

- (i) The extent to which the boundary adjustment will result in any increase in traffic on the road concerned;
- (ii) The need to impose financial contributions where the boundary adjustment is deemed either to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.

12.3.4 Activity Status

12.3.4.1 In the case of a subdivision or land *development* proposal which would otherwise be a Controlled Activity, any non-compliance with an activity performance standard shall render the application a Restricted Discretionary Activity in respect of the standard concerned, provided that where the non-compliance relates to a specific *structure plan* or to performance standards 12.4.1(g) or 12.4.3.3, the status of the activity shall become that of a Non-Complying Activity unless otherwise stated.

12.3.4.2 Except in the case of boundary adjustments pursuant to Rule 12.3.3, any subdivision of land on which an *Identified Significant Feature* exists (as shown on the District Planning Maps) shall be a Discretionary Activity and shall be assessed in accordance with the relevant provisions of Sections 5, 6 and 7 of the District Plan.

Explanatory Note:

Permission to modify or destroy an archaeological site is required from the New Zealand Historic Places Trust.

12.3.5 Matters of Discretion

With respect to any Controlled Activity which is rendered Restricted Discretionary by virtue of non-compliance with an activity performance standard, *Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance* ~~*Council's discretion (including the imposition of conditions) is restricted to any actual or potential adverse environmental effects created by the particular matter of non-compliance.*~~

In the case of a land use consent application made using *Council's* standard forms, where *Council* considers that the scale, complexity, technical aspects or potential effects of the proposal are significant, *Council* may require professional reporting and certification at the applicant's cost, generally in accordance with all or some of the requirements of 12.4.1.

12.4.17 Katikati (South of Marshall Road) Industrial Structure Plan

12.4.17.1 Stormwater

- (a) All new subdivisions shall be designed for attenuation of the two year and 100 year floods to pre-development levels.
- ~~(b) In the case of the Katikati Structure Plan area consent for stormwater management shall be gained from the Regional Council.~~
- ~~(c) It is anticipated that developers contemplating subdivision or land use development will hold pre-application discussions with Council to clearly determine the overall extent of the stormwater management areas using aerial photographs and matching the Planning Maps to contour plans.~~

12.4.17.2 Development Restrictions – Intersection Upgrades

- (a) No more than a maximum of 12.64ha of the Industrial Zone area may be developed before both of the following have occurred:
 - (i) Either:
 - Traffic signals have been installed at the Marshall Road/State Highway 2 intersection; or
 - An alternative upgrade of the Marshall Road/State Highway 2 intersection or an alternative intersection which is consistent with the New Zealand Transport Agency's network strategy, and provides a similar level of service as signalisation of the intersection, has been completed; and or;
 - The Carisbrooke Street extension to Middlebrook Drive has been completed; and
 - (ii) Measures have been put in place along Tetley Road and at the Tetley Road/Rereatukahia Road intersection to reduce the attractiveness of Tetley Road for use by heavy vehicles, as described in Explanatory Note (b) to this Rule.
- (b) No more than a maximum of 20ha of the Industrial Zone area, may be developed before a link road is in place from State Highway 2 through the Industrial Zone area to Tetley Road.

Explanatory Notes:

(a) SH2 Intersection Design

The New Zealand Transport Agency (NZTA) is the road controlling authority for State Highway 2.

The intersection of the proposed link road with State Highway 2 and any upgrade of the Marshall Road/State Highway 2 or alternative intersection will need to be satisfactory to the NZTA and consistent with the NZTA's network strategy.

(b) Tetley Road/SH2 Intersection

The *Council* will adopt the following approach to the management of the Tetley Road/State Highway 2 intersection, being:

Construction of a turning head at the southern end of Tetley Road where it joins Rereatukahia Road and physical works on the section of Tetley Road between Rereatukahia Road and State Highway 2 which would result in a safe operating speed of no more than 50km/h and reduce the attractiveness of that road for use by heavy vehicles (such works to be designed in consultation with Te Rereatukahia Marae Tribal Committee and the wider community). There will be ongoing monitoring of the safety and performance of the Tetley Road/State Highway 2 intersection, including obtaining the impressions of local residents and analysing crash statistics. Such works to be carried out in accordance with Appendix A of the consent memorandum.

