

PART 54 RULE 54 – STRUCTURE PLANS**54.1 STRUCTURE PLAN DEFINED**

For the purposes of this Rule a “Structure Plan” is:

- A plan which aims to achieve integrated management of the effects of development, such that adverse effects are avoided, remedied or mitigated, and positive effects are optimised and assured, for a given area and locality; and which
- Sets out in appropriate detail the intended pattern of development for a given area, showing ‘trunk’ underground or overhead services, the transport network and main design elements (eg roundabouts, bus bays, cycleways), public reserves and linkages, areas for preservation, protection or restoration/enhancement, particular development intensities (for residential or other activities, if appropriate), and such other matters as may be relevant to or significant for urban or ‘lifestyle’ development in the area; and which
- Is generally accompanied by a report addressing the issues and effects associated with the proposed pattern of development; the statutory objectives and policies relevant to the area, the objectives determined specifically to guide the development of the area the subject of the plan; any assumptions that have been made; the steps taken to prepare the plan (particularly consultation and results thereof); the alternative forms of development considered for any part of the area; the specific ‘capital’ and ‘maintenance’ implications for existing and proposed infrastructure in the area and locality and methods of financing same; and the means of implementing the plan, and recommendations for further work; and which
- Will generally incorporate the design principles, parameters or constraints that will guide the more detailed development of the area, determine the size, location and development of reserves for all purposes, formulas for the determination of financial contributions, and such other matters as are appropriate; and which is prepared in accordance with Rule 54.4 below.

54.2 STRUCTURE PLAN REQUIRED

Where this Plan defines or provides for a Growth Area (or similar) then notwithstanding any other provisions of this Plan, no subdivision consent may be granted for that area unless a STRUCTURE PLAN has first been approved by the Council in accordance with the procedures set out in Rule 54.4 below.

54.3 INTERIM SUBDIVISION (DISCRETIONARY ACTIVITY)

Notwithstanding Rule 54.1 and Rule 54.2 the Council may grant consent for any rural subdivision that is specifically prescribed by this Plan, where the applicant can demonstrate that consent will not compromise the achievement in the future of a suitable form of residential or urban development for the area, a form that is consistent with all the relevant objectives and policies of this Plan, due to:

- the size of the whole Growth or 'greenfields' area;
- the nature of the subdivision (particularly the size of the lots and positioning of proposed new boundaries);
- the likely future uses of and developments on the new lots; and
- such other special factors as may relate to the subdivision or land.

In assessing such applications the Council may require that some form of concept plan for the future subdivision and development of the area is submitted to demonstrate the above, along with such supporting documentation as suits the range and significance of issues that exist.

Any such application will be processed as *Discretionary* notwithstanding that it may have a lesser status under Rule 22 or in terms of any other rule of this Plan. For the avoidance of doubt, any subdivision which is *Non-complying* by virtue of any Rule of this Plan shall not become *Discretionary* under this clause.

54.4 STRUCTURE PLAN PREPARATION PROCEDURE

The procedure to be adopted for the preparation of a STRUCTURE PLAN shall be as set out below provided always that the complexity of any plan and the assessment of effects that accompanies it shall correspond with the nature and range of the issues, and the scale and significance of the effects likely to be associated with development of the area, taking account of such things as the number and size of the properties to which the STRUCTURE PLAN relates, the quality (or need for restoration or enhancement) of the resources affected, community aspirations, and the cost-implications for any existing or prospective users of utilities or services.

All steps or components of the procedure shall be documented, but need not occur in this order:

