

## 3.6 SUBDIVISION

### 3.6.1 - OVERVIEW

Management of the physical act of subdivision, either of land or buildings, has historically been a planning technique used to regulate land use.

That emphasis has now changed with the Act which bases the consideration of subdivision on effects, particularly those effects that are adverse to the environment (which includes the urban or built environment).

In the same way as subdivision was not considered to be a land use under the Town and Country Planning Act, so too is subdivision not considered a land use activity as indicated by the Rules in this Plan and as defined in the Act. Subdivision, however, does require specific consent under Section 87(b) of the Act.

In the context of this District Plan, Council is of the view that subdivision is simply a legal mechanism for changing the boundaries, sizes, and ownership of parcels of land, and the creation of a new allotment on a plan has, in itself, no direct effects upon the environment. It does however, give rise to expectations of future development and occupation by new owners, for example, new or additional houses, intensified activities, extended utility services, and the corresponding effects of occupation and development (water discharge, solid waste effluent, landscape changes).

The processes of transforming and preparing the land for occupation which accompany the paper subdivision can have very direct effects upon the environment. The removal of vegetation, earthworks, road building, provision of reticulated services and the creation of house sites, represent very real examples of changes which have an effect upon the environment. The extent of these effects, however, will largely be determined by the size and extent of the subdivision itself.

The real issue that arises from subdivision is not the subdivision itself, but the use or activity that is ultimately permitted on that parcel of land and the effects that arise from that use.

The general approach taken within this District Plan therefore is to treat subdivision simply as the mechanism used to create the parcel of land and impose conditions only in respect of servicing that newly created parcel of land.

The activity or use that is established on the site later will be subject to the rules and performance standards of other sections of the Plan, and may require additional resource consents.

The reason this approach is being taken is twofold.

- (a) much development is undertaken without any or further subdivision of land and Council is able to ensure that the development of the land will meet the objectives of the community as expressed in the Plan, through its control over the issue of building consents for buildings, and other works, and through land use resource consents.
- (b) With the exception of the areas around Te Anau, Riverton and Winton and the rural fringes of Invercargill City there is not great pressure for what is known in other Districts as Rural/Residential development.

It is acknowledged that this change in emphasis will take some time for the general public to appreciate as there has been, in the past, a presumption that once land has been subdivided a resource consent, particularly for a dwelling house, will be automatically granted.

**IN TERMS OF THIS DISTRICT PLAN THAT PRESUMPTION SHOULD NOT BE MADE.**

The Act provides for separate procedures for subdivision and land use but uses an integrated approach, and treats subdivision simply as the mechanism to create a separate title. This approach is also consistent with the change in the legislation which clarifies the relationship between freehold, cross lease and unit title subdivisions in the District Plan.

Council's powers of control over subdivision were previously derived mainly from the provisions of the Local Government Act 1974. The issues which affect subdivision are now addressed in four ways.

- (a) The District Plan will address the circumstances, by way of objectives, policies and rules, in which subdivision can occur throughout the District.
- (b) The construction standards required in the physical development and servicing of a subdivision will be those specified under Council's Code of Practice for Urban Land Subdivision Bylaw 1993.

- (c) The provision of services and all financial matters relating to their provision, and contributions either in land or money for reserves, will be specified in the District Plan.
- (d) The granting of a land use consent to any site is subject to a separate resource consent under the Act.

Under this District Plan all forms of land subdivision will require a resource consent because Council wishes to retain control over some specified matters (particularly in relation to the provision of services) and to impose conditions on any consent as may be appropriate.

### **3.6.2 - THE ISSUES**

The following are considered to be the significant issues relating to subdivision development in the District:

- **An ageing population places varying demands on the supply of urban allotments. A flexible approach is required.**

#### **Explanation**

*Being able to vary allotment size in order to cater for demand particularly in situations where smaller sized allotments are required, calls for a flexible approach to subdivision and infill development.*

- **Loss of high quality soils to urban encroachment.**

#### **Explanation**

*The loss of productivity from high quality soils through urban encroachment is of concern. The present trend of 'life style' blocks impinges on the opportunity to make sustained productive use of high quality soils, and therefore methods aimed at urban containment have to be considered.*

- **Unsustainable urban expansion can result in demands on the extension of services.**

#### **Explanation**

*The direction and extent of urban expansion is capable of placing demands on the Council to extend or upgrade existing public utility services which may be uneconomic. There is a tendency for urban dwellers who wish to live in a rural environment to require the urban commodities such as mains water, sewers and sealed roads.*

- **The location and density of subdivisions can adversely affect the amenities of the District.**

#### **Explanation**

*Smaller subdivision patterns particularly around urban centres can lead to loss of general amenity, and a loss of privacy. The fragmentation of rural land into small blocks leads to a greater number of houses and accessory buildings (building density) which removes the rural atmosphere and harmony.*

- **Higher building densities can adversely impact on ground and surface water quality and quantity.**

