



CHAPTER 12

SUBDIVISION AND ESPLANADE RESERVES

*Te Nōhanga Whakatū Whare me
Ngā Ara Whakarite Hīkoi o
Parawhenuamea*

12 Subdivision and Esplanade Reserves

12.1 OBJECTIVES AND POLICIES

Refer to Chapter 2 for Strategic Objectives and Policies and to Chapters 11 to 20 for additional rules that may apply to subdivision.

Objective Sub1 *Subdivision activity and development is managed in a way that maintains the productive capacity of the land and supports its use for a range of rural production activities.*

Policy 1 To avoid subdivision that fragments land within the Rural Plains Zone, including versatile land and reduces its use for primary productive purposes.

Policy 2 In the Rural Foothills Zone, to provide for subdivision for rural production activities, and to consider subdivision for lifestyle lots, where compatible with the working rural environment.

Policy 3 To provide for subdivision activity that encourages the consolidation of rural zoned land, in a way that productive rural land use options are increased.

Objective Sub2 *Subdivision, use and development maintains and enhances the rural character of the rural environment*

Policy 1 To avoid, remedy or mitigate the adverse visual effects of the intensity of subdivision and the resulting development that is facilitated by subdivision activity.

Note: See also Objective LS2 Policies 1, 2 and 3

Objective Sub3 *The adverse effects of subdivision on natural and physical resources, are avoided, remedied or mitigated.*

Policy 1 To ensure that the dimensions and areas of new lots sustain the District's rural and urban land resource and are designed to avoid, remedy or mitigate the adverse effects, including reverse sensitivity effects, of anticipated activities on new lots and within the locality.

Policy 2 To ensure that infill housing and houses in identified urban growth areas are able to dispose of stormwater, sewage and wastewater into Council's systems to avoid, remedy or mitigate adverse effects on the environment.

Policy 3 To ensure that all sites are large enough for the proposed use, development or subdivision and, for residential sites that residents within the site or in the neighbourhood retain or will have a high level of residential amenity.

Policy 4 To provide for subdivision of land within Structure Plan areas in accordance with an approved comprehensive development plan.

Policy 5 To encourage the protection of scheduled sites and features of heritage or significant biodiversity value by providing additional subdivision opportunity.

Policy 6 To require subdivisions to be designed in accordance with good urban design principles and guidelines.

<i>Objective Sub4</i>	<i>Manage acquisition of esplanade reserves, esplanade strips and/or access strips to achieve public access to, recreational use of, and conservation of coast, rivers, and lakes and their margins and habitat values.</i>
Policy 1	To set aside esplanade reserves , esplanade strips or access strips for public access and recreational use, to and along the District's coast, major rivers and lakes where compatible with the protection of conservation values and taking into consideration the management objectives for adjacent land.
Policy 2	To use esplanade reserves or esplanade strips to protect conservation values and the natural character, ecological and habitat (including aquatic) values associated with the coast, rivers, lakes and their margins from inappropriate subdivision, land use and development.
Policy 3	To create esplanade strips along the coast, rivers and lakes in rural areas, in preference to esplanade reserves , where the primary purpose is to contribute to the protection of conservation values and taking into consideration natural hazard effects.
Policy 4	To waive or modify the esplanade reserve or esplanade strip only where the purpose of the esplanade protection cannot be met or it is unreasonable to impose the esplanade reserve or esplanade strip , or the purpose is being met by some other means.
Policy 5	To negotiate with landowners to create esplanade strips or access strips where necessary, to achieve linkages between existing reserves for conservation or public access purposes where regulatory mechanisms are not applicable.
<i>Objective Sub5</i>	<i>Maintenance and enhancement of safe public access in appropriate locations to and along the coast, lakes and rivers including developing a continuous functional network.</i>
Policy 1	To provide, as far as practicable, safe public access to and along the coast, lakes and rivers.
Policy 2	To ensure public access is restricted only where necessary; <ul style="list-style-type: none"> a. to protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; b. to protect cultural and heritage values; c. to protect public health or safety; d. to ensure a level of security consistent with the purpose of a resource consent or designation; e. to ensure there is no inherent conflict between the public gaining access to an area and the principle reason for acquiring a reserve, esplanade reserve or esplanade strip; or f. in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.
Policy 3	To control the number, location and the design of public accessways to the coast, lakes or rivers in sensitive locations to ensure access does not in itself create adverse effects that are more than minor.
Policy 4	To discourage vehicles from accessing the coast, lake, river or their margins except for vessel launching in authorised locations and for works and maintenance associated with existing lawfully established activities and management and emergency purposes.

Item	Rule	Community and Cultural	Rural Residential	Deferred Residential	Residential	Urban Living	Mixed Use Zone	Business Centre	Large Format Retail	Commercial	Light Industrial	Industrial	Coastal Protection	Active Reserve	Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhiwa	Education
	otherwise stated in the standard or elsewhere in this table.				RD ¹														
2.	Subdivision not complying with the minimum lot size.	NC	NC	NC	D	D	D	D	NC	D	D	D	D	D	D	D	NC	NC	D
3.	Subdivision for a Protection lot	NC	D	D	D	D	D	D	NC	D	D	D	D	D	D	D	D	D	D
4.	Redefined Lot	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	D	NA	NA	NA	NA
5.	Boundary adjustment	NC	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
6.	Unit title subdivision where the lots contain existing building(s) and comply with all conditions of a resource consent	NC	NC	C	C	C	C	C	C	C	C	C	NC	NC	NC	NC	NC	NC	NC
7.	Unit title subdivision not provided for in item 6 above	NC	NC	D	D	D	D	D	NC	D	D	D	NC	NC	NC	NC	NC	NC	NC
8.	Conversion of Land Tenure	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
9.	Amendments to Cross Lease, unit title or company lease	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
10.	Subdivision with direct vehicle access to the state highway and limited access roads . (See 13.4.11)	NC	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
11.	Subdivision with vehicle access across the rail network	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
12.	Subdivision for works and network utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
13.	Subdivision of land that contains: a. a Scheduled Heritage Feature b. a Scheduled ONFL Feature c. a Scheduled Indigenous Biodiversity site d. a natural hazard as shown on a planning map e. a nominated building	NC	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D

¹ Subdivision of land listed in Rule 12.8.4 is a Restricted Discretionary activity.

Item	Rule	Community and Cultural	Rural Residential	Deferred Residential	Residential	Urban Living	Mixed Use Zone	Business Centre	Large Format Retail	Commercial	Light Industrial	Industrial	Coastal Protection	Active Reserve	Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhiwa	Education
	platform within 300m of the Edgecumbe Dairy Manufacturing Site or the Omeheu Spray Irrigation Scheme f. contaminated land or potentially contaminated land .																		
14.	Subdivision of land that contains or is affected by a National Grid Corridor , where a complying building platform is provided outside the National Grid Yard .	NC	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
15.	Subdivision in accordance with an approved (consented) comprehensive development plan	NA	NA	NA	C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
16.	Subdivision of land where a complying building platform cannot be sited outside of the National Grid Yard , other than for buildings and structures provided for as a permitted activity within a National Grid Yard .	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
17.	Any other form of subdivision not otherwise provided for in this Table	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
17.a	The subdivision of land where an additional lot is created and where a new building platform will be located within the Kawerau Geothermal Exploration Area	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	RD	RD	NA	NA	NA
18.	Subdivision of land that includes a request to waive the requirement for an esplanade reserve or strip	NC	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
19.	Subdivision of land within either a CHEPA or CHFPA , refer to 12.4.10 and 12.4.11																		

12.3 GENERAL SUBDIVISION STANDARDS

12.3.1 Building Platform

12.3.1.1 Each site and/or lot shall contain an identified potential building platform which is:

- a. In the Residential Zone, not less than 150m² in area with a minimum dimension of 10m or, in the Urban Living Zone, not less than 110m² in area with a minimum dimension of 8.5m
- b. stable to support building foundations. Steep gradient, poor soil structure, or un-compacted fill may cause land instability;
- c. free of topographical constraints;
- d. located to avoid natural hazard events such as inundation, falling debris, subsidence;
- e. located outside a riparian margin, except on Ōhakana Island, where the relevant part of the Rules in 7.2.3 and 7.2.7 shall apply except for maimai;
- f. clear of stormwater and effluent disposal systems which might undermine the stability of the building platform;
- g. located in accordance with a resource consent granted in accordance with Rule 7.2.6 in the Rural Coastal or Rural Ōhiwa Zones; and
- h. located to comply with rules of the Plan.