1. Consultation with and identification of issues of concern to relevant iwi.
2. Identification and scoping of natural and physical resource issues and anticipated impacts or effects, with particular emphasis on stormwater quality and flooding potential and land or vegetation disturbance effects.
3. Catchment management planning.
4. Identification of community expectations or concerns.
5. Identification and discussion of all relevant national, regional and district policy provisions (including financial policies).
6. Identification of any subsequent resource consents likely to be required and the probable timing of same.
7. Investigation of any actual or potential natural hazard or other relevant land development constraint including the location and area of the actual or potential hazard and identification of measures to be taken to avoid, remedy or mitigate any adverse effects of the hazard.
8. Dialogue with all relevant Council staff (particularly Asset Managers).
9. Preparation of a draft STRUCTURE PLAN showing main trunk services, roads, reserves, and areas for protection, enhancement or restoration, any cycleways and walkways, and passenger transport infrastructure.
10. Consultation and/or workshopping with all landowners, both individually and collectively as appropriate, of 2 or 3 options for the general design of all structural components, servicing options, and residential (or other landuse) character and density issues.
11. Formal reporting 'to date' of the progress/process in preparing the plan, or of the actual "draft STRUCTURE PLAN" to the Council for '*information*' and/or '*approval in principle*' purposes, as directed by the Council's appointed Project Manager.
12. Identification 'to date' of, and consultation (as appropriate) on, the principal development objectives or policies for the area.
13. Preparation of such Plan Change or Variation (and relevant Section 32) documentation as the Council may deem appropriate for the stage of STRUCTURE PLAN preparation reached.
14. Preparation of such specialist reports as may be necessary to address the environmental, transportation, financial or technical aspects of servicing the area, including consideration of alternatives.
15. General public consultation (publicly notified in the locality) of either the draft STRUCTURE PLAN or the proposed design principles or parameters.

16. Report back to Council the results of consultation, and recommendations as to how Council should proceed from this point.
17. Further technical work or consultation as required to address any outstanding issues identified by any party.
18. Reporting for adoption of a final STRUCTURE PLAN for Council adoption.
19. Preparation of relevant Plan Change material and reporting for its adoption and public notification.

54.5 RECOVERY OF COSTS OF STRUCTURE PLAN PREPARATION

The Council will generally seek to recover actual and reasonable costs associated with the preparation of any STRUCTURE PLAN and will use any appropriate methods to achieve this, which may include but is not limited to rating, resource consent conditions, and 'financial contributions'.

The following factors will be taken into account in determining the proportion of the costs that will be borne by those landowners and other 'stakeholders' directly benefitting from the Structure Plan:

- The number and areas of affected properties (and the number of separate landowners thereof) and the range and nature of the environmental issues pertaining to the locality, and the risks associated with not achieving integrated urban design and/or coherent development outcomes for the locality, for affected communities, or for the wider Franklin community;
- The extent to which ad hoc, piecemeal or premature development would exacerbate any existing or potential adverse natural, physical, cultural or infrastructural conditions (including social infrastructure such as education and health services) or reduce the potential of securing benefits from the urban development of the area;
- The extent to which Council can readily identify those who would benefit from the integrated management of the area and/or from the actual development of the area;
- The extent of new public open space or new physical infrastructure or other services or amenities which would be beneficial to residents and ratepayers outside the locality; and
- The economic impacts of the development of the area, and of the alternative cost-recovery measures available to the Council, and the timing of those impacts.

54.6	PUKEKOHE NORTH EAST STRUCTURE PLAN AREA
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The Pukekohe North East Structure Plan Area (see **Diagram 54.A**) comprises a total area of approximately 185ha of which approximately 110ha is within the urban catchment defined by the watershed of the Whangapouri Stream. The remaining land is in a “peri-urban buffer” surrounding the urban catchment.

The structure plan (North East) area is bounded on its western side by Cape Hill Road, Valley Road and Belgium Road and to the south by Pukekohe East Road. Pukekohe East Road is a relatively busy arterial road within an unsatisfactory intersection with Belgium Road. The Belgium/Valley Road intersection is also unsatisfactory. Residential zoned land lies to the west of the North East area, rural zoned land to the north and south and Rural Countryside Living zoned land to the north-east and east.

The North East area is relatively dissected by ridges and steep sided gullies with the urban catchment having a predominantly westerly aspect. Two primary stream systems traverse the urban catchment, the southern most of which flows continuously and is fed by the Pukekohe East Caldera some distance to the east of the North East area.

The land within the North East area is mainly in pastoral holdings, although there are some existing “life-style” blocks near the ridgelines which have been subdivided from the original farms. There is a block of land adjacent to the Pukekohe East Road/Belgium intersection which is used for horticultural purposes and there is a large agricultural packhouse/depot on that block. This site lends itself to use in the future for business activities and a Business zoning at the appropriate time. In the interim, while the adjoining residential areas are developing, it is considered appropriate that the use of the site continue under ‘existing use’ rights (within a Residential zoning).

There are three isolated remnants of mature podocarp bush within the urban catchment with the most significant being that where the southern most stream crosses Valley Road near its junction with Belgium Road. There are some larger stands of mature podocarp bush in the peri-urban buffer area of the structure plan, which drains the Oira Stream.

