

# **14 SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTION RULES**

## **14.1 DEFINITIONS**

In this section of the Plan, unless the context otherwise requires:

**Development** for the purpose of determining financial contributions means development or re-development of the site and includes:

- 1 The construction, erection, establishment or alteration of any building, fixed plant or machinery, or any other works;
- 2 Any fencing, drainage, earthworks, filling or reclamation of land, or the making of any retaining walls or other works relating to that fencing, drainage, earthworks, filling or reclamation; and
- 3 The grading or levelling of land or the removal of rocks, stone, sand or soil from land; and
- 4 The removal or destruction of vegetation; and
- 5 The arresting or elimination of erosion or flooding; and
- 6 The provision for or installation of any mode of transport including any railway or tramway relating to any such construction or erection, establishment or alteration;
- 7 Streetscaping;  
-but shall not include the construction or alteration of any pipeline or associated works on land that is not otherwise subject to development.

**Land in the subdivision** means land that is the subject of an application for a subdivision consent.

**Open space** means any land or space which is not substantially occupied by buildings and which provides benefits to the general public as an area of visual, cultural, educational, or recreational amenity values.

**Other development** means a development other than a residential development, if:

- 1 The development is for an industrial, service, commercial, mining, recreational, or community activity or for visitor accommodation; and
- 2 The value of the development exceeds \$200,000.

**Providing a service** includes extending, upgrading, modifying or replacing any service.

**Public** has the meaning set out in NZDWS (1995).

**Recreation** means activities freely chosen by an individual, which give that person enjoyment, satisfaction and a sense of well-being.

**Residential development** means:

- 1 Two or more new residential units on a site with no existing residential units; or
- 2 One or more additional residential units on a site with one or more existing residential units.

**Service** means:

- 1 Any water supply system

- 2 Any stormwater collection and disposal system
- 3 Any sewage collection, treatment and disposal system
- 4 Any trade waste collection and disposal system
- 5 Any energy supply system
- 6 Any telecommunications system
- 7 Any works to avoid, remedy or mitigate natural hazards
- 8 Any landscaping, including planting of vegetation
- 9 Any provisions of access to land in the subdivision (including roads, cycleways, pedestrian accessways, service lanes, private access, street lighting and associated works) and in each case includes any necessary or incidental works and **services** has a corresponding meaning.

**Sewage** means ‘the waste water from the community, including all faecal matter, urine, household and commercial waste water that contains human waste’, AS/NZS 3500.0/1995

**Subdivision consent** has the meaning set out in Section 87(b) of the Resource Management Act.

**Subdivision of land and to subdivide land** have the meanings set out in Section 218 of the Act.

## 14.2 DEVELOPMENT ACTIVITIES

### 14.2.1 General Provisions

The following rules apply in all Zones, unless otherwise stated.

In considering any resource consent application in relation to financial contributions, Rule 14.5 shall apply.

### 14.2.2 Activities

The following activities shall be Controlled Activities. The matters in respect of which the Council has reserved control are listed with each activity.

- 1 The erection on, addition to or creation on a lot of more than one residential unit, in respect of:
  - a) financial contributions to the provision of services and/or the provision of land and/or facilities for open space and recreation; and/or
  - b) financial contributions to the provision of cash for the maintenance of open space and recreation areas; and/or
  - c) on sites located adjoining the bank of any river or the margin of any lake, to which Section 230(4) of the Resource Management Act applies, financial contributions to the provision of esplanade reserves and strips and easements for access to waterbodies.
- 2 Developments for any industrial, service, mining, commercial, recreational, general or live-in community activity, or visitor accommodation, where the value of the construction, erection or alteration is in excess of \$200,000, in respect of:

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- a) financial contributions to the provision of services and/or the provision of land, cash and/or facilities for open space and recreation; and/or
- b) financial contributions to the provision of cash for the maintenance of open space and recreation areas; and/or
- c) on sites located adjoining the bank of any river or the margin of any lake, to which Section 230(4) of the Act applies, financial contribution to the provision of esplanade reserves and strips and easements for access to waterbodies.