Advice Note: Subdivision where there are building platforms located within 12m of the centre line of any National Grid Corridor as shown on the Planning Maps is not anticipated or provided for (see Rules in 20.2.8).

12.3.2 Frontage

12.3.2.1 In the Residential and Urban Living Zones (except for subdivision of land within a Structure Plan area that is in accordance with an approved (consented) Comprehensive Development Plan) all lots shall incorporate as a minimum;

- a. frontage to a legal road of 4.0m, or alternatively, have legal access to a formed road over an accessway which complies with the Rules in 13.2.2.

12.3.2.2 In Rural Plains, Rural Foothills, Rural Ōhiwa, Rural Residential and Rural Coastal Zones (except for subdivision of land within a structure plan area that is in accordance with an approved (consented) Comprehensive Development Plan) lots shall incorporate as a minimum;

- a. a 20m diameter circle; and
- b. frontage to a legal road of 20m, or alternatively, have legal access to a formed road over an accessway which complies with Rules in 13.2.2.

Advice Note: Access to a property across the rail network does not constitute legal access. Sites which adjoin the railway line or designation must provide an alternative access to a legal road which does not require crossing a railway line or designation.

12.3.3 Easements

12.3.3.1 The subdivider is required to provide appropriate easements in favour of **network utility providers** (including water, stormwater and wastewater) at the subdivider's cost where it is necessary to ensure combined access to the utility facilities by the **network utility provider** where such facilities are located on privately owned land. All easements provided by the subdivider in this respect shall be of sufficient size to enable a telephone line, electricity and gas link to be provided and maintained to each and every lot.

12.3.4 Balance Area

12.3.4.1 A balance area shall comply with the minimum (and/or average) lot size for the respective zone.

12.3.5 Existing Buildings

12.3.5.1 In relation to proposed boundaries, existing and proposed buildings and **building** sites must comply with the bulk and location rules relevant to the zone and the New Zealand Building Code after subdivision. Where this requirement cannot be met, the subdivider must obtain a resource consent to allow the contravention. The consequence of subdivision shall not increase the degree of non-conformity with the rules.

12.3.6 Zone Boundaries Across Properties

12.3.6.1 Where any parent title under subdivision is split by two zones, the subdivision must generate titles with at least the minimum, or average, lot size for each respective zone. For clarity, the land area used to calculate minimum (or average) lot size shall include only the area of land within the respective zone.

12.3.7 Structure Plan Area Requirements

12.3.7.1 Rules 12.3.2 (Frontage) and 12.4.1 (Minimum Lot Size) shall not apply to the subdivision of land within a Structure Plan area that is in accordance with an approved (consented) Comprehensive Development Plan.

12.4 SPECIFIC SUBDIVISION STANDARDS

12.4.1 Residential and Urban Living Zone – Lot Sizes

12.4.1.1 In the Residential Zone the minimum lot area is 350m² (exclusive of access leg), provided that in any subdivision containing four or more additional lots, one half of all lots shall have an area greater than 650m².

12.4.1.2 In the Urban Living Zone the minimum lot area is 250m² (exclusive of access leg), provided that the minimum lot area is 200m² if the original, parent site is at least 1,500m² inclusive of access and consent has been issued for the comprehensive redevelopment of the site.

12.4.1.3 Sites not provided with a reticulated sewer system the minimum lot area is 1,200m² (exclusive of access leg).

12.4.1.4 This Rule 12.4.1 shall not apply to the subdivision of land within a Structure Plan area that is in accordance with an approved Comprehensive Development Plan.

12.4.2 Business Centre, Commercial, Large Format Retail, Light Industrial, Industrial, Mixed Use and Community and Cultural Zones – Lots Sizes and Dimensions

12.4.2.1 All lots must comply with the following standards:

Standard	Business Centre, Commercial	Light Industrial and Industrial
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	and Mixed Use Zone	Zone
Minimum lot area	300m ²	600m ²
Minimum lot frontage	10 metres	15 metres
Minimum lot depth	18 metres	25 metres

Table 12:1 Lot Sizes and Dimensions

12.4.2.2 Notwithstanding the requirements of Rule 12.4.2.1, a lot or lots may be created in the Business Centre, Commercial, Light Industrial, Industrial and Mixed Use Zone, that is/are a size and shape that will contain, or is capable of containing a building (and associated activities) as a permitted activity, complying with all permitted activity conditions in the District Plan, or that is consistent with a resource consent (land use) that has been granted for the activity.

12.4.2.3 In the Large Format Retail Zone, unit titles may be created as a Controlled Activity where the lots contain an existing building or buildings (and associated activities) which comply with all conditions of a resource consent (land use) that has been granted for the activity. No subdivision other than unit title subdivision is allowed as a Controlled Activity and must be considered as a Non-Complying Activity.

12.4.3 Rural Plains Zone

12.4.3.1 The minimum lot size is eight hectares.

12.4.4 Rural Foothills Zone

12.4.4.1 Controlled Activity:

- a. one additional lot per Certificate of Title;
- b. average lot size of 2 hectares or greater; and
- c. minimum lot size of 5,000m².

12.4.4.2 Restricted Discretionary Activity:

- a. two to six additional lots per Certificate of Title;
- b. average lot size of 2 hectares or greater;
- c. minimum lot size of 5,000m²; and

12.4.4.3 Discretionary Activities

- a. more than 6 additional lots per Certificate of Title.

12.4.4.4 The assessment of the average lot size in Rule 12.4.4 shall include all lots created by subdivision that have included the subject property or properties since 1 January 1998.

12.4.5 Rural Coastal Zone

12.4.5.1 The minimum lot size is 4 hectares.

12.4.5.2 Where any parent title under subdivision is split between the Rural Coastal and the Rural Plains zones, the subdivision must generate titles with at least the minimum lot sizes for each respective zone.

12.4.6 Rural Ōhiwa Zone

12.4.6.1 The minimum lot size is 4 hectares.

12.4.7 Coastal Protection Zone and Active Reserves Zone

12.4.7.1 No minimum size, where the purpose of the subdivision is to enable the use of the lot, consistent with the reserve or coastal protection purpose and it is to vest in the Council.

