

10 Subdivision, Financial Contributions and Esplanade Reserves & Strips

10.1 Rule Statement

The first reason for subdivision controls is that the physical works associated with a subdivision, such as earthworks for services and new roads, have an environmental impact that needs to be managed. The second is that the subdivision sets the pattern for the land uses that follow, and the requirements, impacts and future needs of these land uses need to be considered in the subdivision design. It is important to ensure that the subdivision of land is planned in an integrated manner with network utilities and infrastructure, so that the safe, sustainable and efficient function of infrastructure is maintained.

One of the impacts of a subdivision is upon roading, water supply, wastewater, stormwater and reserves networks. If the district plan provides for it, subdivision consent conditions are able to require a financial contribution in respect of these impacts. Under this plan subdividers are required to contribute financially to help mitigate potential adverse effects arising from the subdivision and to ensure that the services within the district that are required to support subdivision and associated development continue to operate effectively.

Esplanade reserves and esplanade strips are a mechanism provided in the Act whereby Council can, when considering resource consents, require public reserves to be created or legal agreements to be established, in order to contribute to the protection of conservation values, to enable public access to or along any river or lake, or to enable public recreational use of the esplanade reserve or strip, where the use is compatible with conservation values. The other important purpose of esplanade reserves and esplanade strips is to give effect to the Vision and Strategy for the Waikato River, as mandated under the Waikato River Acts.

The protection of conservation values includes:

- Maintaining or enhancing the natural functioning of the adjacent water body, water quality or aquatic habitats
- Protecting the natural values associated with the esplanade reserve or strip, or
- Mitigating natural hazards.

The plan must set out the circumstances in which reserves and strips will be required.

10.2 Anticipated Environmental Results

The subdivision rules are intended to achieve the following anticipated environmental results:

- Allotments created are provided with the appropriate services, and access, natural hazards and impacts on the operation of existing network utilities and infrastructure are addressed
- New lots are an appropriate size for the zone concerned and are suitable for future land uses
- Impacts of subdivision on the productive potential of the rural land resource are minimised
- Financial contributions assist in maintaining efficient roading, water supply, wastewater, stormwater and reserves networks, and avoid additional loadings from new development having a detrimental impact on the quality of service provided to existing users
- That the financial contributions contribute to addressing the cumulative impact of demand generated by subdivision and associated development, with increases in capacity as necessary
- Public access to waterways is improved, management of natural areas is not fragmented, and the conservation values associated with riparian areas are enhanced.

The subdivision rules, including esplanade provisions, are a method to implement the objectives and policies contained within Chapter 4 (Objectives and Policies for the District's Towns) and Chapter 5 (Objectives and

Policies for the District's Rural Areas). Financial contributions implement the objectives and policies contained within Chapter 7 (Objectives and Policies for the District's Infrastructure and Development).

10.3 Subdivision Rules

10.3.1 Activity Status

a) Controlled Activities

The following subdivisions, except for sites that adjoin the Waikato River, and/or hydro-electric power operating easements, shall be controlled activities:

- i) Any subdivision to adjust the position of titles or boundaries, which will not increase the number of titles concerned or the number of permitted dwellings
- ii) Any subdivision for utilities such as substations, transformers or pumping stations, provided that the balance of the site continues to comply with the provisions of this plan, and that access to the utility is independent of the residual site. Any allotments created under this rule are subject to rules 10.4 to 10.8 excluding 10.4.1, 10.4.2, 10.4.3 c & d, 10.4.4, 10.4.5, 10.5.3 c & d, 10.5.4, 10.5.5, 10.6.4, 10.6.5 b & c, 10.6.6, 10.7.1 to 10.7.4, 10.7.5 c & d, 10.7.6, 10.7.7 and 10.7.10.
- iii) Any Rural zone, Rural Residential zone, Residential zone, Arapuni Village zone, Town Centre zone, Business zone, Neighbourhood Retail zone, Industrial zone, Electricity Generation zone, or Tokoroa Airport zone subdivision which meets the relevant standards set out in Rules 10.4 to 10.8.
- iv) Any proposed subdivision required specifically to accommodate an activity approved by Council as a consequence of a land use consent approved under the Act
- v) Any subdivision in the Rural zone or Rural Residential zone, if as a result of the subdivision a significant natural area or a significant archaeological site, or item from Appendix D Cultural Heritage Sites is to be protected in perpetuity by covenant or other legal means to the satisfaction of Council. One additional protection lot is allowed under this provision, per significant natural area or significant archaeological site, or item from Appendix D Cultural Heritage Sites, that is being protected

To qualify for this provision, the following criteria must be met:

- The land being subdivided shall contain all of the archaeological site or area, or Appendix D Cultural Heritage Sites, or part or all of a significant natural area (determined using the criteria contained in the Waikato Regional Policy Statement)
- The site is identified in Appendix E or, an appropriately qualified person shall certify that the land in question meets the criteria to be a significant natural area, or in the opinion of the qualified person qualifies as a significant archaeological site, (unless is shown in Appendix E in which case, further certification is unnecessary) and
- The matters in respect of which Council has reserved its control over controlled activity subdivisions are set out in Rules 8.3.2 and 8.3.4.