#### **Explanation**

*The creation of a greater area of hardstanding around buildings in the rural/residential areas allows water to run off more quickly rather than soak into the ground as previously. This can lead to localised flooding.*

*The water quality of stormwater can be worsened through run-off from streets and roads and other hardstanding areas.*

*Effluent disposal in non-reticulated areas can result in cumulative adverse effects in the quality of ground water, causing potential health problems.*

- **The inappropriate location and design of subdivisions can adversely affect natural features and landscapes.**

#### **Explanation**

*The Council has a duty to protect outstanding natural features and landscapes from inappropriate subdivision, use and development (Section 6 of the Act).*

*Some, if not all landscapes, have finite characteristics and the consideration of subdivision applications should seek to enhance the quality of the environment.*

### **3.6.3 - OBJECTIVES**

#### **Objective SUB.1**

**To adopt a flexible approach to urban and rural subdivision.**

#### **Explanation**

*In adopting this approach to subdivision, Council is conscious of the potential problems that may arise through this change in philosophy.*

*While it is accepted that many other Councils may stay with the historical approach, Council believes the Act offers the opportunity to overcome the problems that were inherent in the "economic unit type" controls and the anomalies that they created.*

*The preference therefore, is towards a system whereby each case is treated on its merits rather than pre-determining a fixed standard which, in many cases, has little or no relationship to the ultimate use of the land or the effect of that use on the environment. (Refer Policy SUB.1, 2 and 4)*

## **Objective SUB.2**

**To achieve a density of development and landscape appearance which varies throughout the District.**

### **Explanation**

*The rural area throughout this District has a very diverse character in terms of the local amenity and the landscape and it is the intention of this District Plan to ensure that these are not lost.*

*In most cases, the future use of the land is known at the time of subdivision and this Plan attempts to discourage subdivision which is likely to give rise to expectations of development contrary to other objectives and policies in the Plan. For example, the Plan identifies urban areas which are capable of accommodating the future demand for residential expansion and the provision of urban services expected to be provided in that type of community. The Plan wishes to discourage peripheral urban development adjacent to these urban areas which may in the future give rise to a need for an uneconomic extension of the urban services. (Refer Section 4.2 Transitional Resource Area or Section 4.5 Coastal Resource Area)*

## **3.6.4 - POLICIES**

### **Policy SUB.1**

**To provide for the majority of subdivision as a restricted discretionary activity.**

### **Explanation**

*It is Council's view that the issues that have to be addressed at the time of subdivision are primarily the confirmation of the physical suitability of the land in anticipation of a change in land use.*

*The issues that arise at this stage are largely matters which affect the Council on behalf of the community and the owner of the land at that time. Very rarely does it affect other parties.*

*The exception to this situation is where a subdivision may front a State Highway. In those situations the question of access is referred to Transit New Zealand for its comments.*

*Where there are potentially adverse environmental effects arising from effluent disposal, water supply or there are natural hazards, etc. which affect the proposed lots, it is not appropriate to treat the subdivision as a controlled activity. In these cases the views of the Southland Regional Council will be sought as a matter of course.*

*[Refer Rule SUB.1(2)]*

### **Policy SUB.2**

**To establish subdivisional consent procedures which are simple and easily understood.**

### **Explanation**

*In adopting the approach that it has in relation to subdivision, Council wishes to streamline the consent process wherever possible through delegated authority. There are many situations where simple boundary adjustments and amendments to flat plans which comply with the building requirements can be processed as an administrative function.*

*While technically, boundary adjustments are a form of subdivision, Council believes there is no valid reason why they should not be processed in this fashion. (Refer Section 3.6.4 and 3.6.5).*

*There are, however, some parts of the previous procedure (under the Local Government Act) which Council believes were a basic part of the process and which should be continued. A good example of this is the scheme plan which clearly illustrated, in diagrammatic form, the intention of the proposal.*

*Council believes that the lodging of a scheme plan should continue as a matter of practice and has accordingly given status to this document in the subdivision procedures.*

*[Refer Rules SUB.1 and SUB.2(i)]*

### **Policy SUB.3**

**To provide standards for subdivisional development, through Council's Code of Practice for Urban Land Subdivision Bylaw 1993.**

### **Explanation**

*In order to establish the basis of design criteria and to minimise the likelihood of dispute during the subdivisional process, Council has adopted a Bylaw as the basis of engineering design within the District. Council believes that it is highly desirable that clear standards and requirements for engineering subdivisional design should be established.*

*It is important to recognise that the Code of Practice for Urban Land Subdivision Bylaw 1993 must be read as part of the subdivisional requirements for this District Plan.*

*[Refer Rule SUB.2(ii)].*

#### **Policy SUB.4**

**To facilitate innovative design for subdivision.**

##### **Explanation**

*Because this District Plan prescribes no minimum standards for subdivision, (except for the Transitional Resource Area) it becomes necessary to set out the assessment criteria upon which Council will judge each subdivision application.*

*While in many cases some of these criteria will not be appropriate, they do set out in some detail the issues that need to be addressed in achieving good design particularly in subdivision for residential purposes.*