12.4.8 Protection Lots in the Rural Zones

12.4.8.1 In the Rural Plains, Rural Foothills, Rural Ōhiwa or Rural Coastal Zones, where a lot contains part or all of a scheduled built heritage feature listed in Schedule 16.7.1, or a scheduled cultural and archaeological heritage feature listed in Schedule 16.7.2 or a significant biodiversity site as listed in Schedules 15.7.1, 15.7.2, 15.7.3 or any other heritage feature proven to be of significance by meeting the criteria listed in Appendix 22.7 and where that part or all of the feature on the lot is to be legally protected in perpetuity, one additional lot may be created provided that;

- a. the additional lot shall have a minimum area of 2,500m² and a maximum area of 5000m², exclusive of the feature to be protected in accordance with c. below and any area dedicated for vehicle access;
- b. the area or feature to be protected may either remain on the parent site, or be contained within the new additional lot, provided that the required building area, services and access are not within and do not compromise the feature to be protected, or result in its modification, or destruction;
- c. the feature to be protected shall have a minimum area as follows;

Schedule	Protection Requirements
Schedule (A) 15.7.1 Coastal and wetland sites	Whole feature on the lot must be contained within a minimum area of 5000m ² or the size of the feature, whichever is greater
Schedule (B) 15.7.2 Foothills	The whole of any wetland feature on the lot must be contained within a minimum area of 5000m ² or the size of the feature whichever is greater, or For any other feature these must be contained within a minimum area of 5ha, or must contain the entire feature on the lot, whichever is the greater
Schedule (C) 15.7.3 Te Urewera-Whirinaki sites	The whole of that part of the feature on the lot
Schedule 16.7.1 and 16.7.2 Heritage	The whole of that part of the feature on the lot

Table 12:2 Protection Lots in Rural Zones

- d. A report may be required from a suitably qualified and experienced ecologist or archaeologist to support the application, such as to confirm the area of the feature to be protected or the location of the boundaries and the manner of protection proposed.
- e. conditions on consents for protection lots shall provide for the permanent protection of that feature and such protection could include, but is not limited to, requirements that;
 - i. a permanent stock-proof fence shall be erected around the perimeter of the feature provided that this requirement be waived if grazing is not a threat to the feature; and
 - ii. a plant and animal pest control programme shall be entered into provided that this requirement may be waived if plant and animal pests are not a threat to the feature.
 - iii. other measures shall be undertaken as required to ensure the protection of an archaeological feature

12.4.9 Redefined Lot—Rural Plains Zone

12.4.9.1 Where there are two contiguous titles that were in existence at the date of the notification (28 June 2013) of the Proposed Whakatāne District Plan the title boundaries may be re-defined where the resultant lot size of one title has a maximum area of 5,000m² and the balance has a minimum of 8.0 hectares. If there is more than one dwelling on the lots to be re-defined, the resultant lots shall each contain one dwelling in accordance with the permitted activity status for dwellings in the Zone.

12.4.9.2 The maximum lot size of 5,000m² shall exclude the area dedicated for vehicle access.

12.4.10 Subdivision of land incorporating either in whole, or in part, a CHEPA.

12.4.10.1 Any subdivision containing land within the CHEPA shall be a Discretionary activity provided that an alternative building site is available for each lot (the alternative building sites need not be contiguous with the existing or new lots) and the alternative building site is included on the same certificate of title as the lot(s). Only one new title may be created after 2 April 2008.

12.4.10.2 Any subdivision of land, that's sole purpose is to vest the new lots as reserve or a network utility lot, shall be a restricted discretionary activity.

12.4.10.3 Any boundary adjustment of two or more adjacent lots shall be a Restricted Discretionary activity where;

- a. no additional lots are created;
- b. each of the lots involved will be left with substantially the same land area and unchanged road frontages, and
- c. the adjustment does not reduce the ability of the adjusted lots created to provide an Alternative Building Site.

12.4.10.4 Any subdivision of land that meets the following criteria shall be a Discretionary activity where;

- a. only one new lot may be created after 2 April 2008;
- b. it could be done as a controlled activity if the CHEPA did not exist;
- c. provides a building platform, having a minimum area of 150m² and a minimum dimension of 10m, plus front, rear and side yards (where required by the District Plan for the underlying zone) outside of the CHEPA, and
- d. relocates existing buildings, and requires new buildings, to be located outside of the CHEPA.

12.4.10.5 Any subdivision of land that does not contain an alternative building site, and is not provided for as a Restricted Discretionary or Discretionary activity shall be a Non-complying activity.

12.4.11 Subdivision of land incorporating either in whole, or in part, a CHFPA.

12.4.11.1 Any subdivision containing land within the CHFPA, and where no new buildings, structures or earthworks are proposed on that part of the land located within overland flowpaths or natural ponding areas shall be a Restricted Discretionary activity.

12.4.11.2 Any other subdivision containing land within the CHFPA shall be a Discretionary activity.

12.4.12 Works and Network Utilities

12.4.12.1 A separate title may be created for a work or network utility or renewable electricity generation activity listed in Chapter 20 (Works and Network Utilities) as a permitted activity or which has obtained a resource consent for the work or network utility or renewable electricity generation activity.

12.4.12.2 The lot size and shape factor shall be sufficient to include the work or **network utility** or renewable electricity generation activity and associated structures and landscaping.

12.4.13 Boundary Adjustment

12.4.13.1 The adjustment of boundaries between existing land titles which will leave each of the lots involved with substantially the same area of land and complying road frontage and access. The number of certificates of title in the subdivision shall be the same after the subdivision has been approved

12.4.14 Conversion of Land Tenure

12.4.14.1 A subdivision to convert the form of land tenure from cross-lease, unit title or company lease to fee simple (freehold) title where the development of the site is complete.

12.4.15 Amendment to Cross-lease, Unit Title and Company Lease Plans

12.4.15.1 An amendment to a cross-lease, unit title or company lease plan to show lawful additions, alterations and accessory buildings.

12.4.16 Esplanade reserves

12.4.16.1 The following rules apply:

- a. Residential, Urban Living, Mixed Use, Business Centre, Commercial, Light Industrial, Industrial, Reserve or **CPZs** Zones:
 - i. For any subdivision of land that results in a lot of less than four hectares in size which abuts any part of the coastal marine area or any part of any river or lake listed in Schedule 12.11.1, a 20m wide **esplanade reserve** shall be required to be vested in the Council.
- b. Rural Plains, Deferred Residential, Rural Foothills, Rural Residential, Rural Coastal and Rural Ōhiwa Zones:
 - i. For any subdivision of land that results in a lot of less than four hectares that abuts any part of the coastal marine area or any part of any river or lake listed in Appendix 12.11.1 a 20m wide **esplanade reserve** or **esplanade strip** shall be required for public access and/or recreation use, conservation, or hazard mitigation purposes; and
 - ii. For any subdivision of land that results in a lot of 4 hectares or more and which abuts any part of a river or lake and which meets the criteria listed in Appendix 12.11.3, then a 20m-wide **esplanade reserve** or **esplanade strip** may be required for conservation or hazard mitigation purposes, or to enable public access and/or recreation use. Provided that for Rule 12.5.1.1 and (a) and (b) above;
 - an **esplanade reserve** may be replaced with an **esplanade strip** under Rule 12.4.18; and/or
 - the width of the reserve may be changed in accordance with the Rules in 12.4.19 and 12.4.20.

Advice Note 1: Access over private land requires permission from the landowner

Advice Note 2: The provisions of Section 237E and F for compensation under the RMA will apply where any **esplanade reserve** or **esplanade strip** is required to be set aside on a lot of four hectares or more.

12.4.17 Road Stopping

12.4.17.1 A 20m wide **esplanade reserve** shall be set aside in accordance with the requirement of Section 345(3) Local Government Act 1974 for the disposal of land not required for road where the road being stopped abuts any land to, or along the coastal marine area or any part of a river or lake provided that the width of the reserve may be changed in accordance with the Rules in 12.4.19 and 12.4.20.