b) Restricted Discretionary Activities

The following subdivisions, except for sites that adjoin the Waikato River and/or hydro-electric power operating easements, shall be restricted discretionary activities:

- i) Any subdivision which does not meet the relevant standards set out in Rules 10.4 to 10.8, except those standards specified in Rule 10.3 d), (in which case the application becomes a non-complying activity)

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- ii) Any subdivision in a Residential zone creating one or more allotments of between 300m² and 450m² (net site area)
- iii) Any subdivision within the National Grid Corridor defined in the District Plan
- iv) Any subdivision within 20m of a sub-transmission line (identified on the planning maps), unless it can be demonstrated that a building platform can be located on each site in a position where a subsequent building can comply with the NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001)

ADVISORY NOTES: Works close to any electricity line can be dangerous. Compliance with the NZ Electrical Code of Practice 34:2001 is mandatory for all buildings, earthworks and mobile plant within close for Safe Distances proximity to all electric lines.

Vegetation to be planted within the transmission or sub-transmission corridors should be selected and/or managed so that it does not breach the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator.

- v) Any subdivision creating new lots with direct vehicular access to a State Highway.

Restricted discretionary activities shall be assessed in terms of the matters in Rules 8.3.3 and 8.3.4.

c) Discretionary Activities

The following subdivisions shall be discretionary activities:

- i) The subdivision of property that contains a built heritage feature identified in Appendix B, or a Cultural Heritage Site identified in Appendix D
- ii) The subdivision of property in the Rural zone or Rural Residential zone that is located:
 - Within 2km of the Industrial Zone boundary at Kinleith, as shown on Planning Map 43
 - Within 1km of the Industrial Zone boundary at Lichfield, Tirau or Domain Road, as shown on Planning Maps 7, 17 and 23
 - Within 1km of the Tokoroa Airport Zone as shown on Planning Map 44
 - Within 300m of a mineral exploration, mining and quarrying site as shown on Planning Maps 6 and 9.
- iii) Subdivisions in a Residential zone creating sites less than 300m² in area, if forming part of a multi-unit development that has been granted land use consent
- iv) Subdivision proposals for sites that adjoin the Waikato River and/or hydro-electric power operating easements

Such applications shall provide a geotechnical assessment to assess potential erosion and instability threats for identified building sites

Mighty River Power, the Raukawa Charitable Trust and the Waikato River Trails Trust shall be affected parties to any proposals under this Rule. A record of consultation with these bodies shall be included as part of the information provided with any subdivision application under this Rule.

The criteria set out in Rule 8.4.1 and 8.4.13 will be taken into account in assessing the above discretionary activities.

d) Non-Complying Activities

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Failure to meet any of the following standards shall require a subdivision to be considered as a non-complying activity:

- i) Rural Zone
 - Minimum site area prior to subdivision – 30ha under Rule 10.6.1
 - Minimum site area prior to subdivision – 4ha under Rule 10.6.2
 - Creation of an additional number of sites greater than that specified under Rule 10.6.1 or Rule 10.6.2
 - Requirement to supply a geotechnical assessment under Rule 10.6.7
- ii) Rural Residential zone
 - Requirement to supply a geotechnical assessment under Rule 10.7.9
 - Minimum lot size under Rule 10.7.1
 - Average lot size when applying the “averaging” performance standard under Rule 10.7.1
- iii) Arapuni Village zone
 - Minimum lot size under Rule 10.4.1
- iv) Fragmentation of areas of indigenous vegetation under Rule 10.8.3b)
- v) Residential zone

Any subdivision in a Residential zone creating one or more allotments of under 300m² (net site area) shall also be a non-complying activity, unless the proposal forms part of a multi-unit development that has been granted land use consent.
- vi) Any allotments created within any National Grid Corridor that does not identify a building platform for the principal building or dwelling (or any other proposed dwelling) outside of the National Grid Yard

Advisory Note: Authority To Decline Subdivisions

Even if a subdivision complies with the plan’s standards, Council may decline consent under Section 106 of the Act if it considers that—

- a) the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source
- b) any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source, or
- c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

10.4 Standards - Residential Zones and Arapuni Village Zone

10.4.1 Minimum Size and Shape

- a) Minimum lot size (net site area) shall be 450m² in the Tokoroa Residential zone, Putāruru Residential zone, Tirau Residential zone and in the Arapuni Village zone

- b) Sites shall be capable of containing a rectangle suitable for building purposes measuring 10x15 metres.
- c) All habitable building sites shall be at least 0.5m above the 1% AEP design flood level.

10.4.2 Average Area

- a) For subdivision creating more than one additional site, the average site area of all new sites created shall be greater than or equal to 600m². Where a subdivision of a block of land is staged, the overall average area of all sites created shall not be less than 600m² and the subdivider shall provide an overall subdivision plan indicating the full extent of proposed future subdivision.