*It is Council's intention in terms of administration of the District Plan to use the assessment criteria as the basis of refusal in those circumstances where it considers that those criteria have not been adequately addressed.*

*Council expects all applicants to address those criteria which are appropriate to their application as part of the Assessment of Effects accompanying the application.*

*(Refer Rule SUB.3)*

#### **Policy SUB.5**

**To ensure that each new allotment contains a hazard free building site.**

##### **Explanation**

*Council has a duty under both the Act and the Building Act 1991 to mitigate the adverse effect of natural hazards. Natural hazards are a constraint which should be identified and considered at the subdivision stage rather than at the building stage.*

*They arise because of the particular circumstances of a site, and it is considered more appropriate to forewarn prospective purchasers through notice on the title at the subdivision stage, rather than being left to the point in time when buildings are proposed to be erected on a site.*

*In some cases hazards cannot be determined without detailed assessment of site specific characteristics. Therefore the Hazard Register cannot be taken as absolute proof of their existence. Some flexibility is required so that those site specific factors can be given due regard.*

*(Refer Rule SUB.3(B) and Section 3.8 Natural Hazards).*

#### **Policy SUB.6**

**To ensure that the location, alignment and dimensions of subdivisional roading and physical access provides safe vehicle access to each allotment created and does not compromise traffic safety on any legal road.**

##### **Explanation**

*Creating separate ownership often results in a need for new entrances onto the existing roading system. If the new properties cannot access existing roads at a point with adequate visibility, the potential for accidents increases.*

*Council has an interest in this issue to ensure that the roads that it administers operate safely and efficiently. There is an additional responsibility placed upon Council in taking over new roads once subdivision or development is complete.*

*[Refer Rule SUB.3(C)]*

#### **Policy SUB.7**

**To prescribe standards for multiple entrances.**

##### **Explanation**

*Where individual properties are utilising a common entrance point, Council established the parameters upon which physical access can be shared.*

*These parameters have been in place for some years throughout the District and have proved to be an appropriate performance standard.*

*[Refer Rule SUB.3(D)]*

#### **Policy SUB.8**

**To promote specific site performance standards.**

##### **Explanation**

*While the District Plan does not specify minimum site areas for subdivision, there are three specific requirements that need to be recognised.*

- (a) The first relates to the question of land being subdivided for residential purposes and the need to provide within that site a reasonable area that is free from natural hazards or any other impediment.*

*Under the provisions of Rule SUB.3(B) each site which is intended to be used for residential purposes shall contain a buildable area which is specified in the rule and which in most cases will determine the minimum area of the site.*

- (b) *The second requirement relates to the provision of open space and adequate on site parking etc. Meeting these requirements will effectively set a minimum site area, although the developer is allowed a certain degree of flexibility. (Refer Section 4.7 Urban Resource Area)*
- (c) *Also grouped within this category is the subdivision of land in non-serviced areas. While no minimum area is specified, the size of the allotment will be determined in each case by the ability of the site to handle sewage and stormwater effluent discharge. As will be appreciated, the sub-soil conditions vary throughout the District and each subdivision in this category which requires on-site sewage disposal will be dealt with on its merits and the minimum area requirement will be determined by the ability of the site to accommodate this facility. [Refer Rule SUB.3(E)]*

### **Policy SUB.9**

**To ensure that domestic effluent from new allotments can be adequately disposed of in each allotment without contaminating ground or surface water.**

#### **Explanation**

*While appropriate tests can be undertaken to ensure the suitability of a site for effluent disposal, the long term effects are not known. Council proposes to continuously monitor this potential effect. (Refer Rule SUB.3 and Section 2.3 Monitoring)*

### **Policy SUB.10**

**To avoid the adverse effects that subdivision can have on public utility services.**

#### **Explanation**

*Within the District Plan there are a number of areas which have been identified for use for urban purposes.*

*Within these urban areas, there are two distinct categories.*

- (a) *Those areas for which Council has provided a reticulated system for water and sewage disposal.*

- (b) *Those areas for which provision has been made for urban settlement but no provision has been made for a reticulated system of network utility services in the form of water and sewage disposal.*

*Where the services are available, Council has generally defined the Urban Resource Areas in this District Plan as being determined by the area which is capable of accommodating the urban development within the design perimeters of the existing systems.*

*Where the existing public utility system has capacity for accommodating new development, then Council will require a capital contribution to the network assessed in accordance with the criteria in Section 3.7 Financial and Reserve Requirements - 3.7.4 Rules with the subdivider being responsible for the provision of the new connection to the existing services.*

*In those circumstances where the network utility services provided by Council have no capacity for extension then the full cost of the provision of connecting to those services shall be met by the subdivider and shall include a contribution towards the upgrading of the existing system. [Refer Rule SUB.3(G)]*

*In those urban areas where no public network utility services of water and sewage disposal have been provided, the minimum site area shall be determined following appropriate sub soil testing. [See Rule SUB.3(G)]*