**Note:** This rule shall not apply to any activity associated with a utility as defined in Chapter 1 Part III of the Plan.

## 14.3 SUBDIVISION ACTIVITIES

### 14.3.1 GENERAL PROVISIONS

The following provisions may apply, as appropriate or applicable, to all forms of subdivision of land. Refer to Rule 14.5 for Financial Contributions on subdivision.

#### 1 Relevant Sections of the Act

All applications are subject to Part VI and X of the Act, with particular reference to Sections 104, 106, 108, 220 and 230-237 of the Act

#### 2 Code of Practice for Subdivisions

The Council has adopted a Code of Practice for Urban Land Subdivision (referred to as the Code of Practice) based on NZS 4404 1981. This Code is referred to in the assessment matters for resource consents, and relates to **detailed** engineering requirements. The Code of Practice is not a part of the District Plan.

#### 3 Consents Heard Together

Any land use consent application arising from non-compliance with rules in this Plan as a result of a proposed subdivision shall be considered jointly with the subdivision consent application.

#### 4 Esplanade Provision

##### Exemptions from Provision of Esplanade Reserves or Esplanade Strips

##### a) Esplanade Reserves or Esplanade Strips not Required

In the Rural G and S Zones, where a proposed lot, including a balance lot, in any subdivision is to be less than 4 hectares in area, along the bank of any river to which Section 230(4) of the Act applies, then Section 230 of the Act (requirement for esplanade reserves or esplanade strips) shall not apply to that lot or balance lot in the subdivision consent; except for the margins of the following rivers:

- Pleasant River;
- Shag River;
- Waikouaiti River
- Waianakarua River;
- Kakanui River;

- Maerewhenua River;
- Waitaki River;
- Ahuriri River;
- Ohau River.

b) **Minor Adjustments**

Where a proposed subdivision is either:

- i) a boundary adjustment in accordance with Rule 14.4.1 (a) (i); or
- ii) a minor adjustment to an existing cross lease or unit title due to an alteration to the size of the lot by alterations to the building outline, the addition of an accessory building, or the relocation of accessory buildings;

then Section 230 of the Act shall not apply to the subdivision consent.

**Notes:** Esplanade Reserves or Esplanade Strips

- All land in coastal marine areas shall vest in the Crown with the Minister of Conservation's Consent, or if consent not given, in the Council.
- Where an esplanade reserve is to vest in the Council, the adjoining bed of rivers shall vest in the Council.
- Where an esplanade strip is to be created, the adjoining bed of the river shall not be vested in the Council.

Regional Councils

- Attention is drawn to the need to obtain relevant consents from the Otago and/or Canterbury Regional Councils relating to matters such as water supply, stormwater and sewage disposal, earthworks, vegetation clearance and structures in the beds of waterbodies.

## 5 Road Designations, Utilities and Reserves

Where a proposed subdivision arises solely due to land being acquired or a lot being created for a road designation, utility or reserve, then Section 230 of the Act shall not apply to the subdivision consent.

### 14.3.2 PERMITTED SUBDIVISION ACTIVITIES

There shall be no Permitted Subdivision Activities.

### 14.3.3 CONTROLLED SUBDIVISION ACTIVITIES

**Note:** A subdivision consent need not be notified in accordance with Section 93 of the Act, when the subdivision is a controlled activity.

Any subdivision which complies with all Critical Subdivision Zone Standards and Site Development Subdivision Standards, and the Lake Aviemore Settlement Zone Subdivisions Standards shall be a **Controlled Activity** in respect of the following matters:

#### 1 Lot Size and Dimensions

- a) Lot size and dimensions of subdivisions in the Business Zones;

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- b) Lot size and lot dimensions of subdivisions for access, utilities, reserves and roads.

## 2 Subdivision Design

- a) Relationship and orientation of lots;
- b) The location of walkways and cycleways;
- c) The provision and/or use of open stormwater channels and wetland areas.