12.4.17.3 Limited Access

- (a) Access to Tetley Road is limited to vehicle crossings (including the upgrading or relocation of existing vehicle crossings) at minimum 50m spacings. Except that existing entrances already at spacings less than 50m will be permitted.
- (b) Existing or proposed access shall meet the minimum sight distance and formation requirements contained in the District Plan and Council's Development Code, except that where the access is to serve more than 3 lots or activities, the sight distance requirement will default to the next highest in table A (standard drawing W415 of Council's Development Code).
- (c) Privateways:
 - (i) The rules as set out in (ii) to (v) below only apply to privateways that are not accessed via Tetley or Marshall Roads and shall not apply to "interim access roads" as per rule 12.4.17.5 below.

- (ii) New privateways (including the increased use of existing privateways) located along Tetley Rd are not permitted.
- (iii) Proposed privateways having access to future Structure Plan roads may have up to 8 lots plus the two additional lot allowance as per Rule 12.4.4.4 (e) (i) of the District Plan, except that, apart from the first activity on each lot, proposed subsequent activities within each lot will be deemed as having the same effect as an additional lot.
- (iv) Proposed privateways shall be formed in accordance with section DS4 - 4.14.2 of Council's Development Code and other relevant sections of that Code, except that the minimum reserve width shall be 8.0m.
- (v) Quality assurance documentation shall be forwarded to Council's officers for approval as part of any section 224 application or in the case of land-use consents, prior to commencement of the activity.

12.4.17.4 Structure Plan Road Requirements

- (a) Structure plan roads are to be designed, constructed, supervised and certified in accordance with Council's development code at the time that Council require, except that, pavement widths are to comply with those shown on the Katikati Industrial Zone Financial Contributions Schedule –May 2012.
- (b) All Structure Plan roads shall have vertical and horizontal alignments that are capable of being later integrated into other future Structure Plan roads identified on any lots beyond those subject to the development.

12.4.17.5 Interim Access Road Requirements

For the purpose of the rules in (a) to (e) below, interim access roads shall mean pavements or carriageways which are set up as privateways, constructed within the identified Structure Plan road reserve (or alternative alignment as otherwise agreed with Council) for the purpose of allowing full, interim access into developments within the Industrial Zone before the construction of that Structure Plan road is required by Council.

- (a) Structure Plan roads may be constructed as interim access roads subject to Council's prior approval.
- (b) Interim access roads shall;
 - (i) Be temporarily set up as privateways.
 - (ii) Be designed, constructed, supervised and certified in accordance with Council's development code, and in accordance with DS4 Table 1 – Service Lanes, except that the reserve width shall be as per (viii) below, at the time that Council require.

- (iii) Be built on sub-grade of a strength and quality that is capable of supporting future Structure Plan roads including all expected traffic loadings for a 25 year design life.
 - (iv) Have pavement depths which are in accordance with 12.4.17.3 (c)(iv) above but of a material quality and construction that is compatible with and capable of being later integrated into the full Structure Plan road design without major changes.
 - (v) Be to the dimensions as in 12.4.17.3 (c)(iv) and have a minimum one coat chip seal and may have berm water table drains for the collection and disposal of stormwater in lieu of kerbing.
 - (vi) Have vertical and horizontal alignments that are capable of being later integrated into the full Structure Plan road design and construction and capable of being later integrated into other future Structure Plan roads identified on any lots beyond those subject to the development.
 - (vii) Include a reserve width that matches the Structure Plan road reserve width (minimum 20m) but including for intersections, roundabouts and splays.
 - (viii) Have no limit to the number of lots or activities that can be served by it.
 - (ix) Be subject to maintenance provisions imposed by way of consent notice on the properties having access to them.
- (c) The extension of services within interim access roads shall meet the following;
- (i) Stormwater, wastewater, water, power and telecommunications shall be extended into the interim access roads in conjunction with the construction of these.
 - (ii) These services shall be located vertically and horizontally such that the later upgrading of the interim access roads to Structure Plan roads renders the services in complying positions, except that Council may accept temporary non-compliance in some circumstances (e.g. stormwater to suit the temporary nature of water-tables).
 - (iii) These services shall be sized to serve the overall Structure Plan catchments when fully developed.
 - (iv) Stormwater, wastewater and water services shall be protected by easements in favour of Council.
- (d) The maximum length of an interim access road shall not exceed the boundary of the property that it services.

- (e) At time of either subdivision or development, consent notices shall be imposed on relevant titles requiring the private way reserve area upon which the interim access road is constructed to be vested in Council at such time that Council requires.