12.4.18 Esplanade Strip

12.4.18.1 Where Rule 12.4.16.1(b) applies, the requirement for an **esplanade reserve** may be replaced by an **esplanade strip** of not less than 20m in width where;

- a. the boundary of the Mean High Water Springs, or riverbank has the potential to change position because of erosion, deposition or permanent changes in the watercourse or water level; and
- b. the Council is satisfied that the purpose of an **esplanade reserve**, as defined in Section 229 of the RMA, can be adequately achieved.

12.4.19 Reductions in Width

12.4.19.1 The width of an **esplanade reserve** or **esplanade strip** may be reduced below 20m where;

- a. an existing lawfully established residential, community or commercial activity identified in Activity Status Table 3.4, located within the 20m reserve or strip and an appropriately smaller **esplanade reserve** or **esplanade strip** can be created; or
- b. the topography limits the effectiveness of the **esplanade reserve** or **esplanade strip**; or
- c. the purpose of the esplanade reserve or esplanade strip for conservation purposes, public access or recreational use can be achieved by a lesser width or by an alternative protective mechanism.

12.4.20 Increases in Width

12.4.20.1 The width of an **esplanade reserve** or **esplanade strip** may be increased above 20m where the topography, feature or zone boundary offers a practical demarcation of the landward boundary of an **esplanade reserve** or **esplanade strip** that would better assist management purposes.

Advice Note: The provisions of Section 237E and F for compensation under the RMA will apply where an **esplanade reserve** or esplanade strip of a width greater than 20m is required.

12.4.21 Access Strips

12.4.21.1 The Council may enter into voluntary negotiations with a landowner(s) to achieve an access strip as budgetary opportunities provide to;

- a. enable pedestrian access to an **esplanade reserve or esplanade strip** where no alternate public access is available and public or recreational access is compatible with the purpose of the **esplanade reserve or esplanade strip**; and
- b. achieve the continuous public access along riparian areas where the potential for continuous public access is prevented by small isolated areas not being included in a reserve network administered by the Council or a marginal strip network administered by the Department of Conservation.

Advice Note: The requirement of **esplanade reserves** or **esplanade strips** does not apply to Māori land where a partition into parcels is to be held by owners who are members of the same hapū, as per Section 302 of Te Ture Whenua Māori Act 1993.

12.5 RESERVES – TO VEST IN COUNCIL

12.5.1 General

12.5.1.1 Any reserve, or reserve requirements, shown on any structure plan or development plan shall be created and vested in Council in general accordance with the structure plan. Vesting of any reserves not shown on a structure plan or development plan shall be a Restricted Discretionary activity.

12.5.2 Minimum Requirements

12.5.2.1 Where applicable, development plans for all reserves showing the proposed work shall be submitted for engineering approval and no work is to be carried out on the site before Council approval is issued.

12.5.2.2 The design of the development of the reserve shall conform to the planned future use of the reserve as determined by Council.

12.5.2.3 Any land which is to vest in Council shall be designated for its appropriate purpose prior to vesting. This shall be at the developer's cost.

12.5.2.4 The landform of the reserve shall be designed to be appropriate for the use of the reserve land and, as far as possible, be commensurate with the adjoining landform. Existing natural features shall be retained unless they are not appropriate given the proposed use of the reserve as determined by the Council.

12.5.2.5 The design of walkways and public spaces shall have regard to "Crime Prevention through Environmental Design principles.

12.5.2.6 All rights-of-way and/or easements are to be formalised at no cost to Council.

12.5.2.7 All reserves are to be fenced to surveyed and pegged boundaries, unless otherwise agreed by Council.

12.5.2.8 The permanent fencing of common boundaries of any reserve including esplanade and accessway reserves may be required.

12.5.2.9 Land to be vested for reserves purposes shall as a minimum;

- a. be free of noxious weeds, tree stumps (above ground) old shelter belts and other specified vegetation (invasive) where applicable;
- b. ensure all existing fences, building remains, stockpiles and rubbish and other undesired material is removed or disposed of to the satisfaction of the Council if required; and
- c. be easily accessible for reserves maintenance vehicles.

12.6 RESIDENTIAL DEVELOPMENT ON SITES OVER 5HA IN AREA

12.6.1.1 Any application for subdivision consent that proposes a change in land use over 5 ha in area shall include a structure plan and associated documentation which at least:

- a. shows proposed land uses;
- b. identifies all existing and consented, designated, or programmed infrastructure and infrastructure corridors (water, wastewater, stormwater, roading and reserves);
- c. identifies all infrastructure requirements (water, wastewater, stormwater, roading and reserves), of the proposed development, including the provision of and responsibility for that infrastructure

(such as staging of infrastructure development by the developer);

- d. demonstrates how provision has been made for public transport, cycleways, and pedestrian connections, and roading connectivity with adjacent blocks of land.

12.6.1.2 In addition, prior to lodgement of the request or application the applicant shall arrange a pre-lodgement meeting with the Council and supply a Draft **Assessment of Environmental Effects**. The Council will review the Draft and, having regard to the matters listed under Method 20 of the Regional Policy Statement, advise the applicant which, if any, of those matters must be recognised in the structure plan to be submitted with the application.

12.6a **SUBDIVISION WITHIN THE KAWERAU GEOTHERMAL EXPLORATION AREA**

12.6a.1 For the purposes of Section 95E(1) of the Resource Management Act 1991, Mercury NZ Limited (and its successors) shall be an affected person for all subdivision applications where an additional lot is created and where a new building platform will be located within the Kawerau Geothermal Exploration Area as shown on the planning maps.

12.7 **ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES**

12.7.1 **Subdivision With or Without Public Roads**

12.7.1.1 Council shall exercise its control over;

- a. design and layout of the subdivision;
- b. those Criteria listed in 4.3.1 (Two or More Dwellings Per Lot);
- c. the location, method, scale and duration of earthworks or vegetation clearance;
- d. management of stormwater and/or silt control during earthworks, in regard to compliance with Bay of Plenty Regional Council's "Earthworks Guidelines";
- e. traffic movement on and off the site including access, parking and loading of vehicles, and mitigation measures to manage the adverse traffic effects on the local road network and/or State Highway. Criteria in 13.4.11 in relation to transportation apply;
- f. provision for walking and cycling within the subdivision and linkages to adjoining areas;
- g. site restoration;
- h. provision and location of network utilities including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent disposal, electricity, telecommunications and gas utility. The criteria in 13.2 should also be referred to in relation to servicing.
- i. avoiding, remedying or mitigating the adverse effects of;
 - i. erosion, falling debris, subsidence, slippage or inundation from any source;
 - ii. soil contamination;
 - iii. unconsolidated fill; and
 - iv. the risk to land and any nominated building platform from fire in recognised high fire risk areas and high fire risk situations (as a result of soil type, vegetation, topography and/or weather conditions). Regard will be given to:
 - access to and from the site for **emergency services** and evacuation purposes;
 - water supply;

