



# **TAURANGA CITY COUNCIL**

## **CITY PLAN SECTION 32 REPORT**

### **Chapter 12 – Subdivision, Infrastructure and Services**



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## 1. INTRODUCTION

The Council is required under section 32 of the Resource Management Act 1991 (the RMA) to carry out an evaluation of alternatives, costs and benefits, and efficiency and effectiveness of the various components of the proposed City Plan.

Section 32 of the Act requires that the evaluation must examine:

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.

An evaluation must also take into account:

- (a) the benefits and costs of policies, rules, or other methods; and
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

This report fulfils the obligations of the Council under s32 of the RMA. The following is a section 32 analysis in regard to subdivision, infrastructure and servicing. It should be read together with the text of the proposed City Plan itself.

## 2. PURPOSE OF THE CHAPTER

The purpose of this chapter is to enable subdivision to occur and to provide consistency in the anticipated environmental outcomes sought through the land use controls of zones.

Subdivision of land into new parcels gives rise to a certain expectation of how that land will be used and developed in the future. To date subdivision in Tauranga has generally proceeded in an ad hoc manner with little consideration to how the shape and form of the city is driven by the subdivision process.

This key challenges facing subdivision within Tauranga are:

- Ensuring the subdivision of Tauranga's land resource minimises potential adverse character and amenity effects whilst continuing to meet the growth pressures.
- Ensuring subdivision design and layout improves linkages and accessibility and integrate with their surroundings.
- Ensuring the provision of infrastructure in a timely and financially sustainable way.

The proposed subdivision chapter represents a change in the operative plan approach in that it provides a central reference point for all subdivision within the city with the specific subdivision requirements for each zone identified separately. Some of the key changes that have been introduced through this proposed chapter include:

- Delivering the density yields required by the regional policy statement.
- New structure plans that ensure the pressures associated with that growth pressures in greenfield areas can be accommodated.
- A stronger stance on lot size reduction across the board.
- Introducing a greater degree of urban design considerations where appropriate.
- Removing technical loopholes present in the operative plan.
- Providing better integration between the Code of Practice and District Plan whilst offering more sustainable servicing options.

Most of the key changes apply to the Residential Zone which is expected to be the focus for growth over the life of the Plan. As such there changes to operative subdivision provisions in other zones only relate to general tidy ups or a tougher line on lot size reduction.

### **3. RECORD OF DEVELOPMENT OF PROVISIONS**

#### **3.1 Background Research**

In addition to the legislative requirements of the RMA and the relevant plans and strategies the following background research has been used to inform the draft subdivision provisions.

##### **3.1.1 Review of Operative District Plan Provisions**

The operative subdivision provisions are contained within each zone chapter of the plan e.g. residential, commercial etc. The subdivision requirements for these two zones cover the following:

- Boundary adjustments;
- Cross lease to freehold subdivision;
- Unit title subdivision; and
- Freehold title subdivision with specific minimum lot size requirements and requirements amongst other things for dwelling design compliance, access, landscaping, servicing, structure plan consistency which is zone specific.

Some of key issues identified with the current approach include:

- The minimum lot size is based on gross area. This enables the ability to include access areas in the total lot size thereby reducing the building platform and associated outdoor living space.
- The current relationship between the land use and subdivision provisions undermines the minimum lot size, particularly in the residential zone. This results in significantly smaller lots being created which comply with density requirements.
- The relationship between the Council's Code of Practice and the District Plan. Direct referencing of the Code of Practice in the Plan has technical ramifications which can undermine the provision of infrastructure and service delivery.
- Cross lease to freehold conversions are provided for as a permitted activity. The permitted activity conditions do not enable Council to exercise any control over service location where it may be inappropriately located.
- On site design considerations are basic and there is no direction to encourage urban design principles. There is scope to improve these to encourage a better built outcome.
- There are no explicit statements about staged subdivision. The order of subdivision stages can affect servicing and quality of assets.
- Requiring subdivision and land use applications together where appropriate
- Structure plan are out of date with the pace of development, unclear and have a more engineering focus rather than a planning focus.

##### **3.1.2 Smartgrowth Residential Intensification in Tauranga City (Neil Gray 2009)**

This report was an assessment of the feasibility of residential intensification and other housing opportunities in the City to gain an understanding of the economic and market conditions required to promote residential intensification. In order achieve the SmartGrowth's housing targets the report recognises that 60% of all new housing will need to be delivered

in a medium or high density form. The report identifies specific regulatory planning approaches that can be implemented to deliver these targets which are primarily driven into the draft Plan through specific zone chapters. To ensure consistency of approach the subdivision provisions compliment the outcome sought in these chapters.

### **3.1.3 Subdivision for People and the Environment (Standards New Zealand 2001)**

This document provides guidance to help achieve more sustainable subdivisions through moving away from the more traditional approach to subdivision (i.e. substantial land modification for maximum return) toward having a greater understanding of how the subdivision process can respond and integrate with land, for example, through considering the extent of earthworks, allotment location and orientation and low impact service provision.

### **3.1.4 New Zealand Urban Design Protocol ([www.mfe.govt.nz](http://www.mfe.govt.nz))**

The Urban Design Protocol aims to ensure New Zealand's towns and cities become more successful through the use of quality urban design. The protocol identifies seven essential design qualities (the seven C's) to achieve this namely; context, character, choice, connections, creativity, custodianship and collaboration. Whilst the protocol represents a voluntary commitment there are numerous signatories to the protocol who have made a commitment to achieve quality urban design outcomes in New Zealand. Tauranga City Council is a signatory to this document.

### **3.1.5 Tauranga City Council Development Guide**

This guide was developed to promote high quality urban design and a better built environment. The Site Design section of the guide contains guidance on matters that are relevant to the subdivision process which have been considered through the development of the subdivision provisions.

### **3.1.6 Quality Planning Website ([www.qualityplanning.org.nz](http://www.qualityplanning.org.nz))**

The Quality Planning website includes a guidance note on how the subdivision process can be managed through a district plan and how subdivision provisions are a useful tool in managing the effects from the use of land. The guidance provided on this website has been considered in the development of the subdivision provisions

### **3.1.7 Tauranga State of the Environment Report 2004**

This is the most recent review of Tauranga environment and identifies the key environmental issues facing the City. In terms of issues relevant to the development of the subdivision provisions the report provides feedback on indicators related to residential section size, density and privacy.

### **3.1.8 Delivery of the Broadband Network**

The importance of the broadband network to the success of New Zealand's economy is a focus of central government and has gained more exposure through recent media coverage. One of the key guiding documents that outlines the vision for broadband delivery is the 'The Digital Strategy 2.0' published by the Ministry of Economic Development (refer [www.digitalstrategy.govt.nz](http://www.digitalstrategy.govt.nz)). This strategy contains a commitment to roll out nation wide digital hubs that will provide fibre to the premises connections for the benefit of the economy, the environment and communities and culture to ensure that New Zealand can compete and communicate effectively on a global scale.

Central governments commitment to broadband has been reflected in the subdivision provisions of the draft plan.

## **3.2 Consultation Outcomes**

### **3.2.1 Public Consultation**

In August of 2008 general consultation of issues associated with the subdivision chapter and options to address these issues was undertaken. The comments received regarding subdivision and infrastructure issues are as follows:

- The provision of pedestrian walkways and cycle tracks be mandatory in new subdivisions.
- Include explicit requirements for road and pedestrian connections.
- The minimum lot area should not include the area required for a driveway.
- Include greater controls for the subdivision of residential properties.
- Control minimum lot size only. Do not include greater controls on the subdivision of residential properties.
- Current minimum lot size is too small.
- Section sizes must be 'sensible'.
- Agree with the minimum lot area of 325m<sup>2</sup>
- Provide more integrated approach between District Plan and the Code of Practice.
- Encourage the development of rules to provide for integration and connectivity through structure planning.
- The RPS provides guidance that effects on amenity of subdivision and development should be managed, and design guidelines in the plan would better manage impacts on residential character.

In April of 2009 a community feedback exercise was undertaken on draft content for the City Plan. As a result of this process the following comments were received:

- How to provide for higher density development in the suburban zone where appropriate.
- The cost requirements for subdivision design assessments.
- The need to incorporate low impact urban design and development (LIUDD) principles.
- Enable sewer connection in the rural-residential, rural and greenbelt zone.
- Purpose of roll over of existing non-complying activities.
- Subdivision and frontage requirements.
- The relationship of the performance standards to the subdivision chapter.
- Technical and consistency amendments

### **3.2.2 Tangata Whenua**

Throughout June and July 2008 hui were held at specific marae throughout the city to discuss the proposed plan and issues identified to date. No significant subdivision issues were raised at these meetings.