### **Policy SUB.11**

**To recognise the different site requirements imposed by multi unit residential development.**

#### **Explanation**

*Section 218 of the Act now gives a definition of subdivision which includes any proposals that are undertaken by way of company lease, cross lease or unit title. In these circumstances it is necessary to provide within the subdivisional provisions, criteria relating to these types of development that are different to the criteria for traditional subdivision.*

*In developments of this type, greater emphasis needs to be placed on outdoor space, particularly as it relates to access, and parking for vehicles, and for the open-space amenity that should be provided for the convenience and privacy of the occupants. [Refer Rule SUB.3(I)]*

## **Policy SUB.12**

**To ensure that subdivision preserves natural values as far as practicable.**

### **Explanation**

*Throughout the District there are areas that are significant because of the visual diversity of their scenic attractions. Areas in this category include;*

- (a) *That part of Te Anau bounded by Lake Te Anau, the Upukerora River, State Highway No 94 and the urban area of Te Anau.*
- (b) *Land situated on the west side of State Highway 95 between Lake Te Anau Outlet and Manapouri township.*
- (c) *Significant lands in Stewart Island.*
- (d) *Coastal Resource Area.*
- (e) *Fiordland Resource Area.*
- (f) *Hills and Catlins Resource Areas.*
- (g) *Mountains Resource Area.*

*In the case of Te Anau, the areas have high visual amenity providing uninterrupted views across open farmland to Lake Te Anau and Manapouri and the Fiordland National Park beyond.*

*On Stewart Island the views are of the open sea, or the secluded bays and inlets and the backdrop of native bush which gives Stewart Island its scenic diversity.*

*It is policy to ensure that structures to be erected in these localities do not detract from the landscape, obscuring the outlook or view enjoyed by residents or tourists travelling in these localities.*

*[Refer Rule SUB.3(J)] and Sections 4.4 Stewart Island, 4.3 Fiordland Resource Area, 4.5 Scenic Resource Area and 4.6 Coastal Resource Area.)*

## **Policy SUB.13**

**To make provision for access to and along the coastline when considering applications for subdivision consent in the coastal environment.**

### **Explanation**

*Council has a duty under the Act to recognise and provide for the enhancement of public access to the coastal marine area. This can be achieved at the time of subdivision by way of a requirement for esplanade mechanisms.*

*(Refer Section 3.7.4, Rule FIN.6).*

## **Policy SUB.14**

**To require that provision be made for independent water connections and storage facilities where land serviced by a rural water supply scheme is subdivided.**

### **Explanation**

*This policy will allow Council to retain control over the distribution of water from rural water schemes and thereby ensuring the economic viability of the scheme. (Refer Rule SUB.3 K2)*

## **3.6.5 - METHODS AND RULES**

### **Rule SUB.1 - Subdivision Activity Grouping**

Subdivision will accordingly be processed in four categories.

- (a) Boundary adjustments and amendments to flat plans where building works comply with the provisions of the District Plan will be dealt with as "a controlled activity".
- (b) Where Council has determined controls over specified matters and intends to impose conditions on any consent, subdivision shall be treated as a "restricted discretionary activity."
 

The matters over which the Council will retain discretion and for which it may impose conditions in granting consent to this subdivision are included in the assessment criteria in this Section.
- (c) In cases where no standards are prescribed, a subdivision will be a discretionary activity and the Council will have regard to the assessment criteria in exercising its discretion as to whether or not it will grant a resource consent to a subdivision and what conditions, if any, it may impose.

Subdivision in those areas listed in Policy SUB.13 is a discretionary activity to enable Council to assess its impact in terms of visual amenity and effect on the natural character of the Coast. (See Section 4.6 Coastal Resource Area).

Subdivision in the Stewart Island/Rakiura Urban Resource Area:

- any new lot 800 m<sup>2</sup> or greater in area shall be considered as a discretionary activity.
- any new lot smaller than 800 m<sup>2</sup> in area shall be considered as a notified discretionary activity.

Subdivision creating new lots larger than two hectares or new lots smaller than two hectares in localities which are fully reticulated in the Transitional Resource Area is a Discretionary Activity. Subdivision creating lots smaller than two hectares in this area in localities which are not fully reticulated are non-complying activities. (See Section 4.2 Transitional Resource Area)

- (d) Subdivision of land subject to, or potentially subject to, natural hazards, is a discretionary activity. The degree of risk shall be considered with respect to this discretionary activity.
- (e) Subdivision to enable the erection on land of an unmanned network utility which does not require the provision of water and sewerage facilities intended to directly serve the immediate locality where the area, shape and dimension of the resulting allotment is suitable to accommodate the utility shall be a permitted activity throughout the District.

## **Rule SUB.2 - Subdivision Criteria Rules**

### **(i) PROCEDURES**

- (a) Subdivisions to Comply

No subdivision may be carried out except in accordance with the requirements of the Act and with the provisions of this District Plan.

- (b) Applications for Subdivisional Consent

Any person wishing to subdivide land shall make application for a subdivision consent in accordance with the provisions of Rule APP.1 of this District Plan - Rules for Resource Consent Applications.