- the distance between the building platform for the principal use on the land (or any associated **accessory building**) and areas of **production forestry** and/or areas containing **high fire risk vegetation**. Regard should be given to the use of fire retardant species near boundaries with these adjoining land uses; or
 - any other reasonable restriction on the activity that will avoid or reduce the risk of fire in these areas.
- j. protection and/or management of indigenous habitat, wetland, cultural heritage features, wildlife features and riparian margins, including the location of boundary lines so as to maintain and/or where practicable, enhance the integrity of the feature (this may include consideration of the effects of cats and dogs);
- k. names recommended for roads, reserves and other features, where supporting information is provided to record consultation with tangata whenua, where appropriate;
- l. adverse effects likely to arise from the subdivision, associated development or subsequent use of the land including reverse sensitivity effects;
- m. the intensity of residential **dwelling**s to be erected on each **lot** and the siting of such **building**s to ensure adequate separation is provided. The **Council** shall have regard to the Criteria in 3.7.1 (Landscape and Visual Impact) and 3.7.28 (Amenity Values and Rural or Urban Character);
- n. public access to water bodies;
- o. the need to plant and/or fence a riparian margin or to provide public access to avoid, remedy or mitigate the adverse effects of an activity on a waterway. The **Council** will generally require the planting of a riparian margin within the Ōhiwa Harbour catchment;
- p. provision of reserves in accordance with the Reserves Act 1977, and/or **esplanade reserves** or **esplanade strips** or **access strips**;
- q. location of **building**s or building platforms to avoid, remedy or mitigate adverse visual effects on the landscape; and
- r. the potential effects, including reverse sensitivity effects, on existing or consented utility operators, including geothermal electricity generation activities, and mitigation provided;
- s. the potential effects, including reverse sensitivity effects, on existing or consented quarrying and mining activities, and mitigation to be provided; and
- t. the location of building platforms in relation to consented spray irrigation sites;
- u. the location of lot boundaries and building platforms to minimise or avoid potential reverse sensitivity effects on established permitted or legally authorised **farming** and production forestry activities.
- v. in relation to the subdivision of land, including the likely use of new lots that adjoins any of the Hunting Reserves listed in Appendix 12.12 (Specified Hunting Reserves) the **Council** may exercise its control and impose conditions in order to avoid, remedy or mitigate;
- i. any adverse effect on the ecology, flora and fauna, and biodiversity associated with the Specified Hunting Reserve;
 - ii. any adverse effect on amenity values, including landscape and visual effects, or recreational uses, or on the health and safety of the community as relates to the management and use of the Specified Hunting Reserve; and
 - iii. in addition, the **Council** may exercise its control and impose conditions so as to, as far as is reasonably practicable, enhance the ecology and amenity and recreational uses of the Specified Hunting Reserves.

Advice Note for Rules 12.7.1 and 12.8.1 – Controlled and Restricted Discretionary Activities – subdivision in the Rural Foothills Zone

Note that for any sites which are located within 300m of the Awakeri Quarry, at 1511 State Highway 30, Rule 7.2.11 – Sensitive Activities within the Awakeri Quarry Setback Buffer Area requires all sensitive activities to be located outside of the identified buffer as shown on Appendix 7.7 – Awakeri Setback Buffer Area, or to remedy or mitigate against potential reverse sensitivity effects.

12.7.2 Subdivision in the Residential, Urban Living and Mixed Use Zone

12.7.2.1 Council shall exercise its control over;

- a. the Criteria listed in 12.7.1; and
- b. the Criteria listed in 4.3.1.

12.8 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

12.8.1 Subdivision in the Rural Foothills Zone (see Rules in 12.4.4)

12.8.1.1 Council shall restrict its discretion to;

- a. the Criteria listed in 12.7.1; and
- b. the location of the proposed building platforms, vehicle access, extent of earthworks as seen from public roads and any treatment including landscaping to avoid, remedy or mitigate the adverse effects from these.
- c. cumulative effects, including loss of rural character;
- d. efficiency and effectiveness of the transport network;
- e. the potential effects, including reverse sensitivity effects, on existing or consented utility operators, including renewable electricity generation activities and measures proposed to avoid, remedy or mitigate these effects; and
- f. the potential effects, including reverse sensitivity effects, on rural production activities, existing or consented quarrying and mining activities, and mitigation to be provided;
- g. the location of building platforms in relation to consented spray irrigation sites;
- h. the location of lot boundaries and building platforms to minimise or avoid potential reverse sensitivity effects on established permitted or legally authorised farming and production forestry activities.

Advice Note for Rules 12.7.1 and 12.8.1 – Controlled and Restricted Discretionary Activities – subdivision in the Rural Foothills Zone

Note that for any sites which are located within 300m of the Awakeri Quarry, at 1511 State Highway 30, Rule 7.2.11 – Sensitive Activities within the Awakeri Quarry Setback Buffer Area requires all sensitive activities to be located outside of the identified buffer as shown on Appendix 7.7 – Awakeri Setback Buffer Area, or to remedy or mitigate against potential reverse sensitivity effects.

12.8.2 Subdivision of Land Containing National Grid Corridor

12.8.2.1 Council shall restrict its discretion to;

- a. the extent to which the subdivision design including the location and design of roads, reserves, landscaping and building platforms allows for activities to be set back from **National Grid** transmission lines to ensure adverse effects on and from the **National Grid** and on public safety area appropriately avoided, remedied or mitigated.
- b. the extent to which subdivision and design and consequential development will minimise the potential reverse sensitivity on, and amenity and nuisance effects of, the **National Grid**;
- c. the provision for on-going inspection, operation, maintenance and development of the **National Grid** including continued reasonable access;
- d. the extent to which the design and developments will minimise the risk of injury and/or property damage from such lines;
- e. compliance with the New Zealand Electrical Code of Practice for Electrical Safety (NZECP S4: 2001); and
- f. outcomes of any consultation with Transpower New Zealand Limited; and
- g. the Criteria listed in 12.7.1;

Advice Note: For the purposes of the notification provisions of the Resource Management Act 1991, Transpower New Zealand Limited shall be an affected person. An application for resource consent need not be publicly notified. Council will have discretion over whether to publicly notify any application.

12.8.3 Subdivision with Direct Access to State Highway

12.8.3.1 Council shall restrict its discretion to;

- a. the Criteria listed in 12.7.1.
- b. the adverse effects of the proposal on the safe and efficient operation, and function of the State Highway;
- c. any measures required to avoid, remedy or mitigate adverse effects on the safe and efficient functioning of the State Highway network;
- d. the separation of crossing points relative to the speed environment and sight distances.
- e. the results from any required transport assessment.

12.8.4 Subdivision of land at Bunyan Road and Piripai Rise

12.8.4.1 This section applies to the following sites:

Address	Legal Description
23 Bunyan Road	Pt Lot 2 DPS 9881
29B Bunyan Road	Lot 3 DPS 85424
43 Bunyan Road	Lot 2 DP 68804
47 Bunyan Road	Lot 6 DPS 9881

1 Piripai Rise	Lot 3 DPS 63452
2 Piripai Rise	Lot 1 DPS 63452
3A & B Piripai Rise	Lot 5 DPS 63452
5 Piripai Rise	Lot 6 DPS 63452
4 Piripai Rise	Lot 2 DPS 63452
6 Piripai Rise	Lot 4 DPS 63452

Table 12:3 Lots where subdivision is a Restricted Discretionary activity

12.8.4.2 Council shall restrict its discretion to;

- a. the Criteria listed in 12.7.1;
- b. the measures to be put in place to protect and enhance the **Coastal Protection Zone (CPZ)** and the public dune land margin along the foreshore, including minimising access points and measures to maintain and enhance the habitat;
- c. the measures to maintain and enhance coastal vegetation in reserve areas, to retain ecological corridors, and to enhance coastal habitat through native replanting and pest plant and animal control (this is distinct from the **CPZ**);
- d. the means by which coastal natural character and landscape values will be protected, including retention of natural dune features and coastal habitat and buffer zones;
- e. the means by which urban built form is broken up with open green space which runs along the contour line and there is a low rise and low density open development along the coastal strip when viewed from the Whakatāne township;
- f. the means by which vehicle, cycle, pedestrian and infrastructure connectivity is provided to the western urban area;
- g. the design of the development and its consistency with the Structure Plan; and
- h. the means by which visual impacts on landscape values, the Ōpihi Urupā and views from the Whakatāne Township are managed including the mitigation of effects through matters such as building heights, earthworks, building contours or materials and landscape planting.