### **3.2.3 Key Stakeholders**

Meetings were held with key stakeholders in September 2008 And May 2009 to discuss subdivision issues and concerns with draft plan content.

In addition meetings were also held with industry professionals throughout April 2009 and with the Developers Working Party in August and September 2009 to discuss and identify issues with the proposed infrastructure performance standards. These standards have been significantly revised as a result of these discussions.

### **3.2.4 Council Staff**

Meetings were held with internal stakeholders to identify and discuss any key issues with the operative provisions and operational requirements. This included workshops on the proposed infrastructure performance standards.

## **3.3 Council Meetings**

### **3.3.1 Strategy and Policy Committee 10 June 2008**

Issue discussed:

- Ensuring the subdivision of Tauranga's land resource minimises potential adverse character and amenity effects.
- Ensuring subdivision design and layout improves linkages and accessibility and integrate with their surroundings.
- Provision of infrastructure in a timely and financially sustainable way.

Meeting outcomes:

- Introduce comprehensive city-wide subdivision standards which incorporate trigger levels for urban design requirements.
- Develop rules to enable control over linkages and accessibility and additional structure plans for SmartGrowth intensification nodes and corridors, with a focus on existing connections and open spaces or as part of a comprehensive development.
- Provide a more integrated approach that fully incorporates the design standards of the Code of Practice.

### **3.3.2 Strategy and Policy Committee 18 December 2008**

Issues discussed:

- Should the minimum lot sizes in the Business zone be introduced?.
- How should the District Plan ensure better linkages and accessibility?
- How should urban design standards be incorporated into subdivision requirements?
- Should minimum lot sizes be calculated on a 'gross' or 'nett' area basis?

Meeting outcomes

- Do not introduce minimum lot sizes in the Business Zone – retain status quo.
- Introduce more specific requirements for linkages and accessibility based on subdivision type.
- Requirements for urban design should be based on subdivision type.
- Minimum lot sizes to reflect 'net area' requirement.

### **3.3.3 Strategy and Policy Committee 19 February 2009**

The purpose of this meeting was to discuss draft plan content before informal public consultation. The only issue raised was need to retain cross lease to freehold subdivision as a permitted activity.

### **3.3.4 Strategy and Policy Committee 15 June 2009**

This meeting discussed community feedback on the draft City Plan provisions.

Issues discussed:

- Requirements for a subdivision design context assessment
- Non compliance with minimum frontage requirements for allotments
- Creating additional allotments through boundary adjustments
- Excluding reserves, utilities and infrastructure and topographical constraints from lot yields
- Avoiding subdivision for residential use in Greenbelt zones
- Subdivision and sewer connection requirements in Rural Residential, Rural, Greenbelt and Pyes Pa Large Lot
- Cross-lease to freehold subdivision boundary location
- Design requirements for subdivision – permitted activity
- Minimum building platforms in Papamoa
- Landscape assessment requirements in the Rural zone
- Low Impact Urban Design and Development (LIUDD)
- Nett site area
- Restoration Policy Area and subdivision
- Higher density development in the proposed suburban zone
- Pedestrian and cycle links
- Require cultural impact assessments (CIA) in the Rural-Residential Zone
- Non – complying activity status for Rural and Greenbelt zones
- Construction of roads identified on Urban Growth Plans

Meeting outcomes:

- Incorporate design guidance through matters of control that will be considered as part of the subdivision process and as guidance as an appendix to the subdivision chapter.
- Remove minimum frontage requirements for subdivision
- Ensure boundary adjustment provisions provide flexibility whilst ensuring minimum lot sizes are not undermined.
- Retain the draft provisions that make a presumption against reticulated wastewater connections (except for the Pyes Pa Large Lot Zone).
- Crosslease to freehold subdivision should not be required to follow exclusive use areas.
- Retain the minimum building platform requirements for Papamoa
- Reflect Low Impact Urban Design and Development (LIUDD) principles in subdivision provisions.
- Refine pedestrian and cycle link provisions.
- Retain non-complying status for Rural and Greenbelt zones

### **3.4 Relevant Legislation, Strategies and Policy**

#### **3.4.1 Legislation**

##### **Resource Management Act 1991 (the RMA)**

The sections of the RMA considered relevant to earthworks are identified as follows:

###### *Section 5 – Purpose of the Act*

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
  - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

#### *Section 6 – Matters of National Importance*

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- [(f) the protection of historic heritage from inappropriate subdivision, use, and development.]***

...

#### *Section 7 – Other Matters*

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

- (a) *Kaitiakitanga:*
- ...
- (b) *The efficient use and development of natural and physical resources:*
- ...
- (c) *The maintenance and enhancement of amenity values:*
- (d) *Intrinsic values of ecosystems:*
- ..
- (f) *Maintenance and enhancement of the quality of the environment:*

## Section 11 – Restrictions on subdivision of land

(1) No person may subdivide land, within the meaning of section 218, unless the subdivision is—

(a) Expressly allowed by a rule in a district plan [and in any relevant proposed district plan]...

### 3.4.2 Policy

Territorial authorities are required to give effect to policy statements under section 75(3) of the RMA:

- (3) A district plan must give effect to—
- (b) any New Zealand Coastal Policy Statement
  - (c) any regional policy statement.

The provisions of the policy statements relevant to subdivision are identified below.

### Environment Bay of Plenty Regional Policy Statement

The Regional Policy Statement was approved by resolution on the 4 of November 1999. Change No. 1 was incorporated and made operative on the on the 26 June 2008.

#### Chapter 6 – Land

##### 6.3.1(a) Objective

*The adoption of sustainable land use and management practices.*

##### 6.3.1(b) Policies

6.3.1(b)(i) *To sustain the potential of land resources to meet the reasonably foreseeable needs of current and future generations.*

6.3.1(b)(ii) *To safeguard the life-supporting capacity of the soil and associated ecosystems, particularly indigenous ecosystems, and to protect soil from degradation.*

6.3.1(b)(iii) *To avoid, remedy or mitigate adverse effects on the environment associated with the inappropriate subdivision, use, and development of land.*

6.3.1(b)(xiv) *To protect water quality from the adverse effects of land use.*

#### Chapter 9 – Coastal Environment

##### 9.3.1(a) Objective

*Recognition of and provision for:*

(i) *The preservation of the natural character of the coastal environment;*

(ii) *The protection of outstanding natural features and landscapes in the coastal environment; and*

(iii) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment.*

##### 9.3.1(b) Policies

9.3.1(b)(ii) *To ensure that all proposed subdivision, use and development in the coastal environment provides for the preservation of natural character.*

9.3.1(b)(iii) *To ensure that in the coastal environment –*

*(a) New subdivision, use and development is located in areas where natural character is already substantially compromised by existing development;*  
*(b) Sprawling and sporadic subdivision, use or development is avoided; and*  
*(c) Cumulative effects on natural character are avoided – unless dispersal of subdivision, use and development can be demonstrated to be more effective as a means of avoiding adverse effects.*

*9.3.1(b)(iv) To ensure that, where natural character is already substantially compromised by development, all practicable steps are taken to avoid, remedy or mitigate adverse effects on remaining natural character, particularly when further subdivision, use or development is proposed.*

### **9.3.3 Access**

#### **9.3.3(a) Objective**

*The coastal marine area is generally accessible to members of the public.*

#### **9.3.3(b) Policies**

*9.3.3(b)(i) To enhance public usage and enjoyment of the coastal marine area.*

## **Chapter 11 – Natural Hazards**

### **11.3.1(a) Objective**

*The vulnerability to natural hazards of the region's people and communities, and its natural and physical resources, is avoided or mitigated.*

### **11.3.1(b) Policies**

*11.3.1(b)(x) To ensure that new subdivision, use and development, and significant infrastructure are located and designed to avoid significant natural hazards, unless there is a particular functional need to locate in an area subject to significant risk. In particular, new development within existing settlements which are at risk from natural hazards, shall not result in increased vulnerability, and should aim to reduce net vulnerability over time.*

## **Chapter 13 – Physical Resources / Built Environment**

### **13.3.1(a) Objective**

*A built environment that enables efficient use, development and protection of natural and physical resources while avoiding, remedying and mitigating adverse effects on the environment.*

### **13.3.1(b) Policies**

*13.3.1(b)(i) To promote the integrated management and efficient use of physical resources and the built environment within the region and across the region's boundaries.*

*13.3.1(b)(ii) To promote an efficient and safe land transport network.*

*13.3.1(b)(iv) To protect transportation and utility networks, infrastructure and public works from the adverse effects of subdivision and land use.*

*13.3.1(b)(v) To promote the efficient use and development of existing and future infrastructure and utility networks.*

*13.3.1(b)(vi) To avoid or reduce the adverse effects on the environment, relating to the use and development of the built environment and the construction, operation, and decommissioning of physical resources and infrastructure.*