10.4.3 Services

- a) Services provided to all proposed sites shall be in accordance with the Regional Infrastructure Technical Specifications adopted by Council in July 2018.
- b) Stormwater Disposal:
 - i) Each proposed new site created shall be completely self-contained in respect of stormwater disposal or shall be served by a system approved by Council
 - ii) The subdivider shall also provide for drainage of upstream catchments and mitigate the effects of the development on downstream land or properties owned or occupied by other persons
- c) Sewerage:
 - i) Each proposed new site created shall have individual sewerage connections to Council's reticulated system, at the Lot boundary
- d) Water Supply:
 - i) Adequate water reticulation shall be provided to each site from Council's water supply system, at the Lot boundary.

10.4.4 Access

- a) A formed vehicle crossing shall be provided to each site created
- b) Vehicle crossings onto State Highways shall comply with the sight distances and separation distances in Table 1, and comply with conditions imposed by the NZ Transport Agency. Vehicle crossings onto local roads shall comply with the Regional Infrastructure Technical Specifications adopted by Council in July 2018.
- c) Any entrance strip which provides legal access to a rear site shall have a minimum width of:
 - i) 4m where the number of sites is not greater than two
 - ii) 4.5m where the number of sites is three or more
- d) Where common access to seven or more residential allotments is to be provided, this access must be a new legal road
- e) Formation of vehicle crossings, entrance strips and roads shall be in accordance with the Regional Infrastructure Technical Specifications adopted by Council in July 2018.

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Posted speed limit (km/h)	85th percentile operating speed (or if not known, posted speed limit plus 10km/h)	Minimum sight distance (m)	Minimum distance between accessway and nearest intersection (m)	Minimum distance between local road accessway and intersection (m)	Minimum distance between accessways (m)
Not applicable	50	89	30	20	-
50	60	113	30	20	-
60	70	140	30	20	-
70	80	170	100	45	40
80	90	203	100	45	100
90	100	240	200	60	200
100	110	282	200	60	200

10.4.5 Power and Telecommunication Services

- a) Each proposed new site created shall be provided with underground electric power and telecommunication services to the lot boundary unless a connection to the lot can be made directly to existing overhead infrastructure.

10.4.6 Limitations of Putāruru Growth Cell 1 (Overdale Road).

- a) No subdivision within Putaruru Growth Cell 1 shown on the Planning Maps shall result in the cumulative number of dwelling sites within that Growth Cell exceeding 328 Household Unit Equivalents (HUEs). This calculation shall include any multi-unit developments already approved by Council.

10.4.7 Limitations of Putaruru Growth Cell 2 (Ruru Street)

- a) No subdivision within Putaruru Growth Cell 2 shown on the Planning Maps shall result in the cumulative number of dwelling sites within that Growth Cell exceeding 67 Household Unit Equivalents (HUEs). This calculation shall include any multi-unit developments already approved by Council.

10.5 Standards – Town Centre, Business, Neighbourhood Retail, Electricity Generation, Tokoroa Airport, and Industrial Zones

10.5.1 Minimum Area

No minimum area.

10.5.2 Suitability of Lots

All sites shall be of sufficient size to allow for any proposed activity permitted in the zone. Subdividers shall indicate in their application how actual and typical buildings, and vehicle parking, access and manoeuvring may be accommodated within the proposed site boundaries. (Refer Chapter 11).

10.5.3 Services

- a) Any public services provided to proposed sites shall be in accordance with the Regional Infrastructure Technical Specifications adopted by Council in July 2018.

- b) Stormwater Disposal:
 - i) Each proposed new site created shall be completely self-contained in respect of stormwater disposal or shall be served by a system approved by Council
 - ii) The subdivider shall also provide for drainage of upstream catchments and mitigate the effects of the development on downstream land or properties owned or occupied by other persons
 - iii) Despite i) above, sites in the Town Centre, Business and Industrial zones shall have individual stormwater connections to a Council-approved system
- c) Sewerage:
 - i) Each proposed new site created shall be completely self-contained in respect of sanitary drainage or shall be served by a system approved by Council
 - ii) Despite i) above, sites shall have individual sewerage connections to Council's reticulated system, if available
- d) Water Supply:
 - i) Each proposed new lot created shall be provided with an adequate supply of potable water
 - ii) If the land being subdivided is within an area served by a Council water supply, then adequate water reticulation shall be provided to each site.

10.5.4 Access

- a) A formed vehicle crossing shall be provided to each site created
- b) Vehicle crossings onto State Highways shall comply with the sight distances and separation distances in Table 1, and comply with conditions imposed by the NZ Transport Agency
- c) Any **entrance strip** which provides legal access to one or two **rear sites** shall have a minimum width of:
 - i) 4.5m where the entrance strip is less than 40m in length
 - ii) 6.0m where the entrance strip is more than 40m in length
- d) Any **entrance strip** which provides legal access to three or more **rear sites** shall have a minimum width of:
 - i) 6.0m where the entrance strip is less than 40m in length
 - ii) 12.0 m where the entrance strip is more than 40m in length
- e) Where common access to seven or more allotments is to be provided, this access must be a new legal road
- f) Formation of vehicle crossings, entrance strips and roads shall be in accordance with the **Regional Infrastructure Technical Specifications** adopted by Council in July 2018.