## 3 Property Access

- a) The location, alignment and pattern of roading or service lanes;
- b) The location and provision of access to lots for vehicles, cycles and pedestrians;
- c) Any financial contributions to be made by the applicant;
- d) Road reserves and provision for future subdivision on adjoining land;
- e) The standard of construction required for property access, other than as required by Rule 12.2.2;
- f) Street lighting;
- g) Naming of private vehicular access.
- h) The imposition or removal of building line restrictions.

## 4 Esplanade Provision

- a) Provision of Access Strips and Esplanade Strips. In the case of the subdivision of land adjoining the rivers specified in Rule 14.3.1 (5):
  - i) whether an esplanade strip or access strip be included;
  - ii) the matters to be included in the esplanade strip instrument.

## 5 Natural Hazards

- a) Provision of works, the location and type of services, building location, and location and quantity of filling and earthworks that could be affected by the following natural hazards or which could affect the impact of those natural hazards on the site or other land in the vicinity:
  - i) Erosion
  - ii) Flooding and Inundation
  - iii) Landslip
  - iv) Rockfall
  - v) Alluvion
  - vi) Avulsion
  - vii) Unconsolidated Fill
  - viii) Soil Contamination
  - ix) Subsidence

## 6 Water Supply

- a) The supply of water, other than from a reticulated system;
- b) Water supplies for fire fighting purposes;
- c) The standard of water supply infrastructure installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;
- d) Any financial contributions required in respect of water supply.

Regional Council consent may be required for any taking and discharge of water.

## 7 Stormwater Disposal

- a) The capacity of existing and proposed stormwater infrastructure and disposal systems;
- b) The effectiveness and environmental impacts of any measures proposed for mitigating the effects of stormwater run-off, including the control of water-borne contaminants, litter, debris and sediments;
- c) The location, scale and construction of stormwater infrastructure;
- d) Any financial contributions required in respect to stormwater disposal.

Regional Council consent may be required for any taking and discharge of water.

## 8 Sanitary Sewage Disposal

- a) The method of sewage disposal where a public reticulation and treatment system is not available;
- b) The capacity of, and impacts on, the existing reticulated sewage disposal system;
- c) The location and environmental effects of the proposed sanitary sewage system;
- d) Any financial contributions that may be required in respect of sanitary sewage provision.

Regional Council consent may be required for any taking and discharge of water.

## 9 Trade Waste Disposal

- a) Disposal of trade waste;
- b) Any financial contributions required in respect of trade waste disposal.

## 10 Energy Supply and Telecommunications

- a) The adequacy and standard of electrical utility installation;
- b) The adequacy and standard of telecommunications installation.
- c) The impact of the subdivision and proposed building platforms on lines conveying electricity at a voltage which exceeds 110KV.

## 11 Cultural, Heritage, Landscape, Vegetation, and Margin of Waterways

Subdivision design and associated works that gives consideration to effects on:

- a) cultural, historic or archaeological values;
- b) existing vegetation including trees;
- c) existing landscapes;
- d) the natural character of waterways and their margins;
- e) outstanding natural features and landscapes, and significant indigenous vegetation and habitats of indigenous fauna.

## 12 Easements

- a) The need to create easements for any purpose.

## 13 Building Location

- a) The location of building platforms.

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### 14.3.4 DISCRETIONARY SUBDIVISION ACTIVITIES

- 1 Any subdivision which complies with all the Critical Zone Subdivision Standards but does not comply with one or more Site Subdivision Standards shall be a Discretionary Subdivision Activity.
- 2 Any subdivision within the Rural Scenic Zone, or within areas identified as a significant coastal landscape shown on the Planning Maps, coastal protection policy area or any areas shown on the Planning Maps as "Flood Hazard Area".
- 3 Any subdivision of any site within the Residential, Rural-Residential, Township and Business Zones, which contains a Heritage Item listed in Appendix B and shown on the Planning Maps, shall be, a Discretionary Subdivision Activity.