*13.3.1(b)(vii) To promote urban and small settlement form and design which minimises adverse effects on the environment.*

*13.3.1(b)(viii) To discourage uses of land, for example for urban development or settlement growth, which would:*

*(a) Reduce the ability of communities to have access to potable water;*

- (b) Result in the loss of soils of high versatility for primary production, and recreational, amenity and landscape values of regional significance;*
- (c) Compromise access to and the efficient operation and use of transport and communication links particularly the strategic routes leading to the Port of Tauranga;*
- (d) Compromise access to air transport in the region;*
- (e) Expose people and capital investment in infrastructure and buildings to an unnecessary risk from natural hazards;*
- (f) Expose public health and capital investment in infrastructure and buildings to unnecessary risk from incompatible land uses; or*
- (g) Result in the loss of access to minerals including aggregate sources.*
- (h) Result in the loss of recognised historic heritage.*

## *Chapter 15 – Natural Features and Landscapes and Historic Heritage*

### *15.3.1(a) Objective*

*The protection of historic heritage and outstanding natural features and landscapes from inappropriate subdivision, use and development.*

### *15.3.1(b) Policies*

*15.3.1(b)(i) To recognise historic heritage and outstanding natural features and landscapes.*

## *Chapter 16 – Natural Character and Indigenous Ecosystems*

### *16.3.1 Preservation and Protection*

#### *16.3.1(a) Objective*

*The preservation of the natural character of the region, including the protection of significant indigenous habitats and ecosystems, having particular regard to intrinsic values of ecosystems.*

#### *16.3.1(b) Policies*

*16.3.1(b)(ii) To ensure that intrinsic values of ecosystems are given particular regard to in resource management decisions and operations.*

## **Proposed Plan Change No. 2 to the Bay of Plenty Regional Policy Statement**

In accordance with section 74(2)(a)(i) of the RMA the Council is required to have regard to any proposed regional policy statement.

Plan Change No.2 introduces the urban growth limits and live, work play concepts developed through the Smartgrowth strategy. The relevant provisions are identified as follows:

### *Chapter 17A – Growth Management in the Western Bay of Plenty*

#### *17A.3.1 Growth Sequencing and Integration*

##### *17A.3.1(a) Objective*

*Subdivision, use and development are sequenced in a way that integrates with the long-term planning and funding mechanisms of local authorities, central government agencies, and network utility providers and operators.*

##### *17A.3.1(b) Policies*

17A.3.1(b)(v) *The structure, timing and sequencing of new urban development must support and be co-ordinated with the development, funding, implementation and operation of the transport and other infrastructure serving the area. In satisfying this policy, regard must be had to the indicative Growth Area timing shown in Figure 1.*

17A.3.1(b)(vii) *In each Growth Area, district plans shall provide for a minimum Net Yield of Dwellings per hectare as follows:*

(a) *A minimum Net Yield of 15 Dwellings per hectare of Greenfield Development area.*

(b) *A minimum Net Yield of 20 Dwellings per hectare of Intensification Area.*

17A.3.1(b)(viii) *Local authorities shall demonstrate adherence to the New Zealand Urban Design Protocol (March 2005) Key Urban Design Qualities. In achieving this, territorial authorities shall include appropriate policies, methods and other techniques in their district plans and strategies.*

17A.3.1(b)(ix) *The sequencing of residential Growth Area development shall proceed in a way that ensures efficient utilisation of infrastructure serving any area prior to the development of a subsequent area. In satisfying this policy it will be sufficient to demonstrate that at least 80% of potential residential allotments in the immediately preceding Growth Area(s) (shown in Figure 1 and Diagram 1) have received approval under section 224 of the Resource Management Act 1991, or it can be demonstrated that the proposed urban development is otherwise consistent with policies 17A.3.1(b).*

17A.3.1(b)(x) *Greenfield Development within the Urban Limits shall proceed in a way that does not compromise the Net Yield requirements of policy 17A.3.1(b)(vii). In particular, territorial authorities shall ensure through effective Structure Planning that land within the Urban Limits is not fragmented in a way that jeopardises the future urbanisation of the area.*

17A.3.1(b)(xv) *Territorial authorities shall ensure that the design and location of subdivision, use, and development is managed to address potential adverse effects on the operation and planned upgrading of infrastructure.*

The proposed subdivision provisions give effect to these regional policy statement objectives and policies.

### **3.4.3 Strategy**

#### **Regional Land Transport Strategy (2007) ([www.envbop.govt.nz](http://www.envbop.govt.nz))**

The Regional Land Transport Strategy (RTL) helps the region achieve the requirements of the Land Transport Management Act. The vision of this document is essentially an integrated, safe, sustainable land transport network that meets the needs of the region.

The RTL has a number of identified strategic outcomes and identified actions to achieve these outcomes. The relevant actions are identified as follows:

#### 7 Access and Mobility

...

##### 7.2 Access is improved by providing linkages within and between settlements

...

#### **Smartgrowth ([www.smartgrowthbop.org.nz](http://www.smartgrowthbop.org.nz))**

Smartgrowth has been developed as the guiding document that ensures integrated long term growth management within the sub-region. There are several principles and actions relevant to subdivision:

#### *Residential Development*

##### *Principle 1 – Opportunities for live, work and play are actively promoted*

*Principle 3 – Amenity values are safeguarded*

*Principle 4 – The need to optimise land use is recognised.*

*Principle 7 – Urban design principles guide sustainable residential development*

*Principle 10 – Subdivision design promotes supportive communities such as including communal open spaces.*

*Principle 13 – There is sustainable and integrated design of infrastructural services.*

*Action 6 – Develop structure plans for all proposed Greenfield residential areas.*

*Action 8 – Maintain policy and rules for areas within the Urban Limit line that are currently zoned Rural, to avoid development that may hinder efficient future development.*

#### *Transport*

*Principle 1 – Land use and access relationships are managed to achieve an affordable, integrated, safe, responsive and sustainable land transport system.*

*Principle 2 – The transport network is underpinned by a sustainable management philosophy which leads to an integrated transport approach.*

*Principle 3 – Opportunities for live, work and play are actively promoted.*

*Principle 8 – Urban design and other initiatives such as grid pattern streets, bus ways and priority lanes are developed to achieve stretch targets for public transport corridors..*

*Action 22 – Promote and enhance walking and cycling as alternative transport modes as part of all new roading, road upgrading projects, as well as structure plans and as stand alone network to service communities in the sub-region and connections between communities.*

#### *Utilities and Infrastructure*

*Principle 1 – The security, safety, affordability and reliability of infrastructure are accorded priority in the assessment of development*

*Action 2 – Provide rules in the District Plans to enable utility services development, whilst ensuring adverse effects are mitigated*

### **Integrated Transport Strategy ([www.tauranga.govt.nz](http://www.tauranga.govt.nz))**

This strategy represents the ten year plan for the development of the Tauranga City transport system and provides a focus on the integrated development of the local transport network. The relevant objectives and actions are listed as follows:

*Objective C4 – Ensure new subdivisions provide a network of interconnected transport corridors*

*Action C4.1 – Make changes to the City Plan and Code of Practice for Urban development to require linking networks.*

### **Tauranga Tomorrow ([www.tauranga.govt.nz](http://www.tauranga.govt.nz))**

Council's community outcome document recognises the need to undertake more pro-active planning to encourage alternative forms of development, adequate housing supply, and an adequate variety and choice of housing types and price ranges. The following actions are identified as relevant:

*Action A4 – Introduce a requirement for medium to large scale land-use and subdivision development and redevelopment proposal to complete travel plans to enable public transport, pedestrian and cycling facilities.*

*Action B1 – Emphasise proactive planning and urban design.*

*Action B3 – Identify and protect open space ‘green corridors’ to both connect and define the edges of future neighbourhoods.*

*Action B14 – Identify and protect an interconnected open space network.*

*Action D34 – Improve walking and cycling.*

*Action G7 – Require new subdivisions to make it easier for buses, cycling and walking to occur.*

## **Urban Design Strategy (Tauranga City Council 2006) ([www.tauranga.govt.nz](http://www.tauranga.govt.nz))**

This strategy outlines the Council’s commitment to urban design through a series of principles of which the following are considered relevant:

- Principle 1 – Provide urban design leadership
- Principle 2 – Protect and reflect the local identity
- Principle 3 – Recognises and is sensitive to the context
- Principle 4 – Create safe, lively and comfortable places

Action 17 of the strategy identifies that the delivery of urban design will be considered through the plan review.

The proposed subdivision provisions reflect the outcomes sought through these strategic documents.