- (c) Preliminary Consultation

Prior to formal application for subdivision consent, Council requires the submission of a concept proposal which enables the servicing issues to be addressed with Council before the final design is drawn.

- (d) Submission of Scheme Plan

Any application made in accordance with (b) above shall be accompanied by a Scheme Plan which clearly illustrates, in visual form, the subdivision which is intended.

- (e) Approval of Survey Plans

Once Subdivision Consent has been granted pursuant to Section 220 of the Act then the Survey Plan may be submitted for Council approval pursuant to Section 223 of the Act.

- (f) Deposit of Survey Plan

The Survey Plan may not be deposited until the provisions of Section 224 of the Act have been complied with.

- (g) Information Required

Refer Section 2.2(iv) - Information to be Submitted and Schedule 6.16 Guidelines for Resource Consents.

### **(ii) RELATIONSHIP TO CODE OF PRACTICE FOR URBAN LAND SUBDIVISION BYLAW 1993**

In any subdivision for which engineering works are required as a condition of consent, cross reference must be made to Council's "Code of Practice for Urban Land Subdivision Bylaw 1993".

This Code is based on NZS 4404 modified to recognise local conditions and materials and the "New Zealand Guide to Geometric Standards for Rural Areas". These Standards are deemed to be part of the District Plan for the purposes defined above.

## **Rule SUB.3 - Subdivisional Requirements for all Subdivisions**

### **A. Subdivision Design Standard**

- 1. Requirement

In determining any resource consent in respect of any subdivision Council shall exercise any control or discretions available under the Act and this District Plan to ensure that such subdivision is carried out in accordance with the objectives, policies and anticipated environmental results of this Plan.

- 2. Assessment Criteria

In determining any resource consent for the subdivision of land in respect of Clause (1), regard shall be given to the following assessment criteria:

- (a) In any subdivision the size, shape and arrangement of allotments and provision for access thereto shall have appropriate regard to the effect on:
- \* topography, soils and vegetation
  - \* surface and ground water conditions
  - \* local climatic conditions
  - \* existing buildings, roads and services
  - \* earthworks.
- (b) The arrangement of allotments in any subdivision shall be such as to:
- \* facilitate convenient and easy access by both people and vehicles including emergency service vehicles
  - \* facilitate the provision and operation of essential services
  - \* appropriately relate to adjoining subdivision
  - \* facilitate access to passive energy sources.
- (c) Unless Council determines otherwise any allotment in a subdivision shall conform to the following:
- \* is of sufficient size to accommodate any intended activity, development, and use in compliance with the provisions of this District Plan
  - \* has convenient and safe vehicular access to a public road
  - \* is connected to network utility services particularly sewerage, water, stormwater, electricity and telephone reticulation.
- (d) Any subdivision shall have regard to maintaining natural and significant features including:
- \* registered historic places particularly waahi tapu
  - \* registered trees and significant indigenous vegetation or significant habitats of indigenous flora
  - \* waterways, lakes and wetlands
  - \* ridgelines and hills contributing to the character of the rural and urban areas
- \* special landscape character areas.
- (e) Any subdivision shall be carried out so as to facilitate any foreseeable subsequent resubdivision or redevelopment having regard to:
- \* the siting of buildings
  - \* the provision of road access
  - \* the economic provision of network utility services securing an appropriate and co-ordinated ultimate pattern of development.
- (f) All subdivisions shall be planned, designed, constructed and maintained so as to:
- \* protect any river, stream or lake and public drain
  - \* provide a system by which water within the subdivision will be removed without causing damage or harm to the natural environment, or to property or persons within the subdivision or in other areas
  - \* ensure that waters drained from subdivisions are substantially free of pollutants, including sedimentary materials, of any greater quantity than would occur in the absence of subdivision and improvement
  - \* ensure that waters are drained from the subdivision in such a manner that they will not cause erosion or flooding outside the subdivision to any greater extent than would occur in the absence of subdivision and improvements
  - \* avoid flooding of land in the subdivision or in other areas by keeping impervious surfaces to a minimum and by limiting discharge from the land
  - \* ensure that it is possible to dispose of sewage and waste water effluent on each allotment in a subdivision.

## **B. Land Suitability Standard**

### 1. Requirement

- (a) That in determining any resource consent in respect of any subdivision Council shall ensure pursuant to Sections 106 and 220 of the Act that the land to be subdivided is not subjected to erosion, subsidence, slippage and inundation or does not give rise to such in respect of any other land.
- (b) That in determining any resource consent in respect of subdivision Council shall exercise any discretions available under this District Plan to ensure that any subdivision of land does not adversely affect the environment or give rise to any hazard.
- (c) That in determining any resource consent for any subdivision Council may require a report from a person experienced in soils engineering and land slope and foundation stability as to the suitability of the land for any particular purpose and any restrictions required.