### 14.3.5 NON-COMPLYING SUBDIVISION ACTIVITIES

Any subdivision which does not comply with one or more Critical Zone Subdivision Standards shall be a Non-Complying Subdivision Activity.

### 14.3.6 Lake Aviemore Settlement Zone Subdivision Standards

- 1 The total number of residential lots within the Lake Aviemore Settlement Zone shall not exceed 17, as set out in the Outline Development Plan in Appendix J.
- 2 Each of the residential lots shown on the Outline Development Plan in Appendix J shall have a minimum net lot size of not less than 1000m<sup>2</sup> and a maximum net lot size of not more than 1200m<sup>2</sup>.
- 3 The balance land lying more or less east of McRae Creek shall be held in one certificate of title and the owners of the residential lots shown in the Outline Development Plan in Appendix J shall hold this title in equal and undivided shares. A legal instrument will be required to ensure that the trees and open space on this title shall be maintained to the satisfaction of the council and at the cost of the allotment owners. Evidence of such instrument will be required prior to the issue of the Section 224(c) certificate of the Act.
- 4 The balance land lying more or less west of McRae Creek shall be held in one certificate of title.
- 5
  - a) Plantings shall be established in accordance with the specifications below and at those locations shown on the Outline Development Plan in Appendix J prior to any subdivision.
  - b) The plants established under (a) above shall, when fully grown, avoid the shading of the State Highway between the hours of 1000 and 1400 on the shortest day of the year.
  - c) Fencing to exclude stock from the planting areas shall be constructed prior to the establishment of the plantings, and shall be maintained to this standard.
  - d) The plants shall be immediately replaced should any die. This shall be required for a period of 10 years from the date of subdivision.

- e) Plantings shall use indigenous trees and shrubs from the following list and propagated, where practicable, from a natural local source. The plantings shall ensure a predominance of the taller-growing species (subject to 5(b)), and shall have an average density of no less than 1 plant per 1 ½ square metres.

Taller:

|                  |  |
|------------------|--|
| kanuka           | Kunzea ericoides                                     |
| kowhai           | Sophora microphylla                                  |
| tree daisy       | Olearia spp. ( <u>O. odorata, virgata, lineata</u> ) |
| thin-bark totara | Podocarpus hallii                                    |
| mountain beech   | Nothofagus solandri var. cliffortiodides             |

Medium:

|                     |                                  |
|---------------------|----------------------------------|
| mountain ribbonwood | Hoheria lyallii                  |
| mikimiki            | Coprosma spp. incl. C. propinqua |
| matagouri           | Discaria toumatou                |
| koromiko            | Hebe salicifolia                 |

Lower:

|                     |                                      |
|---------------------|--------------------------------------|
| korokio             | Corokia cotoneaster                  |
| cottonwood, tauhinu | Ozothamnus vauvilliersii, O. fulvida |
| whipcord hebe       | Hebe cupressoides                    |
| mountain wineberry  | Aristotelia fruticosa                |
| brooms              | Carmichaelia spp.                    |

Standards 5 (b) to 5 (e) are to be secured by way of a Consent Notice on each title containing the tree planting.

- 6 a) The access road to the residential lots, and the access to the zone boundary adjacent to Lake Aviemore with the associated carpark, shall be located generally in accordance with the location shown on the Outline development Plan in Appendix J. The dimensions of the public carpark shall be a minimum of 30 metres long by 20 metres wide. The dimensions of the access road shall comply with subdivision standard 14.4.2.4.
- b) On initial subdivision of the existing lot (that part of Section 1 SO 22513 Blk VI Kurow S.D. & Blk III Otamatakau) that part of the access road and associated carpark, labelled public, shown on the Outline Development Plan in Appendix J, shall be vested in Council.
- 7) Resource consent shall be obtained from the Canterbury Regional Council for community water supply extraction and community effluent discharge for all seventeen residential lots.
- 8) Electricity, water, telecommunications and sewerage services shall be reticulated underground.
- 9) Any subdivision, which does not comply with one or more of the subdivision standards above, shall be a Non-complying Subdivision Activity
- 10) With the exception of Rule 14.4.2.4, the subdivision standards under Rule 14.4 and 14.5 shall not apply.