12.4.17.6 Reimbursement for Provision of Infrastructure

- (a) Council shall reimburse developers for the full costs of providing completed infrastructure that is identified in the Katikati Industrial Zone Financial Contributions Schedule - May 2012. For the purpose of this rule "completed" shall mean infrastructure that is constructed, approved by Council, and vested in Council.
- (b) For interim access roads, Council shall reimburse developers for the land within the vested road reserve and the costs of construction for the pavement and underlying sub-grade of the interim access road and utility services that form part of the permanent infrastructure that they have not already been reimbursed for.
- (c) Temporary infrastructure that is constructed by the developer to facilitate development will not be considered for reimbursement e.g. temporary power, utility services or vehicle crossings.
- (d) The level of reimbursement given for all relevant infrastructure identified in the Katikati Industrial Zone Financial Contributions Schedule - May 2012 shall be based on an agreed engineers estimate presented at the time of design.
- (e) Reimbursement shall be paid in accordance with Council's Annual Plan, and shall not occur until Council has collected sufficient funding from financial contributions from within the Industrial Zone, except that, reimbursement can occur earlier if negotiated as a progress payment with Council.
- (f) Council reserves the right to complete any of the works itself to facilitate development.

12.4.18 Katikati Binnie Road Residential Structure Plan

12.4.18.1 Any subdivision or *development* of land within the Residential Zone at Binnie Road, Katikati is subject to the following:

- (a) Subdivision or *development* shall be designed, approved and developed in general accordance with the associated *structure plan*, incorporate a buffer area as shown on the *structure plan*, and shall be in accordance with the design controls stated in 12.4.18(e).
- (b) The construction of a new type C hammerhead turning area on Binnie Road in accordance with drawing W407 of *Council's* Development Code within the Residential Zone as shown on the *structure plan*;

- (c) The provision of a planting plan detailing the location and layout of planting, species, grades and planting density within the residential *lots*;
- (d) The provision for a public right of way which shall link Riverside Place through the proposed Residential Zone to Binnie Road and from Binnie Road in a southerly direction connecting to the Uretara Stream Esplanade Reserve for the purpose of general pedestrian access. Any fencing adjoining this public right of way must comply with Rule 13.4.1(e)(i).
- (e) Design controls:

(i) Fencing along buffer area	Any fencing required along the buffer area boundary shall be low visibility post and wire farm style or posts and mesh type
(ii) Building site works and roading	Houses shall be located on a formed terrace with the escarpment behind. Any exposed cuts shall be mitigated with screen plantings. <i>Buildings</i> shall have a background of land or vegetation when viewed from the Uretara Stream.
(iii) Building bulk and form, design	Roofs shall be low pitched to prevent reflective glare (less than 32 degrees). Facades visible from Uretara Stream exceeding a length of 15m shall have the roofline broken with plantings of either pohutukawa, rewarewa, puriri, kanuka or other tall species as recommended by a suitably qualified ecologist. <i>Dwellings</i> shall be designed with 600mm eaves and veranda features to cast shadows and reduce glare from glazing.
(iv) Building <i>height</i>	That the <i>building height</i> shall not exceed the lower of (i) a single storey with a <i>height</i> not exceeding 11.5m Motiriki Datum 1953 or (ii) the maximum residential building <i>height</i> .
(v) Building colour	Colours shall be restricted to <i>reflectivity</i> of <40% for roofs, and <60% for walls. Local natural materials such as timber and local stone are also acceptable. Colours shall be limited to groups A, B & C BS5252. <i>Reflectivity</i> shall be measured in accordance with Australian Standard 1580.

12.4.19 Lemon Road Industrial

12.4.19.1 Any subdivision or *development* of land zoned Industrial on the northern side of Lemon Road shall be subject to the following:

- (a) The construction of a right hand turn bay for vehicles turning into Lemon Road from State Highway 33.
- (b) The provision of a painted splitter island on Lemon Road.
- (c) The provision of a pedestrian refuge on State Highway 33 between Lemon Road and Old Coach Road and footpaths to link the site.

- (d) The undertaking of seal widening on the western side of State Highway 33 to assist right turning vehicles to merge onto State Highway 33 from Old Coach Road.
- (e) The undertaking of seal widening on the western side of State Highway 33 to assist left hand turning vehicles to merge onto State Highway 33 from Lemon Road.
- (f) The upgrading of Lemon Road in accordance with Rule 12.4.4 and *Council's* Development Code 2009.
- (g) The relocation of the service station's existing access.
- (h) Any vehicular access off Lemon Road shall be a minimum of 80 metres from the edge of the State Highway carriageway at the intersection with Lemon Road as it existed at 30 January 2010.