10.5.4A Provision of New Road to Putaruru Growth Cell 4 (Business)

- a) Any subdivision creating new allotments within Putaruru Growth Cell 4 (Business) shown on the Planning Maps shall provide access to those allotments by way of a new legal road vested in Council from Princes Street, on the land identified as Possible Future Road on the Planning Maps.

10.5.5 Power and Telecommunication Services

- a) Each proposed new site created in an urban area shall be provided with underground electric power services unless a connection to the lot can be made directly to existing overhead infrastructure
- b) Telecommunication services shall be available to the boundary of each proposed new site created in an urban area, as certified by a recognised service provider.

10.6 Standards - Rural Zones

10.6.1 Subdivision of Sites of 30ha or larger

- a) Site Area (this rule does not apply to subdivision under Rule 10.3.1a v))
 - i) Minimum – 2500m² net site area
 - ii) Average site area per subdivision – At least 10ha including the balance area
 - iii) The maximum number of sites per subdivision application created (including the balance area) under this rule shall be 3 (ie 2 additional). The minimum area required for a subdivision under this rule is 30ha.

10.6.2 Subdivision of Sites larger than 4ha and smaller than 30ha

- a) Site Area (**this rule does not apply to subdivision under Rule 10.3.1a v))**
 - i) Minimum – 2500m² net site area
 - ii) Average site area per subdivision – At least 2ha
 - iii) The maximum number of sites per subdivision application created (including the balance area) under this rule shall be 2 (ie one additional). The minimum area required for a subdivision under this rule is 4ha.

10.6.3 Non-Compliance with Above Standards

Failure to meet any of the following standards shall require the subdivision to be considered as a non-complying activity:

- i) Minimum site area prior to subdivision – 30ha under Rule 10.6.1
- ii) Minimum site area prior to subdivision – 4ha under Rule 10.6.2
- iii) Creation of an additional number of sites greater than that specified under Rule 10.6.1 or Rule 10.6.2
- iv) Geotechnical assessments under Rule 10.6.7.

In other circumstances where the standards are not met, then an application is a restricted discretionary activity.

10.6.4 Suitability of Site

Any site being created or developed shall be suitable for the activity for which it is proposed. Suitability will be assessed in terms of topography, hazards, service availability, road access, reverse sensitivity effects and effects on the environment as specified in the zone rules.

All allotments shall have at least one suitable site where a dwelling could be erected, together with associated effluent and stormwater disposal systems. For the purposes of this rule a suitable dwelling site is one which

complies with this plan's performance standards and has been demonstrated to be free of land stability hazards, gully erosion paths, and potential flooding.

10.6.5 Services

- a) Stormwater Disposal:
- i) Each proposed new site created shall be completely self-contained in respect of stormwater disposal or shall be served by a system approved by Council
 - ii) The subdivider shall also provide for drainage of upstream catchments and mitigate the effects of the development on downstream land or properties owned or occupied by other persons
- b) Sewerage:
- i) Each proposed new site created shall be completely self-contained in respect of sanitary drainage or shall be served by a system approved by Council. Sewage drainage easements into neighbouring properties will not be allowed
 - ii) Despite i) above, sites shall have individual sewerage connections to Council's reticulated system, if available
- c) Water Supply:
- i) Each proposed new site created shall be provided with an adequate supply of water
 - ii) New allotments being created with an area of 4ha or less shall be provided with an adequate supply of potable water
 - iii) If the applicant advises Council that an allotment of over 4ha will be used for rural-residential/lifestyle use, then a potable and adequate water condition will be imposed
 - iv) In the case of a boundary adjustment proposal, the water supply need not be both potable and adequate if all lots retain their existing operational supply, unless the boundary adjustment substantially changes the character of the resultant lots
- d) Power
- Each proposed new site created shall be provided with electric power to the lot boundary.

10.6.6 Access to Allotments

- a) A formed vehicle crossing shall be provided to each site created
- b) Vehicle crossings onto State Highways shall comply with the sight distances and separation distances in Table 1, and comply with conditions imposed by the NZ Transport Agency
- c) Any entrance strip which provides legal access to one to six rear sites shall have a minimum width of 6.0m
- d) If the entrance strip exceeds 80m in length, spaces visible from one to another shall be provided to enable vehicles to pass, at intervals of not less than 80m. Passing spaces may also be required on entrance strips less than 80m in length, if visibility is restricted along the strip
- e) Where common access to seven or more allotments is to be provided, this access must be a new legal road, to be formed to Council's standards.
- f) Formation of vehicle crossings, entrance strips and roads shall be in accordance with the Regional Infrastructure Technical Specifications adopted by Council in July 2018.