12.8.5 Coastal Hazard Flooding Policy Area

12.8.5.1 Council shall restrict its discretion to;

- a. whether the proposal is consistent with the objectives and policies relating to Natural Hazards, Section 18.1 of the Plan;
- b. the extent to which proposed activities, buildings and structures affect the natural drainage and ponding capacity of the area and the subsequent potential effect of inundation on the site or adjacent sites;
- c. the degree to which the proposed activity is likely to;
 - i. accelerate, worsen or result in further damage to that land, other land, or structures or buildings caused either directly or indirectly by coastal inundation;
 - ii. be subject to damage from inundation;
 - iii. compromise the natural buffering ability of the coastal environment;
 - iv. reduce the net risk of coastal inundation; and
- d. for subdivision, those Criteria identified in 12.7.1 for Controlled activity subdivisions;

- e. for **land use activities**, any matter subject to the Control or Restricted Discretion of the Council that would have applied to the activity if the land were not within the **CHFPA**;
- f. the general requirements for development or subdivision of land, set out in Chapter 12;
- g. the provision of access to the site during times of inundation;
- h. any other matter to which the Council has restricted its discretion in the zone in which the activity occurs; and
- i. the location of the **CHFPA** boundary and the minimum floor level for **dwelling**s and habitable buildings.

12.8.6 Esplanade Reserve or Strip Waivers

12.8.6.1 Council shall restrict its discretion to;

- a. whether the watercourse is an **artificial watercourse**;
- b. whether protection of the riparian area is more appropriately achieved by an alternative protection mechanism;
- c. whether public access is impractical due to topography and/or alternative free and practical public access is available or provided;
- d. the public's use of the land both existing and potentially in the future;
- e. whether there are no conservation values to be protected and restoration and rehabilitation are not practicable;
- f. whether the subdivision is a boundary adjustment only;
- g. whether the land is already protected under a QEII Trust Covenant, protective covenant under the Reserves or Conservation Act, marginal strip under the Conservation Act, or the land is already protected for conservation purposes by a Land Improvement Agreement with the Bay of Plenty Regional Council or New Zealand Forests Accord; and appropriate alternative provision has been made for public access to land along the water body concerned;
- h. whether for reasons of public safety and/or security, an **esplanade reserve** would be inappropriate and security cannot be assured by some other means; For example, where there are Defence lands, existing public road reserve, sensitive machinery, network utilities or works. Where appropriate, alternative access to deviate around the facility and maintain a continuous public access route in the vicinity may be required; and
- i. Rule 12.7.1.1(a-v).

12.8.7 Subdivision within the Kawerau Geothermal Exploration Area

12.8.7.1 Council shall restrict its discretion to the following matters;

- a. the extent to which the subdivision design, including the location of **building** platforms minimises the potential for **reverse sensitivity** effects on existing and consented geothermal electricity generation activities. The potential **reverse sensitivity** effects arising from new **dwelling**s are limited to subsidence risk, noise, vibration, lighting/glare, dust, odour and traffic;
- b. whether written approval has been secured from the holder of the relevant geothermal consent, which includes the land to be subdivided (the extent of such person's interest is limited to the matters listed in paragraph (a)).
- c. Rule 12.7.1.1(a-v)

12.9 ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

See Section 3.7.

12.10 OTHER METHODS

12.10.1 Council will:

- a. Work with stakeholders and use education and signage to increase understanding that public access to **esplanade reserves** and strips is subject to constraints such as:
 - i. Using only identified access,
 - ii. Leaving gates as found,
 - iii. Keeping off adjoining private land, and
 - iv. Respecting management requirements for the property and adjacent properties.
- b. Use the Council website, media, and Land Information Memoranda to promote awareness of people living in rural areas that they are living in a working rural environment and the rural production activities and renewable electricity generation activities may have adverse effects such as noise, odour, traffic movements and visual change.
- c. Where small lots will be created in a working rural environment or near permitted or legally authorised activities such as **farming, production forestry, quarrying, or spray irrigation**, a covenant or consent notice shall be placed on the title to advise of the typical effects of rural activities for those living in a rural environment and that complaints shall not be made about lawful activities.

12.11 APPENDICES

12.11.1 Specified Coast, Rivers and Streams for Esplanade reserves or Strips: Public Access and/or recreation, conservation, or hazard mitigation purposes

	Stream or River name	Strip or Reserve
1	All coastal and estuarine margins	Reserve
2	Awaīti Stream	Strip
3	Awakaponga Stream	Strip
4	Awaraputuna Stream	Strip
5	Awatarariki Stream	Strip
6	Flaxy Canal	Strip
7	Flaxy Lake	Strip
8	Hāumea Stream	Strip
9	Herepuru Stream	Strip
10	Horomanga River	Strip
11	Karaponga Stream	Strip
12	Lake Āniwaniwa	Reserve
13	Lake Matahina	Reserve
14	Mangamako Stream	Strip
15	Mangaone Stream	Strip
16	Maraetōtara Stream	Strip
17	Nukuhou River	Strip
18	Ōkahu Stream	Strip
19	Ōkui Stream	Strip
20	Old Rangitāiki Channel	Strip
21	Ōhiwa Harbour	Reserve
22	Rangitāiki River	Coastal and urban zones: Reserve Rural zones: Reserve/Strip
23	Rāroa Stream	Strip
24	Tarawera River	Reserve/Strip
25	Tauranga River	Strip
26	Waihui Stream	Strip
27	Waikare River	Strip
28	Waikokopu Stream	Strip
29	Waimana River	Strip
30	Waingārara Stream	Strip
31	Wainui Stream	Strip
32	Waiotāne Stream	Strip
33	Whakatāne River	Urban zones: Reserve Rural zones: Reserve/Strip
34	Wheao River	Strip
35	Whirinaki River	Reserve/Strip