## **4. ISSUES**

### **4.1 Summary of Issues**

Subdivision of land into new parcels gives rise to a certain expectation of how land will be used and developed in the future and as such affects the shape, form and function of the City. This requires consistency of approach between chapters in managing the environment and accommodating the pressures of growth, particularly the yields required by the Regional Policy Statement. Under the RMA subdivision also provides a convenient process for the delivery and vesting of infrastructure and services (which have social and economic implications for the community) and for securing public access to waterways and the coastal environment which is a matter of national importance.

The following issues reflect the potential adverse effects that can be generated through the subdivision process.

### **4.2 Issue 1: To ensure projected population growth can be accommodated within the City subdivision of greenfield and growth areas must be managed to ensure it can provide for the yields identified in the Bay of Plenty Regional Policy Statement.**

#### **4.2.1 Issue Statement**

In 2001 80% of the regions population lived in urban areas, By 2021 it is forecast that the regions population will grow to 315,100 with the majority of this growth occurring in the western Bay of Plenty sub-region. Plan Change No.2 to the Regional Policy Statement provides an overarching framework for the way growth should be sustainably managed in the region and incorporates the key principles and direction sought through the Smartgrowth strategy. Of particular significance for this plan change is regional policy statement direction that in order to accommodate this anticipated growth there will need to be a minimum yield of 15 dwellings per hectare in urban growth areas.

In order to address this issue the proposed subdivision provisions ensure these yields are delivered and that subdivision in identified future growth areas is heavily restricted to ensure the ability to accommodate growth demands in the most sustainable way is not compromised.

#### 4.2.2 Objectives

The following table identifies the objectives that address this issue and their appropriateness of in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
12.1.1.1	<p><i>Objective – City Form and Efficient Subdivision</i></p> <p><i>Subdivision provides for integrated, liveable and sustainable communities that incorporate high quality urban design outcomes, maintains and enhances landscape character and amenity, and occurs in an efficient and affordable manner with a minimum consumption of land area.</i></p>	<p><i>These objectives are:</i></p> <ul style="list-style-type: none"> <li><i>• Relevant because they provide for the sustainable management of the City's land resource in a manner that will provide for the social, economic and cultural well being of people and community whilst ensuring adverse effects on the environment are minimised and the future demands from population growth can be reasonably met..</i></li> </ul>
12.8.1.2	<p><i>Objective – Interim Subdivision of Land in Identified Growth Areas</i></p> <p><i>Subdivision of land identified in the Regional Policy Statement as being required for future a growth area preserves all practical options relating to its efficient and orderly development for future urban purposes.</i></p>	<ul style="list-style-type: none"> <li><i>• Useful as it clearly identifies what is expected to be delivered through the subdivision process.</i></li> <li><i>• Achievable through the proposed policies and methods.</i></li> <li><i>• Reasonable in relation to the accommodating and managing growth and giving effect to .the Regional Policy Statement.</i></li> </ul>

#### 4.2.3 Policies, Methods, Alternatives and EREs

The relationship between the objectives and policies is described as follows:

- Objective 12.1.1.1 is addressed through Policies 12.1.1.1.2, 12.1.1.1.3 and 12.4.1.1.3
- Objective 12.8.1.2 is addressed through Policies 12.8.1.2.1 and 12.8.1.2.2.

The relationship between the methods that implement these policies is described in more detail in the table below. Essentially these relate to identifying the yields that are required to be delivered in urban growth areas and providing a framework that recognises a flexible approach will be required to address the realities of delivering these yields on the ground.

Alternatives to this approach are also considered.

<p><b>Policies</b></p>	<p><i>Policy 12.1.1.1.2 – Yields in Urban Growth Areas</i></p> <p><i>Policy 12.1.1.1.3 – Yield Shortfalls in Urban Growth Areas</i></p> <p><i>Policy 12.4.1.1.3 – Undersized Allotments – Greenfield and Urban Growth Areas</i></p> <p><i>Policy 12.8.1.2.1 – Interim Subdivision of Land in Identified Growth Areas</i></p> <p><i>Policy 12.8.1.2.2 – Interim subdivision in the Future Urban Zone - Wairakei</i></p>
<p><b>Methods</b></p>	<p><i>Rule 12.5.1 and 12.9.1. – Controlled Activity Rules</i></p> <p><i>These rules identify the yields that are required to be delivered for the various urban growth areas identified throughout the City and provides options for how the yield can be met. The yields are based on detailed structure planning undertaken for the specific land areas included within urban growth areas.</i></p> <p><i>Rule 12.5.2 – Restricted Discretionary Activity Rules</i></p> <p><i>These rules provide criteria for considering yield shortfalls where they are no more than 10% (or 5% cumulatively). The intention of this is to provide for the circumstances where yield shortfalls are likely to occur due to topographical constraints or through a mix of residential opportunities. In these instances it is still expected to be reasonably demonstrated how yield shortfalls will be made up in subsequent stages of development.</i></p> <p><i>Rule 12.5.3 – Discretionary Activity Rules</i></p> <p><i>This rule provides for consideration of nett yield shortfalls of 11% in any one stage or a nett cumulative shortfall of 6%. The intention of this rule is to discourage squeezing of inappropriate levels of density into later stages of subdivision and therefore enables a greater degree of scrutiny to be exercised by the Council over the reasons for shortfalls and the solutions available to address future uptake.</i></p> <p><i>Rule 12.7.4 – Non Complying Activity Rules</i></p> <p><i>The purpose of this rule is to enable the Council to strongly resist future development of land that is identified as being strategically important for accommodating anticipated growth demands, namely Wairakei and Te Tumu.</i></p>
<p><b>Costs</b></p>	<ul style="list-style-type: none"> <li>• <i>Increase cost to developers through setting up a framework to</i></li> </ul>

	<p><i>deliver development yields.</i></p> <ul style="list-style-type: none"> <li>• <i>Restricting the ability of landowners to maximise financial gain from their properties in the interim.</i></li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>• <i>Ensures the co-ordinated delivery of development yields.</i></li> <li>• <i>Ensures land identified as being required for future growth is not able to be subdivided in a way that may compromise its maximum efficient intended end use.</i></li> </ul>
<b>Risk</b>	<p><i>The risk of not implementing the proposed policies and methods is that delivery of development yields in identified urban growth areas and that the maximum efficiency of identified future urban growth areas to accommodate residential development will be compromised through</i></p>
<b>Efficiency</b>	<p><i>The proposed policies and methods are efficient because they secure the land required for future growth and clearly identify yields that are expected to be delivered and the processes to be followed were these yields are varied. This ensures that the City's growth areas and future growth areas will be efficiently managed to ensure growth pressures can be met.</i></p>
<b>Effectiveness</b>	<p><i>The proposed policies and methods establish an effective framework that addresses the issue and the objectives, provides for the mechanisms to deliver required development yields and provides for the efficient and orderly development of land required for future urban growth.</i></p>
<b>Appropriateness</b>	<p><i>The proposed policies and methods are appropriate in achieving the purpose and principles of the RMA and to address the issues and deliver the objective.</i></p>

<b>Alternative 1</b>	<p><b>Status quo – retain operative plan provisions</b></p> <p><b><i>Whilst the operative plan provides the same approach for future urban growth land in Te Tumu it does not provide any direction of delivering the yields required by the Regional Policy Statement.</i></b></p>
<b>Costs</b>	<ul style="list-style-type: none"> <li>• <i>Subdivision continues in an ad hoc fashion because of no clear mechanisms to deliver yields for urban growth areas that are required to meet growth pressure.</i></li> <li>• <i>Increased cost to the community through the unsustainable use of land and demand on infrastructure and services.</i></li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>• <i>More flexibility for landowners and developers.</i></li> <li>• <i>Would still secure land at Te Tumu for future urban development.</i></li> </ul>
<b>Risk</b>	<p><i>By not providing a clear framework for delivering the required yields this alternative presents a high level of risk to the ability of the City to manage population growth.</i></p>
<b>Efficiency</b>	<p><i>This alternative does not provide for the efficient use of the City's land resource.</i></p>

<b>Effectiveness</b>	<i>This alternative will not provide an effective means of addressing the issue and ensure the requirements of the Regional Policy Statement are delivered.</i>
<b>Appropriateness</b>	<i>This alternative is not considered appropriate because it would undermine the growth strategy for sub region and does not address the issue, deliver on the Regional Policy Statement and is not the most appropriate means for the Council to fulfil its statutory functions and requirements</i>

For the proposed policies and methods, the following EREs are anticipated:

- Population growth requirements are accommodated within greenfield areas.
- Land required for future urban growth is safeguarded

#### 4.2.4 Monitoring Proposed Plan Provisions

ERE	Indicator	Evaluation of Plan Effectiveness
Population growth requirements are accommodated within greenfield areas	Density of housing within urban growth and greenfield areas.	Development yields of 15 dwellings per hectare are met.
Land required for future urban growth is safeguarded	Land within these zones are not subdivided into freehold title.	Applications for subdivision for freehold title in future urban growth zones are not granted.