Provided that:

Alternative mitigation to (a) – (h) above may be undertaken as approved by the State Highway Manager – Bay of Plenty, New Zealand Transport Agency

12.4.19.2 Subdivision and *development* prior to this infrastructure provision shall be considered a Non-Complying Activity.

12.4.20 Comvita Campus Structure Plan

12.4.20.1 General

- (a) Any subdivision or *development* (including staging) within the Comvita Campus Structure Plan area shall be undertaken in general accordance with the Structure Plan and specifications set out in Appendix 7.
- (b) Maximum *Building Coverage* within the Comvita Campus Structure Plan Area shall be 50%.

12.4.20.2 Subdivision and *Development*

- (a) Any subdivision or *development* of land zoned Industrial within the Comvita Campus Structure Plan area shall occur sequentially from stage 1 to stage 2 as shown on the staging plan in Appendix 7.
- (b) The provision of *infrastructure* shall be undertaken in accordance with the Comvita Campus Structure Plan Infrastructure Prerequisites Table in Appendix 7.

- (c) Any subdivision or *development* of land within the Comvita Campus Structure Plan area shall incorporate amenity screen planting in accordance with the requirements of the Comvita Campus Structure Plan in Appendix 7 for the particular area of land to be developed.

12.4.20.3 Roading and Access

- (a) Provision shall be made for roading and access generally in accordance with the Comvita Campus Structure Plan in Appendix 7.
- (b) The provision of all new or upgraded roading and access works shall be undertaken in accordance with the Comvita Campus Structure Plan Infrastructure Prerequisites Table in Appendix 7.
- (c) The only vehicle access from State Highway 33 shall be via a single left turn only access point as shown on the Comvita Campus Structure Plan, regardless of whether a site has legal frontage to State Highway 33.
- (d) The single left turn only access point from State Highway 33 shall be designed and submitted to the New Zealand Transport Agency (NZTA) for approval prior to *construction*.
- (e) The portion of Wilson Road South adjoining the Structure Plan area shall be provided with kerb and channel in accordance with *Council's* Development Code.

12.4.20.4 Stormwater Management

- (a) Any subdivision or *development* of land shall make provision for stormwater detention and treatment *infrastructure* in general accordance with the Comvita Campus Structure Plan in Appendix 7. Stormwater areas shall be provided as part of the *development* of each stage.

12.4.20.5 Wastewater

- (a) Any subdivision or development of land shall make provision for wastewater detention and treatment *infrastructure* in general accordance with the Comvita Campus Structure Plan in Appendix 7. Wastewater areas shall be provided as part of the *development* of each stage.

12.4.20.6 Water Supply

- (a) Any subdivision or *development* of land shall make provision for water supply infrastructure in general accordance with the Comvita Campus Structure Plan Infrastructure Prerequisites Table in Appendix 7. Water supply shall be provided as part of the *development* of each stage.

12.4.21 Section 224(c) Certification

12.4.21.1 Basis and information requirements

- (a) Particular conditions of resource consent require certification. Certification shall be provided by a registered surveyor, a chartered professional engineer or other appropriately qualified person as required by the conditions of consent or as *Council's* Development Code requires, except that all road pavements are required to be supervised and certified by a chartered professional engineer or an engineer that has been specifically approved to undertake these tasks by *Council's* Authorizing Officer.
- (b) Certification shall provide explicit confirmation from the certifier that compliance with the conditions of subdivision consent or *Council's* Development Code has been achieved, and shall include the words "I Certify".
- (c) Certifications shall be based upon:
- (i) The required and documented quality assurance data in accordance with *Council's* Development Code.
 - (ii) The certifier's own reported levels of supervision and random testing.
- (d) The format for Section 224 certification as related to the engineering conditions of a consent are as set out in *Council's* Development Code.
- (e) *Council* reserves the right to reject any certification considered to have been incorrectly given.
- (i) Rejected certifications may require *Council* to invoke the mis-certification procedures as outlined in *Council's* Development Code.
 - (ii) The standard forms in *Council's* Development Code are to be completed and supplied as part of the Section 224 application.

12.4.21.2 Uncompleted works bonds

Council may allow uncompleted works to be bonded as detailed in Section 4.1 DS 1.17.4 of *Council's* Development Code.