10.6.7 Building Sites/Natural Hazards

Where a proposed building site adjoins the Waikato River and/or hydro-electric power operating easements, a geotechnical assessment shall be provided to assess potential erosion and instability threats for those identified building sites.

10.7 Standards – Rural Residential Zone

10.7.1 Minimum and Average Lot Size

- a) Minimum site area prior to subdivision - 1ha
- b) Minimum lot size shall be 2500m² net site area
- c) Average lot size – at least 5000m² net site area
- d) For every lot created below the average lot size of 5000m², another lot with an equal, or greater, area above the average lot size of 5000m² shall be created. Except that if an odd number of lots is proposed, then one lot may be excluded from this rule.
- e) Rules a) to d) above do not apply to a subdivision under Rule 10.3.1a) v).

10.7.2 Non-Compliance with Above Rules

Failure to meet any of the following standards shall require the subdivision to be considered as a non-complying activity:

- a) Minimum lot size under Rule 10.7.1b)
- b) Average lot size when applying the “averaging” performance standard under Rules 10.7.1c) and d)
- c) Requirement to supply geotechnical assessments under Rule 10.7.9.

In other circumstances where the standards are not met, then an application is a restricted discretionary activity.

10.7.3 Development Concept Plan

- a) At the time of any subdivision for part of a subject site (being in one or more Certificates of Title) identified as having a Rural Residential zoning, the Council will require a Development Concept Plan to accompany the application for subdivision. The Development Concept Plan shall demonstrate the overall compatibility of the present pattern of subdivision to possible longer-term development of the property to ensure that subdivision and development of land will occur in a way that is or can be integrated with possible longer-term development of the whole of the subject site for rural residential living.
- b) A Development Concept Plan shall show:
 - i) Landscape and natural and heritage features, natural hazards or physical constraints including means to integrate any such features and or mitigate any hazards
 - ii) Future provisions for infrastructural services (water, water for fire-fighting, wastewater, access, power, telephone) based on proposed and potential development opportunities for the site
 - iii) Commentary on the cumulative impact of infrastructural services provision on the total development of the area and neighbouring areas

- iv) Commentary on how stormwater disposal is to be managed so as to avoid adverse effects on the existing environment and any probable pattern of subdivision
- v) Commentary on transportation links intending to serve the proposed subdivision and probable future development and connectivity to the local or State Highway network.

Commentary should explain how subdivision design and lot layout has achieved the safe and efficient operation of the road network, how access layout has avoided adverse effects associated with lineal development of lots along road frontages, and how the consolidation of accessways has been integrated into the overall development.

10.7.4 Building Platform

- a) It shall be demonstrated that a building area of at least 160m² exclusive of all building setbacks required by Rules 29.4.1 and 29.4.2 can be provided on each site for one habitable building
- b) All such habitable building sites shall be at least 0.5m above the 1% design flood level
- c) The building platform shall not occupy land steeper than 25 degrees unless a regional consent is held.

10.7.5 Services

- a) Public Services provided to all proposed sites shall be in accordance with the Regional Infrastructure Technical Specifications adopted by Council in July 2018.
- b) Stormwater Disposal:
 - i) Each proposed new site created shall be completely self-contained in respect of stormwater disposal or shall be served by a system approved by Council
 - ii) The subdivider shall also provide for drainage of upstream catchments and mitigate the effects of the development on downstream land or properties owned or occupied by other persons
- c) Sewerage:
 - i) Each proposed new site created shall be completely self-contained in respect of sanitary drainage or shall be served by a system approved by Council
 - ii) Despite i) above, sites shall have individual sewerage connections to Council's reticulated system, if available
 - iii) Effluent disposal fields shall not be located within 30 metres of the margins of a lake, river or stream. The term "Effluent disposal field" is defined to be the system used to apply effluent from a wastewater treatment unit into or onto the soil for further in-soil treatment and absorption or evaporation.

Advisory Note: A Regional Council consent may also be required for on-site sewage discharges pursuant to the Waikato Regional Plan. Waikato Regional Plan requirements in this regard should be discussed with the Waikato Regional Council.
- d) Water Supply:
 - i) Each proposed new lot created shall be provided with an adequate supply of potable water
 - ii) If the land being subdivided is within an area served by a Council water supply, then adequate water reticulation shall be provided to each site
 - iii) Fire fighting capability shall be demonstrated for each new site in accordance with NZ Standard SNZ PAS 4509:2008.

10.7.6 Access

- a) Lots shall have physical and legal access to a formed legal road
- b) A formed vehicle crossing shall be provided to each site created
- c) Minimum sight distances between new accessways shall comply with the sight distances in Table 1
- d) Access lots and rights-of-way shall be sealed
- e) Any entrance strip which provides legal access to a rear site shall have a minimum width of:
 - i) 3.5m where the number of sites is not greater than two
 - ii) 4.5m where the number of sites is three or more
- f) Where common access to seven or more residential allotments is to be provided, this access must be a new legal road, to be formed to Council's standards
- g) Formation of vehicle crossings, entrance strips and roads shall be in accordance with the Regional Infrastructure Technical Specifications adopted by Council in July 2018.