### 4.3 Issue 2: Subdivision can influence the shape and form of the City and provide for the unsustainable use of the City's land resource particularly where it enables a pattern of land use to occur that is inconsistent with the purpose of the underlying zone.

#### 4.3.1 Issue Statement

Subdivision and land use are closely related because subdivision of land into new parcels gives rise to a certain expectation of how land will be used and developed in the future and this can affect the shape, form and function of the City. Because subdivision establishes the pattern of land use it is important that this pattern occurs in a sustainable form that has regard to the immediate and wider environment through issues of design, connectivity, earthworks, topography etc.

In addition it is also important that the subdivision provisions reflect the mechanics of the subdivision process and provide consistent linkages between other relevant chapters of the Plan to ensure that subdivision does not undermine the land management strategy for a particular zone. For example minimum lot size requirements in the Suburban Residential Zone are also consistent with the density provisions of that zone, or that there is a strong presumption against the subdivision of secondary independent dwelling units.

#### 4.3.2 Objectives

The following table identifies the objectives that address this issue and their appropriateness of in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
12.1.1.1	<p><i>Objective – City Form and Efficient Subdivision</i></p> <p><i>Subdivision provides for integrated, liveable and sustainable communities that incorporate high quality urban design outcomes, maintains and enhances landscape character and amenity, and occurs in an efficient and affordable manner with a minimum consumption of land area.</i></p>	<p><i>These objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Relevant because they address the issue and ensure consistency of approach between subdivision and land use activities in a way that provides for the sustainable management of the City’s land resource to provide for the social, economic and cultural well being of people and the community whilst avoiding or mitigating adverse effects to ensure the needs of future generations can be met.</i></li> <li>• <i>Useful in the way that they ensure a consistent outcome with other chapters of the Plan.</i></li> <li>• <i>Achievable through the proposed policies and methods.</i></li> <li>• <i>Reasonable in relation to the issue and to avoid adverse effects on the environment.</i></li> </ul>
12.1.1.4	<p><i>Objective – Subdivision in Plan Areas</i></p> <p><i>The adverse effects of subdivision are avoided within the following plan areas:</i></p> <p><i>a) Special Ecological Areas</i>  <i>b) Important Amenity Landscapes Plan Area</i>  <i>c) CHEPA Plan Area</i>  <i>d) Flood Hazard Plan Area</i></p>	
12.4.1.1	<p><i>Objective – Subdivision in Residential Zones</i></p> <p><i>Subdivision in Residential Zones provides for integrated, liveable and sustainable communities that incorporate high quality urban design outcomes whilst maintaining and enhancing amenity and urban landscape character and the sustainable functioning of the transport network.</i></p>	
12.6.1.1	<p><i>Objective – Pattern of Subdivision</i></p> <p><i>Subdivision maintains and enhances the semi-rural character of the zone.</i></p>	

12.8.1.1	<p><i>Objective – Sustainable Management of the Rural Land Resource</i></p> <p><i>Subdivision of rural land protects the productive of this finite land resource and maintains rural landscape character</i></p>	
12.10.1.1	<p><i>Objective – Commercial and Industrial Zone Subdivision</i></p> <p><i>Subdivision within Commercial and Industrial Business zones provides for a range of businesses and industrial activities in an integrated and sustainable manner.</i></p>	
12.12.1.1	<p><i>Objective – Maori Community Development</i></p> <p><i>Subdivision enables the use and development of marae to meet the needs of iwi, hapu and whanau.</i></p>	

#### 4.3.3 Policies, Methods, Alternatives and EREs

The relationship between the objectives and policies is described as follows:

- Objective 12.1.1.1 is addressed through Policies 12.1.1.1.1, 12.1.1.1.4 and 12.4.1.1.5;
- Objective 12.1.1.4 is addressed through Policy 12.1.1.4.1;
- Objective 12.4.1.1 is addressed through Policies 12.4.1.1.1, 12.4.1.1.2 and 12.4.1.1.5;
- Objective 12.6.1.1 is addressed through Policy 12.6.1.1.2;
- Objective 12.8.1.1 is addressed through Policies 12.8.1.1.1 and 12.8.1.1.2;
- Objective 12.10.1.1 is addressed through Policy 12.10.1.1.1; and
- Objective 12.12.1.1.1 is addressed through Policies 12.12.1.1.1, 12.12.1.1.2 and 12.12.1.1.3. These policies are to be considered when subdivision occurs within the relevant zones.

The purpose of these policies is to provide more specific direction and context to the decision making process

The relationship between the methods that implement these policies is described in more detail in the table below. Essentially these relate to ensuring that allotments created through the subdivision process will be able to accommodate land use activities whose built form will be consistent with the environmental outcomes anticipated through the provisions of the underlying zone. The methods also provide the opportunity to consider the principles of good urban design where appropriate.

Alternatives to this approach are also considered.

<b>Policies</b>	<i>Policy 12.1.1.1.1 – City Form and Efficient Subdivision</i>
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	<p><i>Policy 12.1.1.1.4 – Minimum Allotment Sizes</i></p> <p><i>Policy 12.1.1.1.5 – Subdivision of Secondary Dwellings</i></p> <p><i>Policy 12.1.1.4.1 – Subdivision within Plan Areas</i></p> <p><i>Policy 12.4.1.1.1 – Subdivision Design</i></p> <p><i>Policy 12.4.1.1.2 – Undersized Allotments outside Urban Growth Areas</i></p> <p><i>Policy 12.4.1.1.5 – New Subdivision and Development in West Bethlehem – Reverse Sensitivity</i></p> <p><i>Policy 12.6.1.1.2 – Effects on Rural Residential Landscape Character</i></p> <p><i>Policy 12.8.1.1.1 – Sustainable Management of the Rural Land Resource</i></p> <p><i>Policy 12.8.1.1.2 – Greenbelt Subdivision</i></p> <p><i>Policy 12.10.1.1.1 – Commercial and Industrial Zone Subdivision</i></p> <p><i>Policy 12.12.1.1.1 – Subdivision or Partition within Marae Zones</i></p> <p><i>Policy 12.12.1.1.2 – Ngati Hangarau Marae</i></p> <p><i>Policy 12.12.1.1.3 – Ngati Kahu Papakainga Zone</i></p>
<p><b>Methods</b></p>	<p><i>Rule 12.3.2 – Permitted Activity Rules</i></p> <p><i>These rules roll over the operative provisions by continuing to enable cross lease to freehold subdivision and amendments to plans to occur as a permitted activity subject to compliance with the identified conditions.</i></p> <hr/> <p><i>Rule 12.3.3, 12.5.1, 12.7.1, 12.9.1, 12.11.1, 12.13.1 12.16.2. – Controlled Activity Rules</i></p> <p><i>The purpose of these rules is to enable subdivision to occur that is unlikely to have any adverse effects providing those activities can be managed through their specific standards and terms and conditions of consent. The scope of subdivision provided for is described below:</i></p> <ul style="list-style-type: none"> <li><i>• All zones – boundary adjustments, unit title subdivisions and allotments for network utilities. The standards and terms seek to ensure adverse effects of undersize lots or boundary location are avoided. The unit title standards also provide for the apartment style medium to high density development anticipated in the City Living Zones and High Density Urban Zones which will be driven by land use in the first instance.</i></li> <li><i>• Residential Zones – provides for subdivision in all residential zones. The standards and terms identify minimum lot sizes, the need to demonstrate future built form can comply with the rules of the underlying zone, service requirements and any specific</i></li> </ul>

