

8 SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS

8.1 RESOURCES AND ACTIVITIES

The Act distinguishes subdivision as a category of activities distinct from land use activities. The control of subdivision is a specific matter of relevance to District Plans. The principal feature of subdivision is that it produces a framework of land ownership which assists development, activities and conservation. Subdivision and land use are, therefore, closely related.

Subdivision provides the framework of service provision for land use including roading, water supply, sewage disposal, energy, telecommunication, stormwater and trade waste. Subdivision is also the mechanism for the provision of esplanade reserves, and esplanade strips and access strips, and is therefore significant in the context of providing public access to waterways and the coastline. Subdivision is also a means by which provision is made for the addition or maintenance of land and facilities to meet the recreation and open space needs of the District.

Cross Reference

Please also refer to financial contributions towards recreation reserve and open space - Part II, Section 3, Issue 1 Objective 1 and policies.

8.2 ISSUE 1 - Servicing

The need for lots created by subdivision to be serviced.

8.2.1 Explanation

Subdivision often requires roading, telecommunication, electricity, water, sewerage and stormwater services to enable future owners of the land to carry out their anticipated activities.

Water supply and sewage/stormwater disposal services may be provided by connecting to existing reticulation networks, or alternatively be developed as a self-contained service for each subdivision, or at a later date by new owners for each individual site within a subdivision.

The proliferation of individual water supply and effluent disposal and stormwater systems can result in water supply contamination problems, or land instability problems in certain terrain. Subdivisions, where possible, will be required to connect to existing reticulation systems. Each subdivision will be required to contribute a fair and reasonable sum towards the capital, maintenance and servicing costs of reticulation networks.

8.2.2 Objective 1

The provision of necessary services to subdivided lots, in anticipation of the likely effects of land use activities on those lots.

8.2.3 Policies

- 1 *To integrate subdivision roading with the existing roading network in an efficient manner which reflects expected traffic levels and the safe and convenient management of vehicles and pedestrians.*
- 2 *To ensure safe and effective vehicular access to properties in subdivisional developments.*
- 3 *To achieve provision of pedestrian and amenity linkages where useful linkages can be further developed.*
- 4 *To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment.*
- 5 *To encourage in the residential or rural-residential zones subdivision design that develops or uses subsidiary roads, in order to avoid an increase in the number of direct access crossings onto arterial roads for traffic safety purposes.*
- 6 *To ensure that water supplies to subdivided lots are of a sufficient capacity and of a potable standard for the anticipated landuses on each lot or development, including fire fighting requirements.*
- 7 *To ensure that the provision of any necessary additional infrastructure for water supply, stormwater control or sewerage treatment disposal infrastructure and the upgrading of existing infrastructure is undertaken by subdividers, in recognition of the scale and nature of the anticipated land uses.*
- 8 *To encourage the disposal of stormwater to land and the retention of natural open waterbodies or areas of land suitable for stormwater disposal, where safe and practical, and to ensure disposal in a manner which maintains or enhances the quality of surface and ground water, and avoids inundation of land within the subdivision or adjoining land.*
- 9 *To ensure, upon subdivision or development, that anticipated land uses are provided with a means of disposing of sanitary sewage in a manner which is consistent with maintaining public health and which avoids, remedies or mitigates adverse effects on the environment.*
- 10 *To ensure upon subdivision or development, that all new lots or buildings are provided with a connection to a reticulated water supply, reticulated public sewerage system, and a reticulated stormwater system, where such reticulated systems are available.*
- 11 *To require that provision be made for trade waste disposal upon subdivision of land for anticipated industrial use.*
- 12 *To ensure that adequate provision is made for the supply of reticulated energy, including street lighting, and communication facilities for the anticipated land uses, and the method of reticulation is appropriate to the visual amenity value of the area.*
- 13 *To ensure that the requirements of the Otago and Canterbury Regional Councils are fully integrated into the subdivision/development process.*

8.2.4 Explanation and Reasons

High vehicle ownership necessitates the provision of access to newly created lots. Rooding and access standards must be a reflection of anticipated traffic volume or type, and must integrate into the existing rooding system. Subdivision provisions for rooding and access will reflect the opportunities to create a variety of vehicle and access limits for the benefit of both vehicular transport, cyclists and pedestrians. Rooding and access can also have a major visual impact and as such both the location in terms of the topography and landscape, and the design of access routes, should enhance the natural environment and minimise any visual intrusion.