10.7.7 Power and Telecommunication Services

Each proposed new site created shall be provided with underground electric power, at the lot boundary unless a connection to the lot can be made directly to existing overhead infrastructure. Any new telecom lines that are installed shall be underground.

Where access is to be via an entrance strip, services shall be laid to the end of the entrance strip furthest from the road.

10.7.8 Sediment from Earthworks

Sediment discharge associated with earthworks shall comply with regional rules unless a regional resource consent is held.

10.7.9 Building Sites/Natural Hazards

Where a site adjoins the Waikato River and/or hydro-electric power operating easements, a geotechnical assessment shall be provided to assess potential erosion and instability threats for those identified building sites.

10.7.10 Separation Distances

New dwelling sites for subdivisions shall be at least 300m from effluent treatment ponds and the boundary of any sites used for intensive farming activities.

10.8 Further Standards Applying In All Zones

10.8.1 Building Act and Setback Requirements

- a) Where a subdivision creates a party wall, that wall must comply with the Building Act's fire rating and structural requirements

- b) All proposed boundaries shall be sited at a sufficient distance from buildings to comply with the setback and height requirements of this plan, and to meet the fire rating requirements of the Building Act 2004.

10.8.2 Services In Residential, Rural Residential, Arapuni Village, Business, Neighbourhood Retail and Industrial Zones

All cables, including for power, telephone, and street lighting (if applicable), shall be placed underground, except where existing services are above ground or where in Council's opinion, underground services are economically unjustifiable due to problems associated with such issues as topography, geology, land stability or operational requirements.

10.8.3 Indigenous Vegetation and Habitat Loss

- a) The location of a building platform, any associated driveway, access way or ancillary works on a proposed site shall exclude areas of recorded indigenous vegetation and habitats as set down in Council's Heritage and Ecological Inventory
- b) No subdivision of land shall result in any new boundary within 10 metres of any area of indigenous vegetation, or within 10 metres of the edge of any wetland, unless that area is to be protected by a legal covenant or consent notice.

10.8.4 Heritage

The location of any building platform, any associated driveway, access way or ancillary works on a proposed site shall not affect any archaeological, historic or cultural sites as recorded in Appendix B Built Heritage Inventory or Appendix D Cultural Heritage Sites.

10.9 Financial Contribution Rules

The following rules are a method of achieving the financial contribution objectives and policies contained in Chapter 7.

10.9.1 Circumstances

The method of calculating the financial contribution is based on the existing value of the network and the number of rateable units in the district that are charged for use of the particular network (either the Uniform Annual General Charge (UAGC) or alternatively a rate for the specific network).

The formulae are stated below for each contribution and will be adjusted annually based on the latest valuation of the asset as at 1 July, multiplied by an adjustment factor to provide a discount to the level of contribution charged. The purpose of the adjustment factor is to enable Council to annually adjust the level of the contribution in response to the level of development activity within the District. The adjustment factor and the contribution amounts will be set annually through the Annual Plan process and advertised through the Schedule of Fees and Charges.

Financial contributions in the form of money as part of a subdivision consent must be paid prior to the issue of a certificate pursuant to Section 224 of the Resource Management Act 1991. Financial contributions in the form of land as part of a subdivision shall be vested in Council and shown on the survey plan approved pursuant to Section 223 of the Act.

Where a subdivision is to be staged, it may be appropriate that the financial contribution also be staged to recognise the incremental increase in effects as the stages are developed. The conditions of the subdivision or land use consent should state the timing for the payment of the contribution.

Allotments created for the purpose of accommodating infrastructure and network utility operations shall be exempt from the payment of financial contributions in respect of those allotments.

If the developer undertakes related mitigation works outside of the subdivision with the agreement of Council, the value of this work will be discounted when determining the level of financial contribution payable.

10.9.2 Amount of Contribution

a) Financial Contribution for Rooding

A financial contribution towards upgrading the existing rooding network is charged on the basis of the number of additional residential, rural, commercial, or industrial allotments (except where an allotment is created for the purpose of infrastructure or network utility operations). The contribution addresses the cumulative impact of the additional traffic created through the subdivision and the associated development, and the resulting increase in demand for capacity within the rooding network.

The rooding financial contribution formula is:

\$ Value of the rooding asset divided by the number of rateable units charged the UAGC multiplied by the number of additional lots created.

The cost of formation and construction of all new roads to be vested in Council and/or all internal service roads and footpaths for a development shall be borne by the developer.

The cost of formation and construction of an access to and from an existing formed public road shall be borne by the developer.

The cost of formation and construction of unformed roads which are required as part of a development shall be borne by the developer.