Excellent views are obtained from the ridgelines at the urban catchment boundary. The highest point on the ridgeline is proposed to be obtained as public open space and provides extensive views toward Pukekohe and Auckland.

There are no known archeological sites on the land.

The land is currently unserviced and the southern most stream (being fed by a large catchment originating in the Pukekohe East Caldera) floods adjacent land occasionally just upstream of the Valley Road culvert. There are two areas of suspected slope instability within the urban catchment which should not be developed at conventional urban intensities.

54.6.1 KEY RESOURCE MANAGEMENT ISSUES FOR THE NORTH EAST AREA ARE:

- A “downstream” open and piped stormwater system which is not capable of accepting increased flood flows or a decrease in stormwater quality;
- Dissected and occasionally steep topography capable of producing high sediment yields if a conventional earthworks approach is adopted;
- Areas of unstable slopes not capable of accommodating conventional residential densities;
- An adjoining road network with severe intersection constraints and only limited current capacity to accept increased traffic volumes; and, in the case of East Road, no suitable location to accommodate any new subdivisional (collector) roads; and
- Achieving an integrated pattern of development where adjoining landholdings are developed with a view towards ensuring accessibility.

There are also some more “generic” urban issues such as:

- The avoidance of the adverse effects that urbanisation can have on natural resources, amenity and heritage values of this part of Pukekohe; The avoidance of the inefficient use of land, energy and physical resources; and
- The avoidance of the creation of suburbs with low levels of amenity and “livability”.

54.6.1.1 Application of Pukekohe North East Structure Plan Area and Other District Plan Provisions

To the extent that all District Plan provisions relating to the Pukekohe North East Structure Plan Area including, Objectives 19.1.2 and all Policies, Methods and Implementation, Reasons and Explanations and Rule 54.6 Pukekohe North East Structure Plan Area (including Residential Average Densities and Requirements for Subdivision) are in conflict with any other provisions of the Residential, Rural-Residential, Public Open Space Area and Business zones, then the Pukekohe North East Structure Plan Area provisions (as described above) shall prevail. Otherwise the relevant Residential, Rural-Residential and Business zones shall apply accordingly.

54.6.2 REQUIREMENT FOR RESIDENTIAL ACTIVITIES RESIDENTIAL AVERAGE DENSITIES

The following average densities shall apply for all residential activities to those areas identified in Diagram 54.A as follows:

1. Medium Density Residential – An average density of 12 households per hectare (gross) will be achieved in the area shown as Medium Density Residential in Diagram 54.A.
2. Low Density Residential – An average density of 3 households per hectare (gross) will be achieved and maintained in the areas shown as “Low Density Residential” in Diagram 54.A.
3. Special Rural Residential – An average density of 1 household per 2 hectares (gross) is achieved in the areas shown as ‘Special Rural Residential’ on Diagram 54.A.

54.6.3 REQUIREMENTS FOR SUBDIVISION

1. Discretionary Applications

- 1.1 Notwithstanding the provisions of Rule 26 all subdivision applications within the Pukekohe North East Structure Plan Area (the North East Area) will be processed as Discretionary applications, to enable a full assessment against Objective 19.1.2, its policies, and the specific provisions that follow (below). “Urban catchment” refers to that land which drains to the Colin Lawrie Fields reserve area (and Brownlee Lake).
- 1.2 However, subdivision within the North East Area is also subject to the requirements of Rules 26.5 and Rule 26.6 to the extent that clause 1.1 above does not address any aspect of development within the North East Area.