### 2. Assessment Criteria

In determining any resource consent for the subdivision of land with respect to subclause B(1) regard shall be given to the following Assessment Criteria:

- (a) Any allotment shall, unless not relevant to its likely development or use, contain a sufficient area of land capable of accommodating any foreseeable building and associated development which:
- \* is above the 50 year flood level
  - \* does not contain uncontrolled fill, peat soils or other unconsolidated material
  - \* is not closer than 20 m to any river with an average width of 3 m or more or from any lake, except that this distance may be reduced in cases where an esplanade reserve is not required or is reduced in width as set out in Section 3.7.4, Rule FIN.6 of this District Plan.
  - \* does not involve significant earthworks or is otherwise the subject of a report from a suitably qualified engineer and complies with the recommendations therein.
- (b) To avoid or mitigate any hazard or detriment to the environment or to other land any subdivision of land shall:

- \* have regard to the topographical, land stability, soil, surface water and ground water conditions of the locality
  - \* provide for appropriate remedial or protective measures including essential services, works and reserves
  - \* avoid or restrict development of those areas of land subject to any hazard or detriment to the environment or to other land.
- (c) Where any subdivision involves the creation of allotments which are parts of a building or involves a building adjoining an allotment boundary the structural integrity and fire safety of that building shall comply with the Building Act 1991.

## **C. Provision Of Vehicular Access**

- (a) The size, shape and arrangement of allotments of subdivision and the provision for access thereto shall be such as to:
- \* ensure the convenience of the occupants
  - \* facilitate service deliveries
  - \* avoid nuisances to neighbours
  - \* maintain public amenities
  - \* protect the environment
  - \* ensure suitable access by the public in respect of any commercial premises
  - \* avoid traffic conflicts on roads
  - \* avoid hazards to neighbours and the surrounding area.
  - \* facilitate disabled access.
- (b) All weather vehicular access shall be provided to each allotment either directly from a street or over an individual or shared access to a standard adequate to:
- \* accommodate a 90 percentile car in the case of land intended to be used for residential purposes
  - \* accommodate a 90 percentile truck where the land is likely to be used for industrial or commercial purposes.

The requirements for these vehicles is set out in Schedule 6.5.

- (c) The location of all points of access from a legal road within the District shall comply with the site distances and location criteria set out under Section 3.2.5 Rule TRAN.5.

#### D. Width Of Vehicular Access

Vehicular access to any allotment across the street frontage or over an individual entrance strip, covenant area, a private way, an access lot, or a common area, shall be provided as follows:

No. of Parcels	Access Width
1-3	3.5 m
4	4.0 m - a 3 m wide carriageway
5	4.5 m - a 3 m wide carriageway
6	5.0 m - a 5 m wide carriageway
7	5.5 m - a 5 m wide carriageway
over 7	6.0 m - a 5 m wide carriageway (1 m footpath)

#### Provided that:

- The width of a vehicular access serving a single household unit may be reduced to 3 m if the driveway has unrestricted visibility and the length does not exceed 30 m;
- Where an access lot of less than 6 m in width and serving more than one allotment has a length greater than 100 m or unrestricted visibility is not available over its full length then an appropriately located passing bay shall be required;
- Where a vehicle access serves four or more allotments it shall be widened at the road boundary to not less than 6 m for a distance of 10 m from the road boundary to provide for vehicles to manoeuvre without impeding the flow of traffic on the frontage road.

#### E. Site Area Performance Standards

This Plan does not set a minimum site area for subdivision within the District (except as provided for in the Transitional Resource Area) but the following standards shall be met:

- (a) Where the site is intended to be used for residential purposes for a detached dwelling unit the site shall contain a buildable area of 15 m x 12 m free of impediments such as drainage lines and the yard and open space requirements set out in Rule URB.5.
- (b) Where the site is intended to be used for multi unit residential development then the minimum site area shall be determined by:
- \* The adequacy of residential amenities provided on site (See Rule URB.5).
  - \* The provision made for access, manoeuvring and parking provided on site.
  - \* The amount of landscaping provided. (See (I) Multi Unit Development)
- (c) Where the allotment is in a non-serviced area the minimum area shall be determined in each case by the method adopted to:-
- \* Enable disposal of stormwater and sewage effluent in a manner that avoids contamination of water resources including any cumulative adverse effects on ground water;
  - \* Minimise disturbance to any river, lake and wetland ecosystems

In all cases the allotment shall be self sufficient in respect of water supply. Electricity and telephone services shall be available.

#### F. Minimum Frontage

Frontage for all allotments in the District shall be in accordance with Section 321 of the Local Government Act 1974. Adequate provision is required for vehicular access to allotments in accordance with Rule SUB.3D.

#### G. Extension Of Services

Where any subdivision is located in a reticulated urban area or in a rural area adjoining an urban reticulated area the following circumstances shall apply:

- (a) In the urban area the subdivider shall pay for the cost of extending the network utility services in those cases where the services have capacity for extension, as determined by Section 3.7 Financial and Reserve Requirements.