The value of the rooding asset includes the road structure, kerb and channel, street lighting, footpaths, bridges and culverts, but excludes non-depreciated assets (land under roads and road formation).

b) Urban Water Supply, Urban Wastewater and Urban Stormwater

An upgrading contribution for the existing urban water, wastewater and stormwater networks is charged on a per additional residential, commercial or industrial lot created basis (except where an allotment is created for the purpose of infrastructure or network utility operations). The contribution addresses the cumulative impact on the existing network and is based on 'buying in' to the existing network. Effectively this then entitles the contributor to use of the network as with existing ratepayers in the District and enables Council to increase the capacity of the network to meet the increasing demand for services.

A contribution should only be charged in respect of water supply, wastewater and stormwater, if those particular networks are being utilised by a subdivision or development.

The cost of the installation of services (water, wastewater, or stormwater reticulation) including ancillary works such as pump stations, within a development, shall be borne by the developer.

The cost of connections to Council's services, where these services are available in terms of the requirements of the Local Government Act 2002, shall be borne by the developer. These costs shall include supervision to ensure that the work is carried out to a satisfactory standard.

If the Council requires larger sized services than those required by the development, Council shall meet any additional costs which will be recovered from future developments through the payment of financial contributions.

If the developer undertakes related mitigation works outside of the subdivision with the agreement of Council, the value of this work will be discounted when determining the level of financial contribution payable.

The **water supply** financial contribution formula is:

**\$ Value of the water supply asset X Number of additional lots created
Number of rateable units charged
the urban water supply rate**

The **wastewater** financial contribution formula is:

\$ Value of the wastewater asset X Number of additional lots created

**Number of rateable units charged
the sewage disposal rate**

The **stormwater** financial contribution formula is:

**\$ Value of the stormwater asset X Number of additional lots created
Number of rateable units charged
the UAGC in Tokoroa, Putāruru,
Tirau and Arapuni**

c) Urban and Rural Reserves

A contribution shall be paid towards the existing reserves network charged on a per additional residential, rural, commercial, or industrial allotment created basis (except where an allotment is created for the purpose of infrastructure or network utility operations). The contribution addresses the cumulative impact of the demand created on the reserves network through the subdivision of land and associated development, and the resulting demand for additional reserves, and enhanced facilities at existing reserves within the district.

The **reserves financial contribution formula is:**

**\$ Value of the reserves asset X Number of additional lots created
Number of rateable units
charged the UAGC**

10.10 Esplanade Reserves and Strips

10.10.1 Esplanade Reserves

Council will not require an esplanade reserve to be set aside from land being subdivided or roads being stopped, unless:

- i) The land is located within Tokoroa township and adjoins the bank of the Whakauru Stream or Matarawa Stream
- ii) The land is located within Putāruru township and adjoins the bank of the Oraka Stream
- iii) The land is located within Tirau township and adjoins the bank of the Oraka Stream, upstream of Okoroire Road
- iii) The land adjoins the Pokaiwhenua Stream, from upstream of Waotu Road to the existing reserve (at confluence with the Ngtuwera Stream).

ADVISORY NOTE:- The above portions of river are shown on the planning maps.

10.10.2 Esplanade Strips

a) Public Access

An esplanade strip for public access purposes may be required (subject to Rule 10.10.4 below) over land being subdivided or roads being stopped which adjoin the following rivers (shown on the planning maps):

- i) The Whakauru Stream north of Tokoroa to its confluence with the Matarawa Stream
- ii) The Matarawa Stream north of Tokoroa to its confluence with the Whakauru Stream
- iii) The Pokaiwhenua Stream between Duxfield Reserve and the Waikato River
- iv) The Oraka Stream from Putāruru to Tirau, upstream of Okoroire Road

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- v) The Oraka Stream upstream from Putāruru township to Domain Road
- vi) The Little Waipa Stream from the Waikato River upstream to the existing reserve (3km north of Arapuni Road)
- vii) Te Waihou River, downstream of State Highway 5 to Okoroire
- viii) The Waimakariri Stream from its confluence with the Te Waihou River, upstream to the existing reserve.

b) Waikato River

An esplanade strip for public access, water quality and/or conservation purposes will be required (subject to Rule 10.10.4 below) over land being subdivided or roads being stopped which adjoin the Waikato River.

c) Conservation Purposes

Council may require an esplanade strip to be created for water quality and/or conservation purposes over land being subdivided or roads being stopped which:

- i) Adjoin the Pokaiwhenua Stream between Wiltsdown Road and Newell Road, as shown on the Planning Maps
- ii) Adjoin the Matarawa Stream south of Tokoroa to the Industrial Zone boundary at Kinleith
- iii) Include a Significant Natural Area.

(ADVISORY NOTE: The esplanade strip documents for these places may exclude public access).

d) Provision of Esplanade Strips

The provision of esplanade strips will be subject to the standards and exemptions in Rule 10.10.4 below.

10.10.3 Land Use Consents

When considering applications for land use consent, Council may require an esplanade strip for water quality and/or conservation purposes to be created, if the proposal is likely to have a significant adverse effect upon:

- i) Water quality
- ii) The natural functioning of an adjacent river or lake, or
- iii) The natural values associated with the riparian margin of any adjacent river or lake,

and if an esplanade strip is necessary to mitigate those adverse effects.