2. Assessment of Subdivision Applications

- 2.1 All applications within the North East Area will be assessed in terms of the extent to which Objective 19.1.2 and its associated policies are achieved by the proposed subdivisional design and, in particular, whether:
- 2.1.1 “minimum earthworks” and “low impact design” approach has been utilised in the subdivisional concept in relation to natural watercourses, land re-contouring and road location and design.
 - 2.1.2 Stormwater will be effectively managed, with respect to both quantity and quality considerations, on a property by property basis and across the North East Area.
 - 2.1.3 Existing mature podocarp and riparian vegetation is retained and protected and other riparian areas are proposed to be re-vegetated.
 - 2.1.4 An average density of 12 households per hectare (gross) will be achieved in the areas shown as “(Medium Density) Residential” on Diagram 54.A.
 - 2.1.5 An average density of 3 households per hectare (gross) will be achieved and maintained in the areas shown as “(Low Density) Residential” on Diagram 54.A.
 - 2.1.6 The geotechnical limitations of parts of the land are adequately recognized.
 - 2.1.7 The average density of 1 household per 2 hectares (gross) is achieved in the areas shown as “(Special) Rural Residential” on Diagram 54.A and whether the design principles outlined in Policy 19.1.2 (6) are achieved.
 - 2.1.8 The design of the roading network and any local area traffic techniques maximise accessibility for public transport while discouraging through traffic.
 - 2.1.9 The subdivisional proposal does not exacerbate existing traffic management problems on Pukekohe East, Belgium and Valley Roads or elsewhere in the locality (note, direct access by new subdivisional roads or lots to East Road is prohibited with the exception of the single access point to be defined to the satisfaction of Council for a collector road linking Pukekohe East Road to Valley Road, generally in accordance with the roading layout as defined in Diagram 54.A).
 - 2.1.10 The subdivisional proposal sets aside areas identified as “public open space” on Diagram 54.A and whether it accommodates the “pedestrian linkages” shown on that plan in wide accessway linkages or widened road berms.
 - 2.1.11 The subdivisional concept facilitates pedestrian and cycle access through the North East area and to schools and community focal points.
 - 2.1.12 The subdivisional concept promotes a sense of place and identity and responds to the natural attributes of the landform and landscape.
 - 2.1.13 Adequate provision is made for a full range of network utilities and services within the urban catchment.

3. Consent Notices

- 3.1 As a condition of subdivision consent, consent notices (or such other mechanisms as Council deems appropriate) shall be imposed to prevent further subdivision once the initial layout and size of lots has been achieved. Any future subdivision shall be a discretionary activity and shall be assessed in accordance with the

'Requirements for subdivision' and shall require public notification in accordance with section 94 of the Act if alternatives to consent notices are to be considered.

3.2 Consent notices (or such other mechanisms as Council deems appropriate) may also be incorporated as a condition of subdivision consent in respect to:

- Stormwater Management;
- Geotechnical Restraints and requirements;
- Landscape;
- The protection for riparian re-vegetation;
- The protection of bush areas;
- The maintenance of landscaping, riparian planting, bush and vegetation areas;
- Planting bush and vegetation areas; and
- Other significant issues requiring ongoing protection or control.

4. Roading

4.1 The proposed roading layout must be consistent with Diagram 54.A, and ensure that, as far as practicable, roading options remain available to adjoining owners within the North East Area. Similarly, the subdivision layout of any one property must acknowledge the boundaries and access options of the other properties, ensuring an integrated final layout even though different landowners may choose to proceed with development independently, or at different times.

4.2 Reduced carriageway widths and other traffic calming devices (e.g. speed humps, chicanes, changes in paving colour and materials) shall be used to create controlled speed environments in appropriate situations. Full details of all such 'devices' are to be submitted along with any subdivision plan.

4.3 Roads shall incorporate such elements as flush edging and grass swales to promote low impact stormwater management and a rural-residential character where appropriate. Conventional kerb and channel designs may be essential in some situations.

4.4 Footpaths may be limited to just one side of the road in the outer (Special Rural Residential) parts of the North East Area where Council accepts that lesser pedestrian activity is likely.

5. Stormwater Management

5.1 Consent shall not be granted for urban subdivision within the North East Area Urban Catchment until a comprehensive stormwater discharge permit has been obtained from the Auckland Regional Council. Subdivision and development shall comply with the conditions of the comprehensive discharge permit.

5.2 Subject to the outcome of the above discharge consent, the following aspects are to be an integral expected part of the stormwater management 'plan'.

- 5.3 Watercourses will remain open and enhanced for stormwater treatment and disposal purposes.
- 5.4 A pond (or ponds) shall be established on and/or adjacent to each main watercourse, for both stormwater quality and flood management purposes (as set out on Diagram 54.A).
- 5.5 On-site stormwater detention will also be required (as is now typically the case with subdivisions in Franklin) unless either the stormwater discharge consent (from the Auckland Regional Council) stipulates otherwise, or some other integrated solution is approved (perhaps involving consent notices on new titles).
- 5.6 "A 20m wide riparian margin centred on the channel is required for all open watercourses as defined on Diagram 54.A. Flow channels within these areas should be modified and channel landscaping provided where necessary to achieve flow rates. Within these margins modifications will be allowed to contain free flowing water. The extent of the riparian margins upstream is proposed to be the flow that could be contained within a 600mm pipe on the same grade."