- (b) In an urban area where the network utility services have no capacity for extension then the costs involved in providing those services shall be met by the subdivider as set out in Section 3.7 Financial and Reserve Requirements.
- (c) In a rural area which adjoins a reticulated urban area subdivision will be restricted to the extent that the sites so created are self sufficient in respect to the supply of water and the disposal of stormwater and sewage effluent on the site.

The extent of subdivision is to have regard to the cumulative effect on ground water. Where Council considers it appropriate, the subdivider will be required to reticulate the subdivision to a standard satisfactory to Council, to avoid adverse effects on ground water quality.

#### H. Natural Hazards

In considering any application for a subdivision consent Council may in accordance with Section 106 of the Act refuse consent to the subdivision or may grant the consent and impose conditions pursuant to Sections 108 and 220 of the Act.

#### I. Multi Unit Development

- (a) Where any subdivision involves the division of a multi-unit residential development into separate allotments for each household unit the size, shape, and arrangement of those allotments, shall be in accordance with the consent and site development plan and shall be such as to adequately accommodate:
- \* The principal building and any foreseeable likely extensions and accessory buildings
  - \* Provision for outdoor space, and for access, manoeuvring and parking of vehicles
  - \* Provision for ensuring the convenience and privacy of the occupants.
- (b) Where any subdivision involves dividing an apartment building into separate allotments for each household unit then the configuration of the development shall be such that the allotments can reasonably be held in separate ownerships. The size, shape and arrangement of such allotments and provision for access thereto shall be such as to:

- \* Adequately provide for the convenience, privacy, and leisure needs of the occupants
- \* Make appropriate provision for vehicles including the allocation of carparks for each unit
- \* Appropriately provide and allocate the un-built-on part of the allotment.

#### J. Visual Amenity

In areas of high visual amenity such as :

- (a) That part of Te Anau bounded by Lake Te Anau, the Upukerora River, State Highway No 94 and the urban areas of Te Anau
- (b) The land situated between the Te Anau Manapouri Road, and the Waiiau River
- (c) Coastal Resource Area
- (d) Stewart Island
- (e) Fiordland Resource Area.

The assessment criteria defined in Rule SUB.3 shall place greater emphasis on the following:

- \* the need to preserve the visual amenity created by the backdrop of native bush
- \* recognise the visual significance of the National Park
- \* protect the open character of rural scenes
- \* protect the natural character of the coast, and margins of rivers and lakes
- \* recognise the intrusion that structures create in this landscape.

#### K. Provision Of Network Utility Services

If Council so requires, roads, works, services or facilities shall be provided by the subdivider as part of the subdivision. They shall be constructed in accordance with any conditions imposed under this rule, and any other sections of Rule SUB.2 or Rule TRAN.2.

The subdivider or developer shall be responsible for meeting the costs of making such provision (including where the work is carried out by Council) as determined by Section 3.7 Financial and Reserves Contribution.

Any road shall vest in Council on deposit of the survey plan.

Any other works, services or facilities except works of network utility operators other than the Council shall vest in Council on deposit of the survey plan where located within a street or reserve or where circumstances warrant public control.

#### **K1. Stormwater and Sewage Disposal**

(a) For any subdivision which results in additional allotments to be used for urban purposes or for any development for two or more household units provision shall be made for a sewerage and stormwater system as follows:

- \* The installation or upgrading of a public sewer or stormwater which extends from the main sewerage stormwater system to serve all proposed allotments.
- \* A connection from the public sewer to each proposed allotment or to each household unit.
- \* A connection from each allotment to an acceptable point of discharge for stormwater.

(b) Any sewerage or stormwater drainage system required under subclause (a) above, including the upgrading of existing facilities to accommodate increased flows attributable to the subdivision shall be constructed to the standard specified in the Code of Practice.

(c) Any subdivision in the Rural Zone shall provide for the satisfactory disposal of stormwater and sewage.

(d) Any common public drain for sewage or stormwater which crosses private property shall be protected by an easement in favour of the Southland District Council.

#### **Assessment Criteria**

In determining any resource consent application for subdivision of land with respect to Clause K1.(a) above regard shall be given to the following assessment criteria:

(a) Any actual or potential adverse environmental effects including any contaminants of ground water, surface water, wetlands, watercourses, rivers or lakes which could adversely affect the environment or create a risk to health.

(b) The integrity of the sewerage or stormwater system, its economic provision and the equitable distribution of its cost including:

- \* The need for any sewerage or stormwater system to be carried out in an integrated manner for an overall catchment.
- \* Ensuring financial equity between the various subdividers and developers contributing to the overall system.
- \* Ensuring the efficient and economic use of existing sewerage or stormwater system, by making the costs of providing such works a charge on development of new urban areas thereby avoiding uneconomic public investment in new sewers.

(c) The nature of the development and proposed use of the site with respect to the potential for an increased volume of sewage and stormwater relative to the existing and planned capacity of the sewer system having particular regard to high density developments and to activities generating significant trade wastes.

