*Roading*

adverse effects on the environment.

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

*Reserves*

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

*Indicative reserves*

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

*Function of reserves*

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

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

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

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

*Objectives and policies*

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

*Effects*

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

*Safety*

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

*Amenity values*

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