12.4.21.3 Maintenance (defects liability) period

- (a) From the date of Section 224 issue, all vested assets are subject to a minimum 12 month (or 18 months for landscaping) maintenance period as required in *Council's* Development Code.
- (b) A maintenance cash bond is held by *Council* for the duration of the maintenance period. The value of the bond is 5% of the supply and installation costs for the vested assets and as agreed with *Council*.
- (c) Where there are outstanding non-compliances at the end of the maintenance period, the bond monies will not be released until these have been rectified to *Council's* satisfaction and certified as complying by the developer's representative.

12A. Proposed Esplanade Reserves, Esplanade Strips and Access Strips

Explanatory Statement

Preservation of the natural character of and public access to and along, the coastal marine area, lakes and rivers are matters of national importance listed in the *RMA*. To give effect to these principles, *Council* has adopted a Recreation and Leisure Strategy as part of the *LTP* which, along with the ward reserves management plans, documents the future requirement for recreation reserves in the *District*. This is in order to ensure that the needs of future generations can be met.

Reserves serve functions additional to recreation. The *RMA* particularly specifies the need for esplanade reserves and strips to provide access and for riparian protection. For *lots* less than 4ha an esplanade reserve or strip will be required in all cases; if it is not required for access purposes it shall be set aside for conservation purposes. For *lots* of 4ha or greater *Council* will secure esplanade reserves or strips for access purposes as provided for in the District Plan or for conservation purposes if the *riparian area* is covered predominantly in native vegetation. In these circumstances *Council* may engage more cost effective techniques than purchase or compensation e.g. Regional Council Environment Plans and Department of Conservation acquisition/protection (See also Section 5), or riparian protection utilizing Section 18.4.2(h) combined with Access and Esplanade Strips.

The existence of, or an intention to acquire, an esplanade does not mean that public access will be formed over that reserve or strip but it gives a right of legal public access and makes provision for future generations where the opportunity might otherwise be lost. The intention to form public access, and the timeframe for such, shall be determined by the Recreation and Leisure Strategy and the Reserves Management Plan process.

12A.1 Significant Issues

1. The *District* has a rapidly growing population and a visitor industry that is placing increased demands on reserves assets.
2. The integration of available methods to secure appropriate access to and along key waterways.
3. Esplanades have an important conservation role regarding riparian protection and water quality.

12A.2 Objectives and Policies

12A.2.1 Objectives

1. The provision of a network of reserves and facilities which satisfies the sport and leisure needs and aspirations of residents and visitors to the *District* whilst enhancing the natural, historic, educational and amenity values of the *District*.
2. The protection of high quality *riparian areas* for conservation purposes.
3. The integration of methods to secure strategic access along *riparian margins* and protect riparian conservation values.

12A.2.2 Policies

1. Gain reserve lands for sport and leisure, walkways and esplanades in line with the priorities identified in *Council's LTP*, through the criteria as set out in the District Plan, and by any other appropriate means.
2. Provide better access to natural features and recreational opportunities of public interest and provide better access to public land and facilities within reserves that enhance informal and unstructured leisure activities.
3. Require the protection of *riparian areas* covered in native vegetation as esplanade reserves or strips or by other appropriate means where esplanades may not be the preferred option, e.g. *riparian margin* retirement.
4. Ensure that significant ecological values are not adversely affected by the provision of public access to reserves.

12A.3 Rules

12A.3.1 Subdivision (taking of esplanade reserves or strips for access or recreation purposes)

- (a) Land required for esplanade reserves or strips (regardless of *lot* size) is shown on the Planning Maps and listed in Appendix 4.