*(Note: The provisions of this subclause do not require the Council to accept trade wastes into any sewerage system.)*

(d) Any proposed alternative sewage or stormwater disposal system and its feasibility taking into account other resource consents which may be necessary to give effect to any such proposal.

#### **K2. Water Supply**

(a) For any subdivision which results in additional allotments to be used for urban purposes or for any development for two or more household units provision shall be made as part of that subdivision for a water reticulation system to each proposed allotment or to each household unit.

(b) That any water supply system required under subclause (a) above, including the upgrading or existing facilities to accommodate increased water demand arising from the subdivision of land, shall be constructed to the standard specified in the Code of Practice.

### Assessment Criteria

In determining any resource consent application for a subdivision of land with respect to Clause K2 above, regard shall be given to the following assessment criteria:

- (a) Any actual or potential adverse environmental effects including:
  - \* The risk to health through a lack of adequate potable water.
  - \* The possibility of damage to the environment or property or of danger to people arising from inadequate fire fighting capability.
- (b) The integrity of the water supply system, its economic provision and the equitable distribution of its cost including:
  - \* The need for any water supply system to be carried out in an integrated manner for particular areas of the District.
  - \* Ensuring financial equity between the various subdividers and developers contributing to any particular system.
  - \* Securing the efficient and economic use of the existing water supply systems.
  - \* Avoiding uneconomic investment in new water supply facilities by making the costs of such works a charge on development of new urban areas.
- (c) The nature of the site and of the proposed development with respect to the potential demand for water likely to be generated relative to the existing and planned capacity of the water supply system having particular regard to activities involving high water usage or high fire risk.
- (d) Any proposed alternative water supply system and its feasibility taking into account other resource consents which may be necessary to give effect to any such proposal.
- (e) Any public water supply system which crosses private property shall be protected by an easement in favour of the Southland District Council.

### K3. Roading

- (a) Where a subdivision of land within any part of the District results in additional allotments and provision for new roads and/or accessways or the upgrading of existing roads is required then except as provided in the following subclauses all such roads and facilities shall be constructed by the subdivider and vested in Council.
- (b) Where a subdivision of land within any part of the District results in additional allotments for urban purposes and the subdivision fronts an existing road then
  - \* Where the road is unformed or is only a road reserve, then the road shall be constructed as part of the subdivision by the subdivider.

Where road widening is required as a consequence of the subdivision then such land shall vest as part of the subdivision.

### Assessment Criteria

In determining any resource consent application for a subdivision of land with respect to K3 above regard shall be given to the following assessment criteria:

- (a) Any actual or potential adverse environmental effects including:
  - \* Noise and waste of fuel arising from restrictions on the free flow of traffic.
  - \* Impacts on neighbourhood amenities and on safety arising from excessive traffic flows on local streets.
  - \* Impacts on the physical environment as a result of inappropriate road construction.
- (b) The integrity of the roading network, its economic provision and the equitable distribution of its cost including:
  - \* The provision of an integrated and effective roading hierarchy giving convenient access throughout the locality and to the rest of the District.
  - \* The extent to which a road meets local, district or regional traffic needs and the traffic impacts of the development on roads in neighbouring areas.

- \* Ensuring financial equity between the various subdividers and developers contributing to the overall roading network and the availability of public funds.
  - \* Securing the efficient and economic use of existing roading facilities.
  - \* Avoiding uneconomic public investment in new roading facilities by making a reasonable proportion of the costs of such works a charge on development of new urban areas.
  - \* The standard of existing road formation.
- (c) The nature and location of the site and its proposed development and use with respect to the potential traffic generation relative to the existing and planned capacity of the roading network having particular regard to the establishment or expansion of:
- \* Shopping centres and major shopping facilities.
  - \* Major community facilities such as hospitals and educational institutions.
  - \* Major recreation facilities and large residential institutions or developments.
- (d) The need to provide for the movement of pedestrians and cyclists and for the accommodation of essential services.

#### **K4. Telecommunications and Electricity**

Telecommunications, electricity reticulation and street lighting shall be provided at the time of land subdivision and shall be in accordance with the requirements of the relevant supply authority and with the Code of Practice for Urban Land Subdivision Bylaw 1993, subject to location, cost to the end use customer, technical and practical considerations. The size of subdivided lots has a significant impact on the cost of underground reticulation and in rural and semi-rural areas there is a predominant use of overhead line construction.

#### **Assessment Criteria**

In determining any application for a resource consent to which subclause K(4) above applies regard shall be given to the following assessment criteria:

- (a) That such reticulation be placed underground and within the road berms.

- (b) That electricity reticulation be installed in a manner which minimises potential hazards.

#### **K5. Construction Standards**

Where Council imposes conditions on any subdivision with respect to the provision of network utility services either provided by Council or some other operator then the services shall be constructed in accordance with the standards specified in the Code of Practice for Urban Land Subdivision Bylaw 1993.

#### **L. Financial And Reserve Requirements**

Council shall, where appropriate, impose conditions requiring financial and reserve contributions in accordance with the provisions of this Plan. (See Section 3.7 Financial and Reserve Requirements).