10.10.4 Width of Reserves And Strips

- a) Esplanade reserves will be 20 metres wide if adjoining the water bodies specified in Rule 10.10.1 above.
- b) Esplanade strips for public access purposes will be 10 metres wide, unless a greater width is needed to provide a workable walkway.
- c) Esplanade strips for water quality and/or conservation purposes are to be 20 metres wide.
- d) The standard widths in a) or b) above may be reduced in circumstances where:

- i) Other parts of the reserve or strip are correspondingly wider
 - ii) A full width reserve or strip would pass too close to an existing dwelling, or
 - iii) The objectives of the reserve or strip can still be met by a reduced width.
- e) Esplanade strips for public access may be dispensed with altogether in cases where Council is satisfied that the objectives of the Vision and Strategy for the Waikato River will still be met despite the dispensation, and:
- i) Adequate legal access to the water body is provided by a legal road (formed or not)
 - ii) Access along the other side of the water body is more practical, and access is not needed on both sides
 - iii) Topography along the strip makes access unworkable
 - iv) The site of the strip is unlikely to ever be accessible from a public road
 - v) The strip would lead to an area of indigenous vegetation or wetland, and public access would be incompatible with the effective protection of that area
 - vi) The purpose of the strip can be achieved by other methods, eg covenants, or
 - vii) Public safety would be compromised by providing a strip.
- f) Esplanade strips for water quality and /or conservation purposes may be dispensed with wholly or partially. Any application to reduce or waive an esplanade strip will be assessed having regard to the following matters:
- i) The extent to which the natural functioning of the water body, water quality, and land and water-based habitats will be affected by any reduction in the width, size or non-provision of the strip
 - ii) The extent to which the objectives of the Vision and Strategy for the Waikato River will still be met despite any reduction or waiver, and including any cumulative effects of granting such dispensation
 - iii) The degree of protection of the natural values associated with the strip that will remain
 - iv) The degree to which the purpose of the strip can be, or is already, achieved by other mechanisms, (eg covenants, conditions of resource consents, voluntary methods)
 - v) The extent to which the public benefits gained with respect to the strip justify the cost of acquiring and maintaining the strip, while recognising that important benefits in terms of improved water quality, habitat and access cannot readily be expressed in monetary terms.

Fig.1 – Standard Conditions of an Esplanade Strip For Public Access

The “Esplanade Strip instrument” which creates the strip is registered on land titles and contains a number of standard conditions including, but not limited to, the following:

1. The following acts are prohibited on the strip:
 - a) Wilfully endangering, disturbing, or annoying any lawful user of the strip (including the owner or occupier of the strip)
 - b) Wilfully damaging or interfering with any structure adjoining or on the land, including any building, fence, gate, stile, marker, bridge or notice
 - c) Wilfully interfering with or disturbing any livestock lawfully permitted on the strip.
2. The following further acts are prohibited on the strip:

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- a) Lighting any fire
- b) Carrying any firearm
- c) Discharging or shooting any firearm
- d) Camping
- e) Bringing any dog onto the strip, except on a lead
- f) Bringing any horse onto the strip, except with the permission of the owner or occupier of the strip
- g) Taking any vehicle onto, or driving or having any charge or control of any vehicle on the land (whether the vehicle is motorised or non-motorised)
- h) Wilfully damaging or removing any plant (unless acting in accordance with the Noxious Plants Act 1978 or the Biosecurity Act 1993)
- i) Laying any poison or setting any snare or trap (unless acting in accordance with the Agricultural Pest Act 1967 or the Biosecurity Act 1993)
- j) Being on the land during hours of darkness.

The prohibitions referred to in paragraphs a) to j) above do not apply to the owner or occupier of the strip, the grantee or the Waikato Regional Council where the latter is engaged in river control works.

3. Any fencing (including costs) whether temporary or permanent, bounding the strip and the landowner's other land shall be the responsibility of the landowner. Where Council and the landowner however agree that extra fencing needs to be erected for the safety or convenience of the public using the strip, the costs of this fencing shall be settled by negotiation
4. Stiles are to be provided where fences cross the strip. The responsibility (including costs) for providing stiles shall be borne by the Council. Council will consult the landowner prior to undertaking any work on the strip including provision of stiles and walking paths
5. Any person shall have the right to pass and re-pass over and along the strip between dawn and dusk except as specified in a) or b) below:
 - a) All persons using a strip which does not contain a walkway formed or marked by the Council must advise the landowner concerned prior to use
 - b) The strip may be closed to public access by the landowner during lambing/calving times and when a hazard to people using the strip is present. Such hazards include tree felling, blasting, earthmoving and pest control operations, land instability, flooding and flood damage.

ADVISORY NOTE: Any person contravening these provisions is committing an offence and is liable to prosecution under the Resource Management Act 1991.