	<p><i>urban growth plan requirements. Contaminated land and staging must also be addressed. The matters of control also identify a more explicit set of criteria which enable the Council to have greater regard to urban design principles and how the subdivision relates to its environment.</i></p> <ul style="list-style-type: none"> <li>• <i>Rural Residential Zones – provides for subdivision in the rural residential zones. The standards and terms identify the minimum allotment size, design assessment and specific landscaping requirements and reference to hazardous substances and staging. The matters of control identify a more explicit set of criteria which provide a focus on the importance of the potential adverse effects of subdivision in this zone on the natural environment.</i></li> <li>• <i>Rural Zones – provides for subdivision in the Rural and Greenbelt zone and Rural Marae Zone. Minimum lot sizes are identified with specific landscape standards where the rural zone is located in more sensitive natural environments.</i></li> <li>• <i>Commercial and Industrial Zones – provides for the subdivision within these zones. The standards and terms recognise that subdivision in these zones has a practical function to enable the operation of business and industrial activities. As such there are no minimum lot sizes only a requirement to demonstrate the proposed land use will comply with the underlying zone rules. Specific provisions also reflect the requirements for subdivision in the Tauriko Business Estate.</i></li> <li>• <i>Marae and Papakainga Zones – primarily provides standards for subdivision in the Ngati Kahu Papakainga Zone – Sub Zone A and B.</i></li> </ul>
	<p><i>Rule 12.3.4, 12.5.2, 12.7.2, 12.9.2, 12.11.2 and 12.13.2 – Restricted Discretionary Activity Rules</i></p> <p><i>These rules identify situations where subdivision is likely to have a specific adverse effect the extent of which will be considered on a case by case basis in relation to certain matters. This includes</i></p> <ul style="list-style-type: none"> <li>• <i>subdivision in all zones that occur within the coastal environment, the Flood Hazard Policy Area, in proximity to a High Voltage Transmission Plan Area (sub zone B) or on a site containing built heritage; and</i></li> <li>• <i>subdivision within a specific zone that does not comply with a controlled standard and term excluding the minimum lot size.</i></li> </ul>
	<p><i>Rule 12.3.5, 12.5.3, 12.7.3, 12.9.3, 12.11.3 – Discretionary Activity Rules</i></p> <p><i>The purpose of these rules is to reflect situations where subdivision is likely to create a significant adverse effect which requires closer scrutiny by the Council. This includes:</i></p> <ul style="list-style-type: none"> <li>• <i>Subdivision in all zones that occurs within a Special Ecological</i></li> </ul>

	<p><i>Plan Area (Cat 2) or an Important Amenity Landscape.</i></p> <ul style="list-style-type: none"> <li>• <i>Subdivision that does not comply with minimum allotment size requirements excluding the Greenbelt Zone.</i></li> <li>• <i>Subdivision for papakainga housing in the Rural Residential Zone, Rural Zones and Future Urban Zone.</i></li> <li>• <i>Subdivision proposed within the Tauriko Business Estate where specific service requirements have not been delivered.</i></li> </ul> <hr/> <p><i>Rule 12.3.6, 12.7.4, 12. – Non Complying Activity Rules</i></p> <p><i>The purpose of these rules is to reflect instances where subdivision is not anticipated to occur and is likely to generate significant adverse effects which are unlikely to be mitigated through conditions of consent. This includes;</i></p> <ul style="list-style-type: none"> <li>• <i>Subdivision in all zones where it occurs within a Category 1 Special Ecological Plan Area, an Outstanding Natural Features and Landscapes Plan Area, the Coastal Protection Area or a High Voltage Transmission Plan Area (sub zone A).</i></li> <li>• <i>Subdivision in the Rural-Residential or Rural Zone that includes the excise of a secondary independent dwelling unit.</i></li> <li>• <i>Subdivision in the Greenbelt Zone that does not comply with the minimum allotment size.</i></li> <li>• <i>Subdivision in specific Rural Marae Community Zones that does not meet certain thresholds.</i></li> </ul> <hr/> <p><i>Rule 12.3.7, 12.5.5, – Prohibited Activity Rules</i></p> <p><i>The purpose of these rules is to expressly prohibit subdivision that:</i></p> <ul style="list-style-type: none"> <li>• <i>Occurs wholly within the Coastal Erosion Risk Zone.</i></li> <li>• <i>Does not comply with Special Ecological Plan Area requirements.</i></li> <li>• <i>Seeks to excise a secondary independent dwelling unit in a Residential Zone.</i></li> </ul>
<b>Costs</b>	<ul style="list-style-type: none"> <li>• <i>Increased cost to land owners and developers through providing a more structured and targeted approach to considering the details and effects of subdivision.</i></li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>• <i>Enables a consistent approach to land management between subdivision provisions and other chapters in the Plan.</i></li> <li>• <i>Enables the Council to consider the principles of good design providing for a more sustainable built environment.</i></li> <li>• <i>Consistent with strategic direction.</i></li> </ul>
<b>Risk</b>	<p><i>The risk of not acting on the proposed policies and methods is an</i></p>

	<i>inconsistent approach to providing a high quality built environment that will be unable to deliver the amenity expectations of a growing population.</i>
<b>Efficiency</b>	<i>The proposed policies and methods provide an efficient framework for managing subdivision across the City through clearly identifying where subdivision is appropriate and where it is not and ensuring that where it is the Council can have more meaningful input into its form and function.</i>
<b>Effectiveness</b>	<i>The proposed policies and methods are effective in addressing the issue and delivering the objectives through providing a structured approach to assessing subdivision and its likely levels of adverse effects on the environment.</i>
<b>Appropriateness</b>	<i>The policies and methods are appropriate because they address the issue and the objectives and provide for the sustainable management of the City's land resource to enable people and the community to provide for the social well being.</i>

<b>Alternative 1</b>	<b>Status quo – retain operative plan provisions.</b>
<b>Costs</b>	<ul style="list-style-type: none"> <li>• <i>Would be inconsistent with new content introduced through other plan chapters.</i></li> <li>• <i>Would not provide for the most sustainable management of land through the subdivision process.</i></li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>• <i>Provides more flexibility for developers.</i></li> </ul>
<b>Risk</b>	<i>Retaining the operative provisions presents a risk in being able to deliver a well designed city with a sustainable shape and form.</i>
<b>Efficiency</b>	<i>This alternative is not considered to efficiently address the issue.</i>
<b>Effectiveness</b>	<i>This alternative would not provide an effective regulatory to address the issue.</i>
<b>Appropriateness</b>	<i>This alternative is not considered appropriate in delivering the purpose and principles of the RMA.</i>

For the proposed policies and methods, the following EREs are anticipated:

- The subdivision provides a pattern of land use that is consistent with the underlying zone provisions.
- Subdivision reflects the principles of good design.

#### 4.3.4 Monitoring Proposed Plan Provisions

<b>ERE</b>	<b>Indicator</b>	<b>Evaluation of Plan Effectiveness</b>
The subdivision provides a pattern of land use that is consistent with the underlying zone provisions	<ul style="list-style-type: none"> <li>• Lot sizes.</li> <li>• Amenity values.</li> </ul>	<ul style="list-style-type: none"> <li>• Applications for reduction in minimum lot size requirements are generally not approved. This will require statistical comparisons on the number of applications received, the reasons for the application and the number of applications that</li> </ul>

		were refused. <ul style="list-style-type: none"> <li>Gauging public perception through surveys.</li> </ul>
Subdivision reflects the principles of good design	Shape and form of the City.	Qualitative assessments to: <ul style="list-style-type: none"> <li>Assess allotment and block layout of subdivision. There should be a move away from the cul-de-sac subdivision typical of places like Papamoa in favour of layouts that reflect efficient form and function.</li> <li>Determine how well subdivision has worked with existing landform considering how much earthworks have been undertaken.</li> </ul>

**4.4 Issue 3: Infrastructure delivery through the subdivision process and the service expectations of land use activities provided for through subdivision needs to occur in a sustainable manner that avoids adverse effects on the environment; provides for the social and economic well being of the community, and ensures the level of service is appropriate for the purpose of the underlying zone.**

**4.4.1 Issue Statement**

Subdivision provides a vehicle for the delivery of infrastructure assets to be owned and maintained by the Council (and ultimately funded by the community). Currently Chapter 15 of the operative district plan outlines the requirements for service connections in each zone and the construction of assets to vest. These requirements reference performance standards (within the plan) and the Council’s Code of Practice (outside the plan).

Through the review process three key issues with this approach were identified:

- Direct references to the Code of Practice within the district plan. Part 3 of the RMA identifies the statutory requirements for incorporating documents by reference. These requirements present legal and technical implementation issues for Council, in that this effectively includes the Code of Practice (the Code) as a standard within the Plan. This is an issue for both the appropriateness of this level of technical detail as a component of the Plan, and with needing to update changes to the Code through a plan change process.
- Operative Performance Standards. These standards are dated and need to align with the new Code.
- Standards of Service. The provision of infrastructure also enables services to be provided to land use activities and it is important that this occurs in a manner that is consistent and appropriate with purpose of the underlying zone.

To address this a revised approach has been adopted which removes all references to the Code of Practice (now the Infrastructure Development Code) and introduces revised performance standards.