- (b) In addition to (a) above, the requirement for an esplanade reserve or esplanade strip may be applied to provide access to swimming holes, picnic sites, waterfalls, cascades, Department of Conservation land, harbours and estuaries, known fishing areas, and where such access provides linkages to existing legal public access such as formed and unformed roads and existing reserves or strips.
- (c) Provision of public access may be required through the proposed subdivision to allow the public access from a public road to an esplanade reserve or esplanade strip, particularly at strategic access locations. *Council* shall consider the following:
 - (i) The effects of the proposed *development* and the need for public access to the esplanade, including the closeness of alternative access points to the esplanade;
 - (ii) The value and level of public benefit that is likely to result by providing access to the esplanade;
 - (iii) Compensation shall generally be payable.
- (d) *Council* may, and generally will, acquire an esplanade reserve on both banks along all those portions of creeks, streams and drains which exceed 3m in width within all Residential Zones.
- (e) Where a subdivision establishes a *lot* of 4ha or less adjacent to a *riparian margin*, *Council* may require an esplanade reserve or esplanade strip for access, recreation and conservation purposes to be established.
- (f) Esplanade reserves and strips may be waived in part or in full in the following circumstances:
 - (i) Where the land is already, or will be protected in perpetuity by way of subdivision consent notice, Queen Elizabeth II National Trust covenant, Reserves Act 1977 covenant or other registerable legal instruments acceptable to *Council* subject to appropriate alternative provision being made for public access along the water body concerned;
 - (ii) Where the subdivision is a boundary adjustment;
 - (iii) Where an existing *structure* is located within the 20m reserve and an appropriate esplanade reserve or esplanade strip or access strip cannot be established;

- (iv) Where an existing *structure* is located within the 20m reserve and an appropriately smaller esplanade reserve or esplanade strip and/or access strip can be established;
 - (v) Where by reason of security an esplanade reserve would be inappropriate and security cannot be assured by some other means. For example where there is defence lands, sensitive machinery, irrigation works or activities. Where appropriate, alternative access to deviate around the facility and maintain a continuous public access route in the vicinity may be required;
 - (vi) Where by reason of public safety, an esplanade reserve would be inappropriate and public safety cannot be assured by some other means. For example physically dangerous sites, port activities, including reclamations, defence lands, industrial subdivisions for activities including *hazardous substances*. Where appropriate, alternative access to deviate around the facility and maintain a continuous public access route in the vicinity may be required;
 - (vii) Where a public work or an electricity generation facility of regional or national significance is or is to be located on the foreshore or bank of a waterway, and for reasons of public safety and security the reserve and public access is not appropriate. Where appropriate, alternative access to deviate around the facility and maintain a continuous public access route in the vicinity may be required;

Where appropriate an esplanade for conservation purposes or other registrable legal instrument may be required to protect conservation values;
 - (viii) Where a work or *network utility* is or is to be located on the foreshore or bank of a waterway and for reasons of public safety and security the reserve and public access over the full 20m is not appropriate;
 - (ix) Where there are exceptional circumstances such as undue hardship, impracticality or cultural sensitivity.
- (g) Esplanade reserves and strips of greater width than 20m may be taken in the following circumstances:
- (i) Where there is an Identified Significant Ecological or Historic Heritage Feature that extends beyond 20m.

- (ii) Where *Council* considers the river bank or foreshore is prone to erosion or slippage;
 - (iii) Where topography or ecological values creates the need to form public access at a greater distance from the river bank or foreshore.
- (h) *Council* may substitute an esplanade strip for an esplanade reserve. Instances where esplanade reserves will be required are where there is a higher level of recreational use. An esplanade strip is more likely to be required where only infrequent access is necessary. Where an esplanade strip substitutes for an esplanade reserve and protection of native bush or vegetation is required then the esplanade strip instrument shall include provisions to this effect.
- (i) *Council* shall consider a Maori Reservation set aside under Section 338 and Section 440 of the Maori Land Act 1993 (Te Ture Whenua Maori) in lieu of an esplanade reserve or strip.

12A.3.2 Subdivision (protection of riparian areas through the taking of esplanade reserves or strips for conservation purposes)

- (a) Where *lots* which are less than 4ha are being formed, an esplanade strip or similar instrument shall be created for conservation purposes except where an esplanade has been identified for access in accordance with Rule 12A.3.1 in which case it shall be created in accordance with that rule.
- (b) Where *lots* which are 4ha or more are being formed and the *riparian area* is covered in predominantly native vegetation, an esplanade strip or similar instrument shall be created for conservation purposes except where an esplanade has been identified for access in accordance with Rule 12A.3.1 in which case it shall be created in accordance with that rule.
- (c) If an esplanade strip is set aside as part of a riparian protection *lot* subdivision then compensation from *Council* shall not be payable on the esplanade strip.

12A.3.3 Resource consents

As a condition of a resource consent *Council* may require the setting aside of an esplanade reserve or strip or access strip to mitigate the effects of an activity.

12A.4 Other Methods

- 12A.4.1 The *Regional Council* management plans are suitable for targeting specific areas, particularly where *lot* sizes are 4ha or greater.
- 12A.4.2 The use of other public land will be considered such as road reserve and Department of Conservation land.