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## 14.4 STANDARDS

### 14.4.1 CRITICAL ZONE SUBDIVISION STANDARDS

#### (a) Lot Size

No lots created by subdivision consent, including balance titles shall be less than the minimum specified for each zone in the Table below except as provided for in (i), (ii) and (iii) below.

#### i. Boundary Adjustments

Notwithstanding (a) above, where there are two or more existing lots which have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots and provided that no additional separately saleable lots are created, that the resultant lots are not less than the smallest that existed before subdivision. In Residential, Residential 1, Township and Rural-Residential Zones, the lots shall be contiguous except where separated by a road.

**Table - Minimum Net Lot Areas**

| <b>ZONE</b>  | <b>MINIMUM NET LOT AREA</b>  | <b>MINIMUM AVERAGE LOT SIZE</b> |
|--|--|---------------------------------|
| Rural G  | 4ha  | No minimum average lot size     |
| Rural S  | Refer to site standard 14.4.2.6  | No minimum average lot size     |
| Within areas identified as an Outstanding Natural feature or Landscape as shown on the Planning Maps   | 100ha  | No minimum average lot size     |
| Macraes Mining   | 20ha   | No minimum average lot size     |
| Rural Residential  | 1ha  | No minimum average lot size     |
| Business   | No minimum lot size  | No minimum average lot size     |
| Residential and Township <ul style="list-style-type: none"> <li>• with connection to public sewerage reticulation</li> <li>• without connection to public sewerage reticulation</li> </ul> | 300m <sup>2</sup> (Residential)<br>400m <sup>2</sup> (Township)<br>Refer to site standard 14.4.2.5 | No minimum average lot size     |
| Residential 1 <ul style="list-style-type: none"> <li>• with connection to public sewerage reticulation</li> <li>• without connection to public sewerage reticulation</li> </ul>            | 600m <sup>2</sup><br><br>Refer to site standard 14.4.2.5   | 1000m <sup>2</sup>              |
| Omarama Airfield <ul style="list-style-type: none"> <li>• for any lots with buildings</li> <li>• for any lots without buildings</li> </ul>   | 150m <sup>2</sup><br>53m <sup>2</sup>  | No minimum average lot size     |

ii. **Building Commitment**

Notwithstanding (a) above, in the Residential and Township Zones (excluding Residential 1 Zone), where a lot is to be created after the erection of a Residential Unit, or where the subdivision and building consents are issued in conjunction, the respective minimum areas, may be reduced, as specified below, provided all relevant rules applicable within the zone are complied with by the building and/or resource consents are obtained in relation to those rules that are not complied with:

to 280m<sup>2</sup>, where public sewerage reticulation and treatment are available.

**Note:** *Where a lot is being created before the erection of the building, a condition will be imposed on the subdivision consent and a Consent Notice pursuant to Section 221 of the Act registered against the Certificate of Title, to the effect that any building erected on the lot shall be in accordance with the building consent issued prior to the subdivision consent.*

iii. **Access, Utilities, Roads and Reserves**

Notwithstanding (a) above, there shall be no specified minimum lot sizes or dimensions in any zone for lots for access, utilities, reserves and roads.

**(b) Road Widening and Landscaping**

Where the existing frontage road is subject to a road widening designation or a landscaping designation, provision shall be made to enable the Council to acquire such land by separately defining the parcels of land subject to the road widening designation. Where the Council is not able to immediately acquire the parcel, the parcel shall be held in conjunction with adjoining land. This will be achieved with a Consent Notice registered on the title which ensures that the parcel of land intended for road widening purposes remains held with the adjoining land until such time as the Council requires that parcel of land. A building line restriction may also be imposed.

**(c) Water Supply**

All new lots in the Residential, Residential 1, Township and Business Zones, other than lots for access, roads, utilities and reserves, shall be provided with a connection to a Council reticulated water supply laid to the boundary of the net area of the lot.