#### 4.4.2 Objectives

This table identifies the appropriateness of the listed objectives in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
12.1.1.2	<p><i>Objective – Subdivision Infrastructure and Servicing</i></p> <p><i>The provision of efficient, effective, functional and sustainable infrastructure and services through the subdivision process</i></p>	<p><i>These objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Relevant because they provide for the sustainable management and delivery of physical resources that will enable people and community to provide for the social, economic and cultural well being whilst avoiding adverse effects on the environment whilst providing for the needs of future generations.</i></li> <li>• <i>Useful as it clearly identifies what is expected through infrastructure and service provision.</i></li> <li>• <i>Achievable through the proposed policies and methods.</i></li> <li>• <i>Reasonable in relation to the issue and to avoid adverse effects on the environment.</i></li> </ul>
12.6.1.1	<p><i>Objective – Pattern of Subdivision</i></p> <p><i>Subdivision maintains and enhances the semi-rural character of the zone.</i></p>	
12.14.1.1	<p><i>Objective – Infrastructure and Services</i></p> <p><i>The provision of effective, efficient, functional, safe and sustainable infrastructure and services throughout the City</i></p>	
12.14.1.2	<p><i>Objective – Transport Network</i></p> <p><i>The safe and efficient movement of people, vehicles goods onto and within the transport network</i></p>	
12.14.1.3	<p><i>Objective – Stormwater</i></p> <p><i>People, property and infrastructure are safeguarded from the adverse effects of flooding and inundation associated with stormwater discharge.</i></p>	
12.14.1.4	<p><i>Objective – Water Supply</i></p> <p><i>The efficient, effective and sustainable water supply for human consumption, hygiene and firefighting purposes.</i></p>	

12.14.1.5	<p><i>Objective – Wastewater</i></p> <p><i>The safe and hygienic treatment and disposal of wastewater from land use activities</i></p>	
12.14.1.6	<p><i>Objective – Reserves</i></p> <p><i>The provision of accessible and safe reserves that meet the recreational demands of residents.</i></p>	
12.14.1.7	<p><i>Objective – Energy and Telecommunications</i></p> <p><i>Utility connections adequately meet the energy and telecommunication demands for land use activities across the City.</i></p>	

#### **4.4.3 Policies, Methods, Alternatives and EREs**

The objectives identified in the previous section are interrelated and together provide a package for managing and delivering the City’s infrastructure and servicing needs. The relationship between the objectives and policies is described as follows:

- Objective 12.1.1.2 is addressed through Policies 12.1.1.2.1 and 12.1.1.2.2;
- Objective 12.6.1.1 is addressed through Policy 12.6.1.1.1;
- Objective 12.14.1.1 is addressed through Policies 12.14.1.1.1 and 12.14.1.1.2;
- Objective 12.14.1.2 is addressed through Policies 12.14.1.2.1, 12.14.1.2.2 and 12.14.1.2.3;
- Objective 12.14.1.3 is addressed through Policy 12.14.1.3.1;
- Objective 12.14.1.4 is addressed through Policy 12.14.1.4.1;
- Objective 12.14.1.5 is addressed through Policy 12.14.1.5.1;
- Objective 12.14.1.6 is addressed through Policy 12.14.1.6.1; and
- Objective 12.14.1.7 is addressed through Policies 12.14.1.7.1 and 12.14.1.7.2.

The relationship between the methods that implement these policies are described in more detail in the table below. Essentially these relate to permitted activity conditions and matters of control that link to a series of performance standards and some explicit statements on levels of service that are not appropriate for the residential and rural-residential zone.

It is proposed that this link will be addressed through a series of ‘performance standards’ which will maintain the necessary levels of service and ensure developers are able to deliver these required services and infrastructure. The ‘performance standards’ identify the required outcome for a particular service and enable links to be made between the Plan and Development Code.

The alternative to this approach is also considered.

<p><b>Policies</b></p>	<p><i>Policy 12.1.1.2.1 – Infrastructure and Services</i></p> <p><i>Policy 12.1.1.2.2 – Infrastructure Provision within Urban Growth Areas</i></p> <p><i>Policy 12.1.1.2.3 – Staged Subdivisions</i></p> <p><i>Policy 12.4.1.1.4 – Allotment Sizes in Pyes Pa West</i></p> <p><i>Policy 12.6.1.1.1 – Pattern of Subdivision</i></p> <p><i>Policy 12.14.1.1.1 – Infrastructure and Services</i></p> <p><i>Policy 12.14.1.1.2 – Infrastructure and Services – Tauriko</i></p> <p><i>Policy 12.14.1.2.1 – Transport Network</i></p> <p><i>Policy 12.14.1.2.2 – Streetscape</i></p> <p><i>Policy 12.14.1.2.3 – Streetlighting</i></p> <p><i>Policy 12.14.1.3.1 – Stormwater</i></p> <p><i>Policy 12.14.1.4.1 – Water Supply</i></p> <p><i>Policy 12.14.1.5.1 – Wastewater</i></p> <p><i>Policy 12.14.1.6.1 – Reserves</i></p> <p><i>Policy 12.14.1.7.1 – Energy and Telecommunications</i></p> <p><i>Policy 12.14.1.7.2 - Broadband</i></p>
<p><b>Methods</b></p>	<p><i>Appendix 12A – E Performance Standards</i></p> <p><i>These performance standards identify ‘what needs to be achieved’ for service connections and constructing assets to vest and they provide the framework for the plan to the link to the Infrastructure Development Code (‘how it is to be achieved’) through permitted activity rules and conditions of consent. Utilising the Infrastructure Development Code would be ‘deemed to comply’ with the performance standards.</i></p> <p><i>The performance standards are intended to provide enough flexibility to ensure that their requirements can be satisfied through subdivision or land use activities without triggering an additional non-compliance, and to provide a framework for alternative solutions. Where the performance standards are not able to be complied with then the matter is considered as a non-notified restricted discretionary activity.</i></p> <hr/> <p><i>Rule 12.16.1 – Permitted Activities</i></p> <p><i>These rules set out the minimum level of service that is required to be provided for permanent land use activities relevant to the zone in which they are located. These requirements reflect the Council’s position that services should be appropriate for the underlying zone and not enable an intensity of development to occur that creates</i></p>

	<p><i>additional unplanned cost or capacity demand.</i></p> <p><i>Rule 12.5.1, 12.7.1, 12.9.1, 12.11.1, 12.13.1 12.16.2. – Controlled Activity Rules</i></p> <p><i>These standards and terms reflect the requirements for allotments to be able to be serviced in accordance with Rule 12.16.1 and identify the where infrastructure is proposed to be vested or required through an urban growth plan it will be required to meet the relevant performance standards for that particular asset. This establishes the link between subdivision and asset delivery and recognises the steps in the process of delivering that asset i.e. compliance with the Infrastructure Development Code. It is anticipated that conditions of subdivision consent will reflect this process.</i></p> <p><i>Refreshed and new approaches introduced through this plan review are the control of service provision in multi-unit development and the requirements for broadband ducting in greenfield areas.</i></p> <p><i>In addition there are also specific requirements for staging where it is proposed and the need to meet any specific requirements for urban growth areas.</i></p>
	<p><i>Rule 12.5.2. 12.7.2, 12.9.2, 12.11.2, 12.13.2 12.16.3 – Restricted Discretionary Activity Rules</i></p> <p><i>These rules enable the Council to consider the potential adverse effects of not complying with a subdivision standard and term and determine whether those potential effects can be mitigated through conditions of consent.</i></p> <p><i>There is a specific non-notification provision for infrastructure that does not meet a performance standard. This recognises that the extent of potential adverse effects will be addressed through discussion with the Council and is also intended not to discourage alternative or low impact design.</i></p>
	<p><i>Rule 12.5.4, 12.7.4 – Non Complying Activity Rules</i></p> <p><i>The purpose of these rules is to send a clear signal about the level of service that is expected to be provided in the residential and rural residential zones and are a continuation operative plan approach. In the residential zones having a wastewater system that is not reticulated in unlikely to be appropriate due to the intensity of development in these zones. For the rural- residential zone it is about ensuring low intensity development and sustainable service provision.</i></p>
<b>Costs</b>	<i>Additional time up front for developers through requiring consideration of infrastructure and service delivery at the start of the subdivisions process.</i>
<b>Benefits</b>	<ul style="list-style-type: none"> <li><i>• Reduces the risk and cost of sub standard asset delivery on the environment including the community.</i></li> <li><i>• Provides the flexibility to change the Infrastructure Development</i></li> </ul>

	<p>Code as necessary without formal plan change implications under the RMA.</p> <ul style="list-style-type: none"> <li>Facilitates and retains flexibility for considering alternative design solutions including the delivery of low impact design.</li> <li>Provides certainty to developers through clear identification of Council's expectations and requirements, including highlighting the importance of broadband delivery.</li> </ul>
<b>Risk</b>	<p>The proposed policies and methods retain and update the operative plan approach providing additional clarity and removing the technical challenges through having the Code directly referenced in the Plan. The performance standards have also been heavily work shopped with key internal and external stakeholders to ensure they suit operational and commercial realities. Overall the risk presented by these provisions is considered to be low.</p>
<b>Efficiency</b>	<p>The proposed policies and methods are efficient in delivering the objectives and providing a framework which recognise the link and processes involved in subdivision and infrastructure delivery.</p>
<b>Effectiveness</b>	<p>The proposed policies and methods are effective because they clearly establish what the Council's expectations are for the construction of infrastructure and appropriate levels of service, and enabling the potential adverse effects of not meeting these expectations to be considered.</p>
<b>Appropriateness</b>	<p>The policies and methods are appropriate in achieving the objectives and to enable the Council to fulfil its functions and requirements under the RMA.</p>