6. Wastewater Disposal

- 6.1 All lots within the urban catchment of the North East Area shall be connected to the Pukekohe Sewerage system.

7. Water Supply

- 7.1 All lots within the urban catchment of the North East Area shall be connected to the Pukekohe water supply system.

8. Public Open Space (Reserves)

- 8.1 At least one fully developed neighbourhood or playground reserve shall be incorporated into one of the local reserves within the North East Area.
- 8.2 As far as is practicable, all reserves shall be connected to form a walkway/cycleway system throughout the North East Area.

9. Reserves Development Plans

- 9.1 No later than at the time of the first subdivision application in the North East Area, there shall be a reserve development plan prepared and approved by the Council, setting out the designs and costs of all public reserve development works. This plan shall contribute to the calculation of the reserves contribution set out below.

10. Financial Contributions

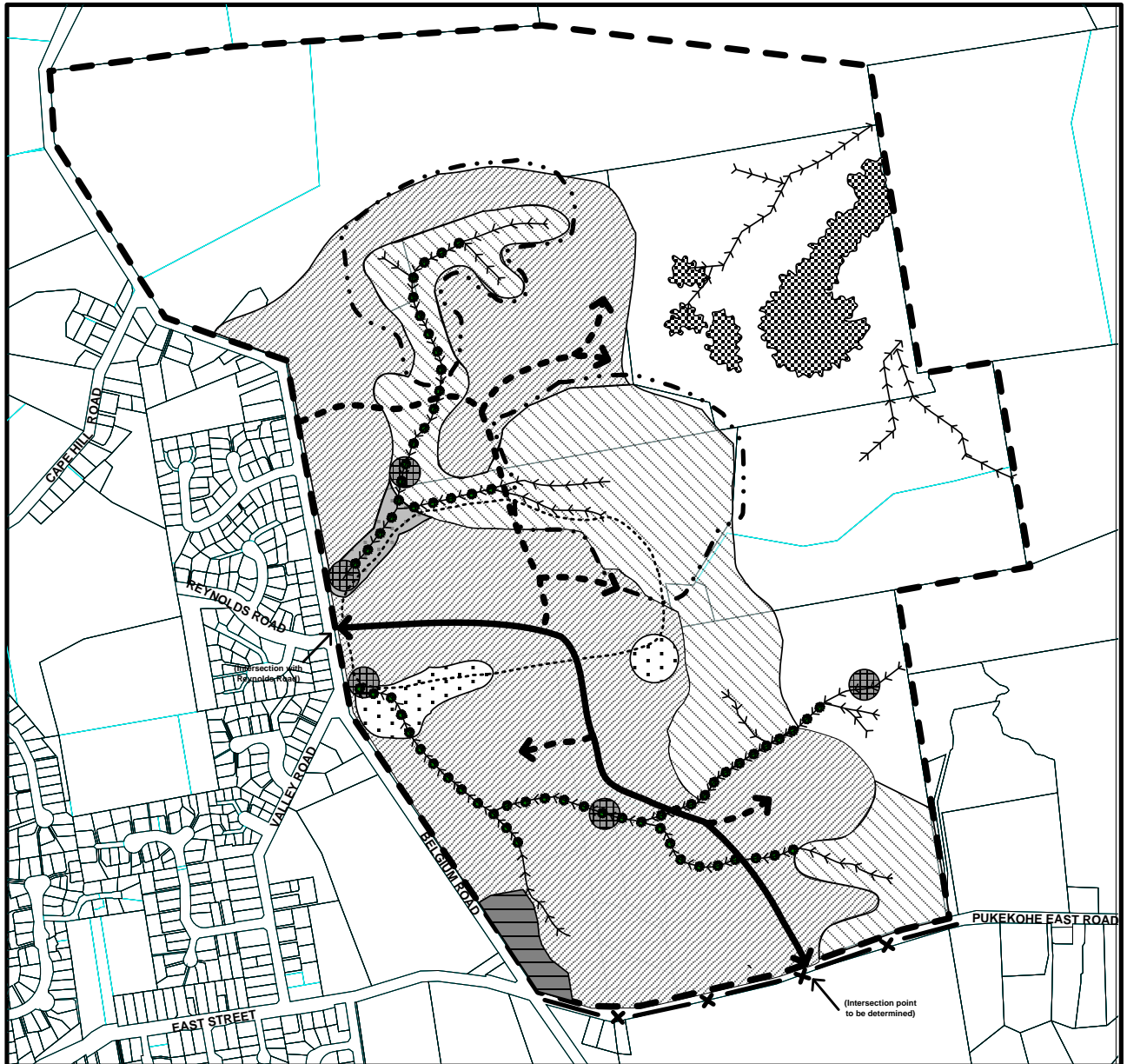
- 10.1 The specified 'financial contribution' provisions set out below shall apply in the place of the equivalent provisions of Part 10 of this District Plan, but in all other respects the provisions of Part 10 apply, including the objectives and policies.