The subdivision of land is often followed by intensification or changes in landuse that subsequently increase the demand for water usage. Where the proposed subdivision creates new lots, and where the users will require water for human consumption, then that supply must be potable and reliable. In addition, where life and property need to be protected, ready access to sufficient water supplies must be available for fire fighting purposes. Unless the water supply system has an excess of capacity, subdivision and development will lead to the need for the water supply system to be upgraded. Some land use activities may place heavy demands upon a water supply system to enable their processes to function, and consideration must be given to their location to ensure the sustainability and wise use of the water resource.

Notwithstanding regular monitoring and testing programmes, individual wells run higher risks of contamination. Individual water supplies are also of variable quantity and run the risk of inadequate levels of supply at some times of the year. Connections to a public supply provide much greater certainty as to the adequacy of water quality and the reliability of the supply.

The design of stormwater systems and the capacity of existing systems must be adequate to achieve satisfactory disposal. It is the responsibility of the person who changes the existing land and water surfaces to investigate the effects of the proposal. If any adverse effects will, or could, result from the subdivision of land, then mitigating measures must be carried out.

Recognition and enhancement of the values of natural waterbodies and receiving waters is a necessary part of planning subdivision and subsequent land use developments. Open waterways can be visually attractive and generally provide an opportunity for enhancement through suitable landscape treatment. Preservation of the natural system is ecologically more acceptable and can assist in avoiding contamination of surface waters from stormwater run-off. However, these benefits need to be balanced by safety and practicality considerations in urban areas.

Proper treatment and disposal of sewage is a matter of vital importance. This is particularly significant in terms of the protection of the quality of the surface and groundwaters and in the protection of public health.

Adequate treatment of sewage effluent requires adequate provision for treatment systems and means of disposal for the waste generated by the subdivision. In the existing urban areas where the Council provides or intends to provide for public sewage reticulation, treatment and disposal, there is greater assurance that public health risks and adverse effects on the environment will be able to be avoided.

In rural areas and small townships where connection to public reticulated systems is impracticable, care must be exercised to ensure the individual treatment and disposal

system does not cause contamination of any adjoining waterbodies or groundwater, particularly if it affects public health or the quality of a locality's water supply.

The taking of water and the discharge of the contaminants are the responsibilities of the Otago and Canterbury Regional Councils and consents may be required from the appropriate Regional Council in conjunction with a subdivision consent from the District Council.

The supply of electric power and telecommunications can be regarded as an essential service. It includes any upgrading or establishment of a system to service an area, and supply to individual users of sites created upon subdivision. The widespread use of electricity necessitates the provision of power lines and associated structures. However, the provision of new reticulation is more visually appropriate by underground reticulation, particularly in urban areas.

8.3 ISSUE 2 - Cost of Infrastructure to the Community

Subdivision and development adds incrementally to the demands on the infrastructure of the district.

8.3.1 Explanation

Development adds incrementally to demands on the infrastructure of the District. The District Plan needs to address the issue of new developments contributing a fair and reasonable sum towards the cost of that demand.

8.3.2 Objective 2

The costs of the provision of services within a development or the upgrading of services necessitated by a development (including subdivision) must be met by the developers.