Table 12.4 Specified coast, rivers, streams for esplanade reserves or strips

12.11.2 Criteria Used for the Selection of the Above Esplanade Waterbodies

- 12.11.2.1 The coast, rivers and streams listed in 12.11.1 have been identified on the basis of the criteria in this section and these criteria will be referred to when considering whether an **esplanade reserve** or strip is required or a waiver requested.
- 12.11.2.2 Provide off-road access from inland communities to the coast or lakes. This requires reserves to be taken on all the main rivers and some canals, i.e.: Tarawera River (Kawerau to the sea and to Lake Tarawera); Rangitāiki River (Murupara to Āniwaniwa and Matahina, Te Teko and Edgecumbe to the sea); Reids Canal (Edgecumbe to Thornton); Whakatāne River (Taneātua to the sea).
- 12.11.2.3 Link communities with large areas of reserve, e.g. Waimana River (Taneātua to Stanley Falls Scenic Reserve, Waimana Gorge Scenic Reserve and Te Urewera National Park).
- 12.11.2.4 Provide access to important freshwater fishing waterbodies (whitebait, eels, and trout). Such as more than 500 angler days in the 1994/96, 2001/02 and or 2007/08 national angler survey. These include those waterbodies identified above, plus Flaxy Canal, Horomanga River, Whirinaki River, Lake Āniwaniwa, Flaxy Lake, Lake Matahina, Wheao River and the Whirinaki River. There are no data available for recreational eeling. Whitebait activity is generally confined to larger river mouths considered above.
- 12.11.2.5 Provide identified transverse links between major waterways across the plains, e.g. Whakatāne River to Rangitāiki River via the Kōpeōpeō or Ōrini Canals; and from the Rangitāiki River to the Tarawera River via the Omeheu Canal and Awaīti Stream, and/or via the Old Rangitāiki River Bed (between Robins Road and Smiths Road). Existing Regional Council lands may contribute to the missing links.
- 12.11.2.6 Provide complete access along the coast, including within Ōhiwa Harbor providing linkages between existing reserves (either waterside or inland), public roads (formed and unformed), and other enduring public access opportunities, where the proposed reserve provides the only, or an important, new off-road access option.
- 12.11.2.7 Provide access for short distances (for example 100m) either side of the intersection between a waterbody and a legal road (formed or unformed), or any other form of enduring public access, where local recreation amenity values exist (potential for interaction with water, beaches, picnic sites, swimming holes or similar).
- 12.11.2.8 Provide walkways near and within urban areas where, although a linkage between existing public areas might not be achieved, a return trip can be achieved on both sides of a waterway which has good existing or potential recreation amenity values.
- 12.11.2.9 The extent to which the reserve or strip will provide for natural hazard mitigation.

12.11.3 Ecological Criteria for Selection of Esplanade Strips or Reserves for Conservation Purposes

- 12.11.3.1 The site is adjacent to, and contiguous with, the sea, a lake, a permanent river, or a permanent stream an average of 3m or more wide.
- 12.11.3.2 The site is not legally protected.
- 12.11.3.3 The waterway is a significant habitat or migratory pathway for indigenous fish. Sub-catchment that meets this criterion is:
- a. Matatā-Otamarākau
 - b. Manawahē Eastern
 - c. Tarawera Upper
 - d. Rangitāiki Central and Western
 - e. Rangitāiki Eastern and Upper
 - f. Waioho – Ōwhakatoro

- g. Te Rahu – Mangaroa
 - h. Ōhiwa – Ōhope
 - i. Waimana Upper
 - j. Whakatāne-Upper
 - k. Whakatāne Lower-Wainuitewhara
 - l. Waimana-Lower
- 12.11.3.4 Sub-catchments that do not meet the criterion in 12.11.3.3 because of habitat loss and modification for drainage and flood protection (but may still have potential to benefit from riparian protection under other criteria) are:
- a. Tarawera Lower
 - b. Rangitāiki Lower
 - c. Kōpeōpeō – Ōrini
 - d. Rangitāiki Coastal
 - e. Whakatāne-Ruatoki
- 12.11.3.5 The catchment retains a significant proportion of indigenous vegetation. Sub-catchment areas that meet this criterion are:
- a. Matatā-Otamarākau
 - b. Manawahe Eastern
 - c. Rangitāiki Eastern and Upper
 - d. Waioho-Ōwhakatoro
 - e. Te Rahu-Mangaroa
 - f. Ōhiwa-Ōhope
 - g. Waimana Lower
 - h. Waimana Upper
 - i. Whakatāne Lower-Wainuitewhara
 - j. Whakatāne-Upper
- 12.11.3.6 The waterbody is an important habitat for indigenous plants and/or fauna. Lakes and ponds that meet this criterion are:
- a. Ōhiwa Harbour
 - b. Whakatāne Estuary
 - c. Braemar Lagoon
 - d. Lake Āniwaniwa
 - e. Lake Matahina
 - f. Lake Pūpūwharau
- 12.11.3.7 The site has a role in maintaining or enhancing water quality and/or aquatic habitats.
- 12.11.3.8 The site has been identified as having significant ecological values.
- 12.11.3.9 The site includes indigenous vegetation and is within an ‘Acutely Threatened’ or ‘Chronically Threatened’ land environment.
- 12.11.3.10 The site is a spawning site for whitebait, is adjacent to a spawning site for whitebait, or acts as a buffer to a spawning site. Sites that meet this criterion include, but are not limited to, sites listed in Schedule 1C of the Regional Water and Land Plan and sites adjacent to those in Schedule 1C.
- 12.11.3.11 The site provides habitat for threatened indigenous species, including avifauna and/or plants. A site meets these criteria;
- a. if it is included in Schedule 1B of the Regional Water and Land Plan;
 - b. if it is recorded in the DOC threatened species database or;
 - c. if it is in published or unpublished literature; or

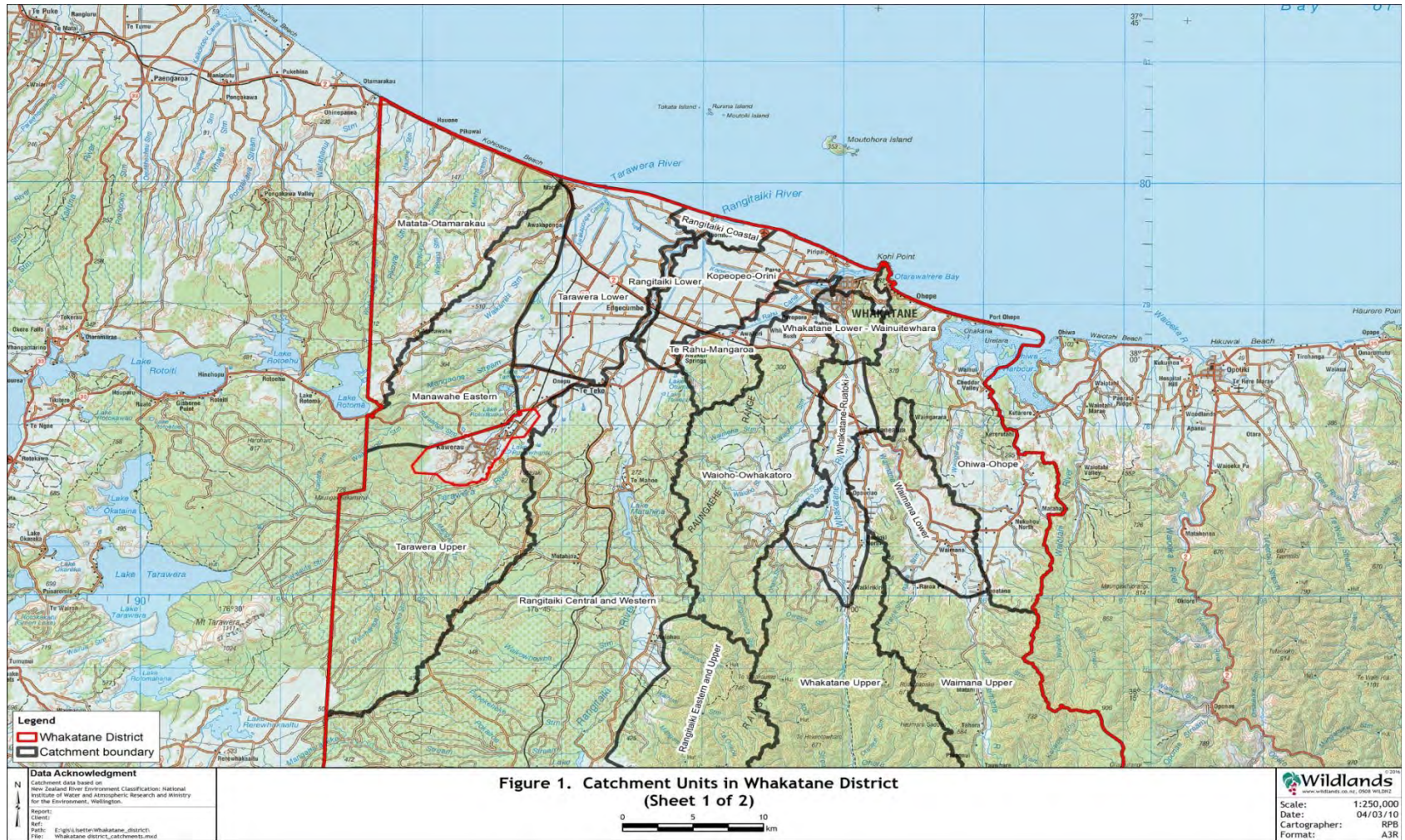
d. if a new species record is verified by a suitably qualified and experienced ecologist.