<b>Alternative 1</b>	<b>Status quo – retain operative plan approach.</b>
<b>Costs</b>	<ul style="list-style-type: none"> <li>Retains direct references to the Council's Code of Practice within the Plan. This has the effect of including the Code as a standard within the Plan which is an issue for both the appropriateness of this level of technical detail as a component of the Plan, and with needing to update changes to the Code through a plan change process.</li> <li>Does not reduce the risk and cost of sub standard asset delivery on the environment including the community.</li> </ul>
<b>Benefits</b>	<p>More flexibility for developers through not requiring more detailed consideration of infrastructure provision</p>
<b>Risk</b>	<p>The Code and the Plan are governed separately through the Local Government Act (the LGA) and the RMA. By incorporating the Code within the Plan there is a high risk that over time the Plan will not accurately reflect the requirements of the Code. This is highly likely to occur given changes to the Code can occur with more flexibility when compared to the Plan and the RMA processes.</p>
<b>Efficiency</b>	<p>This alternative is not considered efficient due to the likely number of</p>

	<i>plan changes that would need to be undertaken for the Plan to kept up to date with the Code. This has significant cost implication for staff time and the community.</i>
<b>Effectiveness</b>	<i>This alternative is not considered to be effective because of the need to continually update the Plan so it is consistent with the Code. This generates a cost to Council and the community and increases the risk of inconsistent or inappropriate infrastructure and service delivery.</i>
<b>Appropriateness</b>	<i>Overall it is not considered that this alternative is an appropriate means of addressing the issue, particularly in the face of increasing population growth.</i>

For the proposed policies and methods, the following EREs are anticipated:

- Effective delivery of infrastructure.
- Delivery of more low impact design infrastructure provision
- Service provision is appropriate for the underlying zone.

#### 4.4.4 Monitoring Proposed Plan Provisions

<b>ERE</b>	<b>Indicator</b>	<b>Evaluation of Plan Effectiveness</b>
Effective delivery of infrastructure	Infrastructure maintenance costs to Council	The cost to Council of maintaining infrastructure should be proportional to its anticipated whole of life cost.
Delivery of more low impact design infrastructure provision	Infrastructure maintenance costs to Council.	The maintenance costs for low impact design should be reduced over the whole of life cost.
Service provision is appropriate for the underlying zone	Development density	Development density in consistent with the underlying zone density provisions

### 4.5 Issue 4: The need to secure public access to the City's unique natural environment to provide an enhanced level of amenity which balances the pressures of population growth.

#### 4.5.1 Issue Statement

Access to the coastal marine area, lakes and rivers is identified as a matter of national importance under section 6 of the RMA. Tauranga's unique natural environment includes open coast, harbour margins, wetlands, streams and rivers which provide the City with important amenity values which will become more valuable resource as population growth increases. The subdivision process is principally the key tool for delivery of public access to these areas.

#### 4.5.2 Objectives

The following table identifies the objective that addresses this issue and its appropriateness of achieving the purpose of the RMA.

<b>Objective Number</b>	<b>Objective</b>	<b>Appropriateness</b>
12.1.1.3	<p><i>Objective – Access to the Coastal Environment, Wetlands, Rivers and Streams</i></p> <p><i>Safe and efficient public access to and along the City’s costal environment, wetlands, river and streams is maintained and enhanced through the subdivision process.</i></p>	<p><i>These objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Relevant as it will provide for the sustainable management of the City’s natural resources in a way that will maintain and enhance access to the natural environment to enables people and the community to provide for their social and cultural well being</i></li> <li>• <i>Useful in enabling the Council to fulfil its statutory obligations under the RMA.</i></li> <li>• <i>Achievable through the proposed policies and methods.</i></li> <li>• <i>Reasonable in ensuring access to the coastal environment, lakes and rivers is maintained and enhanced as a matter of national importance..</i></li> </ul>

#### **4.5.3 Policies, Methods, Alternatives and EREs**

Objective 12.1.1.3 is addressed by Policy 12.1.1.3.1. The method to implement this policy is to rely on the provisions of the RMA and this is described in more detail below.

An alternative to this option is also considered.

<b>Policies</b>	<i>Policy 12.1.1.3.1 – Access to the Coastal Environment, Wetlands, Rivers and Streams</i>
<b>Methods</b>	<p><i>The policy directs that opportunities to secure public access by way of esplanade reserve or esplanade strip be taken through the subdivision process.</i></p> <p><i>It is intended that the method of delivering this desired outcome is to rely solely on the RMA which identifies what the purpose of an esplanade reserve or strip is and in what instances they should be provided. The Plan does not provide any rules which require more or less than the RMA and it is expected that subdivision will comply with the requirements of the RMA. Where the 20 metre width is not provided it is expected that this will be assessed as a discretionary activity where the Council will have discretion of whether or not to involve the wider public in the decision making.</i></p>
<b>Costs</b>	<i>Uncertainty of process and application costs for developers and landowners where the required width is not met.</i>
<b>Benefits</b>	<i>Consistent with the requirements and public expectations of the RMA.</i>

<b>Risk</b>	<i>The RMA is clear on the importance of public access to the coastal environment, lakes and rivers and on how this is expected to be delivered. The Plan refers back to the RMA in this instance.</i>
<b>Efficiency</b>	<i>The policy and method are considered to be an efficient means of delivering the requirements of the RMA.</i>
<b>Effectiveness</b>	<i>The policy provides clear direction on securing public access and relying on the statutory requirements of the RMA is an effective means of delivering this access.</i>
<b>Appropriateness</b>	<i>The proposed policy and method are appropriate in terms of addressing the issue and delivering the objective and in terms of the statutory requirements and framework of the RMA.</i>

<b>Alternative 1</b>	<b>Status quo – retain operative plan provisions.</b>  <b><i>The operative provisions provide some guidance around waiving the esplanade requirements of the RMA</i></b>
<b>Costs</b>	<i>The wording of the operative provisions imply discretion can be exercised when considering waivers of the requirements of the RMA. This does not provide enough certainty of process for the public or private landowners and developers on a matter which is recognised as being of national importance.</i>
<b>Benefits</b>	<i>Identifies the criteria where waivers of esplanade reserves and strips may be appropriate.</i>
<b>Risk</b>	<i>The risk of this alternative is that the expectations of the RMA will not be fulfilled.</i>
<b>Efficiency</b>	<i>The discretion implied through the operative provisions does not provide an efficient framework for considering width waivers and the potential effect this may have on the wider community.</i>
<b>Effectiveness</b>	<i>This alternative is not considered to be an effective method of delivering the expectations of the RMA</i>
<b>Appropriateness</b>	<i>This alternative is not considered appropriate in maintaining and enhancing public access to the City's coastal environment, lakes and rivers as a matter of national importance.</i>

For the proposed policies and methods, the following EREs are anticipated:

- Increased public access to the coastal environment, harbour margins, wetlands rivers and streams.

#### 4.5.4 Monitoring Proposed Plan Provisions

<b>ERE</b>	<b>Indicator</b>	<b>Evaluation of Plan Effectiveness</b>
Increased public access to the coastal environment,	Reserve land ownership	An increase in the amount of reserve land owned by the Council having regard to the location of that land.

harbour margins, wetlands rivers and streams		
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**5. RECOMMENDED OBJECTIVES, POLICIES AND METHODS**

The issues relevant to the subdivision process have been identified in section 4 of this report and are summarised as follows:

- Accommodating growth pressure.
- Consistent delivery in the quality of the environment.
- Infrastructure and service delivery.
- Esplanade reserve and strip provisions.

The preferred options available to address these issues have been considered against the alternative options associated with maintaining the operative plan provisions. The proposed objectives have been found to be the most appropriate method of addressing the issues through:

- Identifying the importance of delivering integrated, liveable and sustainable communities that focus on high quality design outcomes.
- Ensuring the provision of effective, efficient and sustainable infrastructure and services.
- Relying on the RMA to deliver the esplanade reserve and strip requirements for the City.

The proposed policies and methods are considered to provide an effective means of delivering these objectives.

**6. NOTIFICATION AND RECOMMENDED DECISIONS**

*This section to be completed following hearings.*