8.3.3 Policies

1 To require developers to meet the costs of upgrading services (including head works), which are attributable to the impacts of the development and subdivision, including where applicable:

- *roading and access (vehicular, cyclist, pedestrian);*
- *water supply;*
- *sewage collection, treatment and disposal;*
- *stormwater collection, treatment and disposal;*
- *trade waste disposal;*
- *provision of energy;*
- *provision of telecommunications.*

8.3.4 Explanation and Reasons

Subdivision and development of land provides a framework of services for subsequent purchasers of new lots who have an expectation that services will be available. New

subdivision may also give rise to demands for upgrading of existing services which is a direct consequence of the subdivision.

The provision of services within the subdivision is a cost recoverable from the sale of lots and can be imposed on a subdivider at the time of subdivision development. Furthermore, where a subdivision creates a demand for upgrade or maintenance of services outside of the subdivision, the Council is justified in recovering costs attributable to the subdivision itself.

Contributions are set according to specified rules to ensure a reasonable degree of certainty for developers.

8.4 ISSUE 3 - Amenity, Landscape and Nature Conservation Values

~~The loss of amenity and significant nature conservation values, including natural features, as a result of subdivision.~~

Subdivision has the potential to cause a loss of values associated with:

- a. The amenity of an area
- b. Landscape character
- c. Significant indigenous vegetation and habitat of significant indigenous fauna.
- d. Historic Heritage

8.4.1 Explanation

Subdivision and the subsequent development of subdivided land change the character of the land. Subdivision of land inevitably leads to an intensification of land use, often with increased building development. The amenity of many rural areas is one of remoteness and open spaces. In particular, the Rural Scenic Zone is considered to have high visual amenity. Without controls on subdivision, the fundamental amenity and character of an area has the potential to be lost. Similarly, the process of subdivision or subsequent development can cause the loss of significant indigenous vegetation or the loss of habitat of significant indigenous fauna or it can cause the loss of historic heritage ~~indigenous vegetation or habitat which has significant nature conservation values.~~ It can equally cause the loss of landscape values identified for a particular outstanding or significant natural feature or an outstanding landscape, or a significant coastal landscape.

8.4.2 Objective 3

The maintenance or enhancement of amenity, historic heritage, and significant nature conservation values and landscape character through the subdivision process.

8.4.3 Policies

- 1 *To protect significant natural features, significant trees and significant indigenous ecosystems significant indigenous vegetation or significant habitats of indigenous fauna from the adverse effects of subdivision and development.*

- 2 To ensure that physical works associated with land subdivision and development avoid or mitigate the adverse impacts on the natural qualities of the environment and on areas of significant that have nature conservation value and on areas that contain historic heritage.
- 3 To avoid or mitigate any adverse effects on visual amenity values associated with subdivision and associated development works.
- 4 To encourage innovative subdivision design consistent with the maintenance of amenity value.
- 5 To avoid subdivision where it is likely that the subsequent landuses would not give effect to the policies for the outstanding or significant natural features, the outstanding landscapes, and the significant coastal landscapes set out for the Rural Zone under Chapter 16.8, Issue 7 - Landscapes.
6. To manage subdivision design in the Rural Scenic Zone so that title boundaries are located in a manner that would result in residential units, or buildings for other purposes being established in locations that would maintain or enhance the character of the landscape, which forms the basis of the visual amenity associated with this Zone.
- 7 To ensure that the heritage items listed in Appendix B of the District Plan are protected from inappropriate subdivision and development, and that subdivision is designed to maintain historic heritage generally.

8.4.4 Explanation and Reasons

Subdivision design and subsequent subdivision works should take into account the amenity values of the area. The amenity value of the area varies according to the landscape and environmental qualities of the area, history of the area, and community expectations. In the built environment, in particular, amenity protection often focuses on the protection of significant trees which make an important contribution to the amenities of an area.

Subdivision applications frequently incorporate proposals involving earthworks, which can significantly alter vegetation or the surface of the land. It is important to ensure that earthworks do not unnecessarily affect outstanding or significant natural features or landscapes or significant nature conservation values or heritage items or other historic heritage generally. Even in less sensitive areas, earthworks in the form of filling and excavation should be at a minimum level, consistent with development requirements.