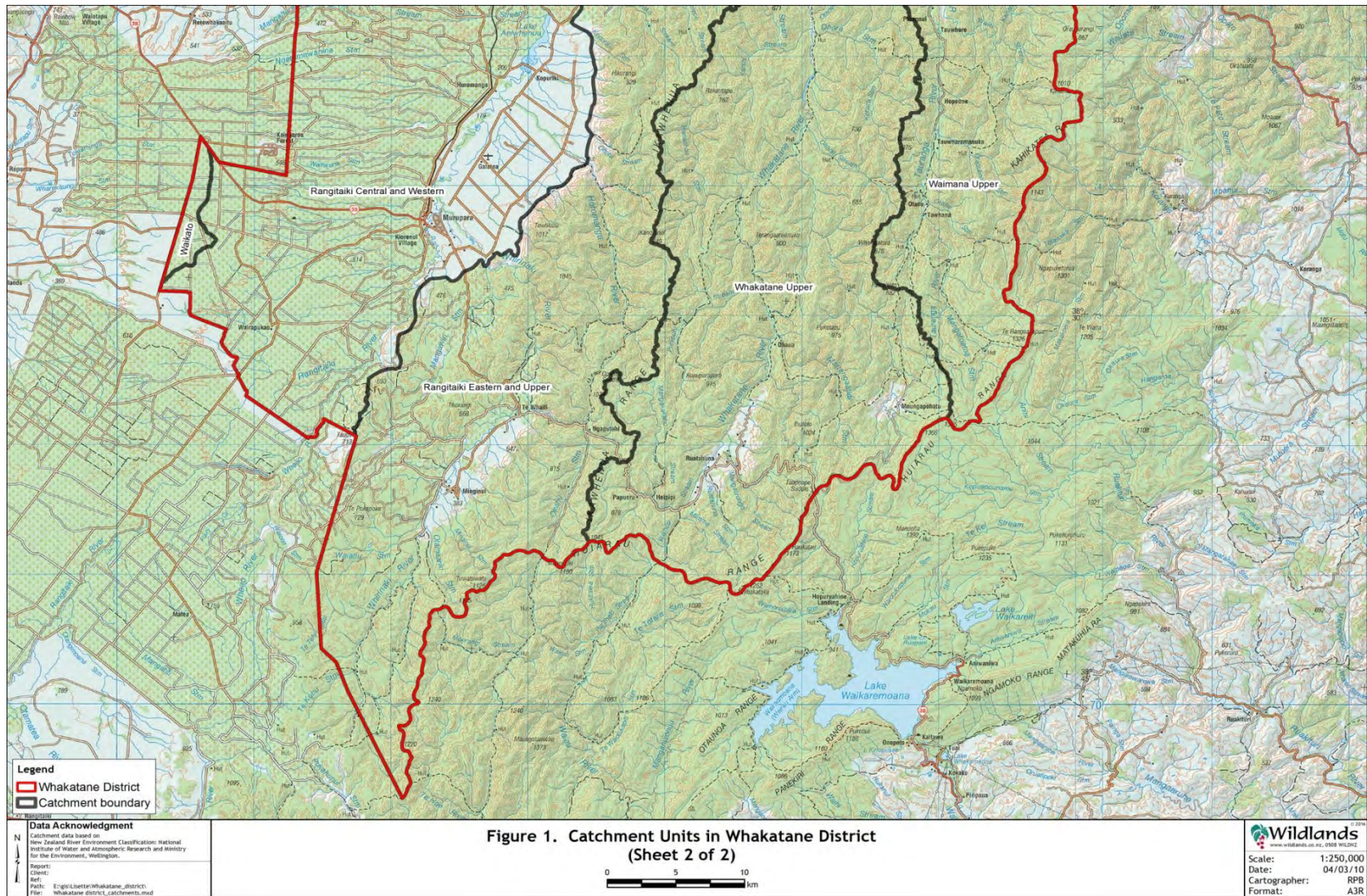
12.11.3.12 The site includes coastal dunes and/or coastal or freshwater wetland.

12.11.3.13 The site is adjacent to a protected natural area or an unprotected significant natural area and/or has the potential to form a link, or a significant part of a link, between the natural area and the waterway or between two or more natural areas.

12.11.3.14 The site is adjacent to a waterway which has significant ecological values (along all or part of its length) and where there is potential, over time, to protect all or a significant proportion of the riparian margins of that waterway, or to connect other sites along that waterway with significant ecological values.

12.11.4 Appendices





12.12 SPECIFIED HUNTING RESERVES

Name	Location	Legal Description	Planning Map No.
Awaīti Wildlife Management Reserve	343 Greig Road	Sect 16 BLK IV Awaateatua SD	504
Awakaponga Wildlife Management Reserve	531 Matatā Road	Pt Lot 5 DP 34366	504
Bregman Wildlife Management Reserve	458A Sutherland Road	Lot 1 DPS 8489	504
Fort Galatea Wildlife Management Reserve	865C Kopuriki Road	Sect 13 BLK V Galatea SD	520
Lake Tamurenui Wildlife Management Reserve	2707 State Highway 30	Pt Allot 1269 Matatā Psh	508
Mātuku Wildlife Management Reserve.	722 Ōtakiri Road	Allot 1346 Matatā Psh	504
Ōrini Wildlife Management Reserve	408A McLean Road	Allot 307 Rangitāiki Psh	505
Tarawera Cut Wildlife Management Reserve	853Z Matatā Road	Allot 1354 Matatā Psh	504
Thornton Wildlife Management Reserve	148 Thornton Hall Road	Pt Allot 274 Rangitāiki Psh	102

Table 12.5 Specified hunting reserves

Advice Note 1: The Eastern Fish and Game Council may be a potentially affected party to any application that seeks the subdivision of land that adjoins one of the Specified Hunting Reserves listed above. In the situation where the Eastern Region Fish and Game Council is identified by the Whakatāne District Council as an affected party and written consent is not obtained from the Eastern Region Fish and Game Council, then the Whakatāne District Council will serve notice on this party.

Advice Note 2: The Department of Conservation may be a potentially affected party to any application that seeks the subdivision of land that adjoins one of the reserves listed above that is managed by the Department of Conservation. In the situation where the Department of Conservation is identified by the Whakatāne District Council as an affected party and written consent is not obtained from the Department of Conservation, then the Whakatāne District Council will serve notice on this party.