Note: The following requirements are subject to further refinement and analysis, and are deemed to be the maximum contributions payable at the present time, in accordance with a letter dated 5 March from Opus Consultants. In

particular, Council would prefer to have a 'formula' based requirement that would allow, for example, upgraded data, to be taken into consideration. Council will ensure that any contribution is fair and reasonable in the circumstances.

- 10.2 WATER: A payment, per allotment, of \$3,900 plus tax. This figure shall be indexed to the Consumer Price Index (CPI) and adjusted annually at 1 July based on the proceeding year CPI adjustment as measured over the proceeding twelve (12) months to the end of the June quarter.
- 10.3 SEWERAGE: Payment, per allotment, \$3,080 plus tax. This figure shall be indexed to the Consumer Price Index (CPI) and adjusted annually at 1 July based on the proceeding year CPI adjustment as measured over the proceeding twelve (12) months to the end of the June quarter.
- 10.4 LOCAL RESERVES: A payment, per allotment, to be specified no later than at the time of subdivision consent, that takes account of the following factors:
- The total land area and its value, of land that would be set aside as reserves (excluding esplanades as defined in the Resource Management Act 1991) in terms of Part 10 (100 square metres per allotment), and the areas and values being contributed by each property;
 - The costs of development of the 'neighbourhood' reserve (assessed at approximately \$95,000);
 - The value of works to be completed by subdividers towards forming and preparing any land for reserve;
 - The total figure payable to satisfy the District Reserves Contribution (currently at \$935 including GST);
 - The recreational values (as opposed to conservation and stormwater management) of any land to be vested as esplanade reserve, or made subject to restrictive covenants; and
 - The total number of lots expected to be generated from within the North East Area.
- 10.5 LOCAL ROADING IMPACTS: The requirements for intersection upgrades in the locality (set out in the relevant technical report) will be fully costed and apportioned (as to areas of benefit), and are expected to necessitate a payment of not greater than \$5000 per lot (as currently provided by Rule 10.2.5).

DIAGRAM 54.A: PUKEKOHE NORTH EAST STRUCTURE PLAN AREA



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|--|------------------------------|--|---|--|--|
| | Protected Podocarp Forest | | Preferred Collector Roads | | Low Density Residential
Refer to Policy 4 of Objective 19.1.2 and Rule 54.6
Residential Average Density and Clause 2.1.5. |
| | Structure Plan Area | | Areas of Severe Geotechnical Limitations | | Medium Density Residential
Refer to Policy 3 of Objective 19.1.2 and Rule 54.6
Residential Average Density and Clause 2.1.4. |
| | Drainage Pattern (Protected) | | Riparian Margin | | Special Rural-Residential
Refer to Policy 5 of Objective 19.1.2 and Rule 54.6
Residential Average Density and Clause 2.1.7. |
| | Pedestrian Linkages | | Stormwater Management Ponds (options) | | Business Zone |
| | Minor Roads | | Road access and access to lots prohibited
except for a defined single access point for
Collector Road (refer 2.1.9) | | Public Open Space |

The Riparian Margins are to be re-vegetated and protected as necessary to achieve the objectives, policies and meet the assessment criteria for the Pukekohe North East Structure Plan Area (Comment Not part of the District Plan).
 The Council will refer applicants to the relevant Auckland Regional Council documents and publication on Riparian Management and Strategies as guidelines to the effective replanting and management of the Riparian Margins.
 The Riparian Margins shall be a width of 20m (10m either side of the centreline of the stream or flow area).
 Modification to the channels shall be made to ensure adequate flows are achieved, such modifications shall be considered as part of any subdivision consent application.

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