In addition, areas which contain a large number of heritage items hold heritage values that often extend beyond that of each individual item, such that the area as a whole has high heritage value, and hence is sensitive to inappropriate subdivision and development. Oamaru Harbourside is one such area.

8.5 ISSUE 4 - Natural Hazards

The potential effects of natural hazards on lots created by subdivision.

8.5.1 Explanation

PROPOSED DISTRICT PLAN INCORPORATING VARIATION & PLAN CHANGE 2 (SHOWN AS DOUBLE UNDERLINE OR ~~STRIKE THROUGH~~)

Where land, or any structure on that land is likely to be subject to damage, by erosion, subsidence, slippage, or inundation from any source, the Act provides that the Council shall not grant a subdivision consent unless those adverse effects can be avoided, remedied or mitigated.

In the Waitaki District flooding in certain areas and coastal erosion have been identified. In some of these areas, for example, it may not be an efficient use of resources to allow subdivision to occur if high costs are going to occur as a result of damage or the implementation of protection works.

8.5.2 Objective 4

The avoidance of subdivision in localities where there are significant natural hazards, unless these can be mitigated without significant adverse effects on the environment.

8.5.3 Policies

- 1 *To ensure that subdivision is either restricted, subject to mitigation measures, or avoided in areas subject to risk from flooding, subsidence or slippage.*
- 2 *To ensure that mitigation measures do not give rise to unnecessary adverse impacts on the environment.*

8.5.4 Explanation and Reasons

There are areas within the District, which because of risk of natural hazards, including flooding, erosion, subsidence or slippage, would be unsuitable for development, or require specific measures to be undertaken to overcome these hazards. (Refer Part II, Section 4.)

The Council has an obligation under Section 106 of the Resource Management Act to decline consent to any subdivision in areas where these hazards cannot be adequately mitigated, in addition to ensuring that any mitigation measures are in fact adequate to overcome the hazard. It is also necessary to consider the effects of the mitigation measures themselves that may also create adverse environmental effects.

8.6 IMPLEMENTATION METHODS

To achieve the policies through:

- 1 The provision of rules in the Plan stating development standards for subdivision relating to and including:
 - a) site suitability assessment;
 - b) shape and dimension;
 - c) effluent disposal;
 - d) water supply;
 - e) energy and telecommunications servicing;
 - f) area and frontage requirements for each zone;
 - g) access requirements and standards;
 - h) financial contributions;
 - i) reserve requirements or contributions;
 - j) esplanade requirements (refer to the policies under Issue 2 (Public Access) in Part II, Section 3 of the Plan);
 - k) protection of significant natural, cultural and historic features;
 - l) the subdivision of special lots;
 - m) subdivisions including existing buildings or structures;
 - n) natural hazards; and
 - o) protection of archaeological sites during earthworks.

8.7 ENVIRONMENTAL RESULTS ANTICIPATED

- A safe and efficient roading network.
- Safe, convenient access to and from subdivided lots.
- Water supplies which are sufficient in volume and of potable quality to meet reasonable needs and expectations over time.
- Adequate treatment and disposal of stormwater and sewage.
- Adequate provision for energy supplies and telecommunications.
- Maintenance and enhancement of amenity, cultural, historic, ~~and~~ significant nature conservation and landscapes values.
- Cost effective provision of services for redevelopment and growth without additional financial burdens on District ratepayers.
- Provision of esplanade reserves or strips along identified waterways to enable access in appropriate locations and/or where enhancement or protection of habitats can be achieved.
- A pattern of subdivision complementary and appropriate to the character of the land uses in the area concerned.
- A pattern of subdivision consistent with planned density, roading patterns and open space requirements appropriate in residential environments.
- Avoidance of potential risk from flooding, erosion or subsidence.
- Protection of archaeological sites during earthworks.
- Reduction in community vulnerability to natural hazards.