**(d) Sanitary Sewage Disposal**

All lots in the Residential, Residential 1 and Business Zones, other than lots for access, roads, utilities and reserves, shall be provided with a piped sewage connections for disposing of sanitary sewage laid at least 600mm into the net area of the lot. This rule shall also apply to Township Zones which have an existing reticulated sewage disposal system.

**(e) Energy Supply and Telephone Systems**

All new lots in the Residential, Residential 1, Township, Business and Rural-Residential Zones, other than lots for accesses, roads, utilities and reserves, shall be provided with connections to electric supply and a telecommunication system to the boundary of the net area of the lot. Refer to Part III Section 15 Utilities Rules for assessment matters relating to lines.

**(f) Preservation of Vegetation**

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Any heritage trees, listed in Appendix B, shall be preserved and a Consent Notice shall be registered on the title requiring continual preservation.

## 14.4.2 SITE DEVELOPMENT SUBDIVISION STANDARDS

### 14.4.2.1 Lot Dimensions

Except in the case of lots for access, utilities, reserves, and roads where there shall be no minimum dimensions, lot minimum dimensions shall be such that they can accommodate a rectangle of the dimensions specified below:

- |  |           |
|--|-----------|
| • Residential Zone                                 | 15 x 15 m |
| • Residential 1 Zone                               | 15 x 15 m |
| • Township Zone                                    | 17 x 20 m |
| • Omarama Airfield Zone - For building development | 10 x 10 m |
| - Non-building development                         | 5 x 5 m   |

except where the provisions of Rule 14.4.1(a)(ii) applies.

### 14.4.2.2 Minimum Frontage

All front lots in the Rural-Residential Zone shall have a minimum frontage of 70 metres.

### 14.4.2.3 Property Access

Every allotment shall have a frontage to an existing road or to a new road and vehicular access to the road.

This access may be directly to a road, or to a road by way of a Vehicle Access Lot as outlined below.

Where a lot has direct vehicle access to a road then vehicle access shall be provided in terms of the vehicle access provisions of the Transportation Rules. Wherever practicable, access should be to side roads and not directly onto State Highways.

- 1 Where a lot does not have direct vehicle access to a road the following shall apply:
  - a) If the subdivision is creating only one new lot then a vehicle access leg with a minimum legal width of 4.0m and a minimum formable width of 3.5m shall be provided which ensures that the site has direct vehicle access to a road.
  - b) If the subdivision is creating more than one lot, the following shall apply:
    - i) If the subdivision is in the Residential, Residential 1 or Township Zones and if the subdivision is for residential activities then:
      - a) If the vehicle access to the road has to serve 2 to 4 residential units, each lot shall have direct vehicle access to a vehicle access lot with a minimum legal width of 4.0m and a minimum formed width of 3.5m. A turning area is required.
      - b) If the vehicle access to the road has to serve 5 to 10 residential units, each lot shall have direct vehicle access to a vehicle access lot with a minimum legal width of 6.0m and a minimum formed width of 5.0m. A turning area is required

- c) If the vehicle access to the road has to serve more than 10 units, direct vehicle access for each allotment shall be directly to a road.
- ii) If the subdivision is in the Residential, Residential 1 or Township Zones and the subdivision is for non-residential activities then:
  - a) If the total area of the allotments to be served by the vehicle access to the road is 2.0ha or less, direct vehicle access from each allotment shall be to a vehicle access lot with a minimum legal width of 6.0m and a minimum formed width of 5.0m. A turning area is required.
  - b) If the total area of the allotments to be served by the vehicle access to the road is greater than 2.0ha, the direct vehicle access from each allotment shall be to a road.
- iii) If the subdivision is **not** in the Residential, Residential 1 or Township Zones and if the subdivision is for residential activities then:
  - a) The vehicle access lot shall have a minimum legal width of 4.0m and a minimum formed width of 3.5m.
- iv) If the subdivision is **not** in the Residential or Township Zones and if the subdivision is for non-residential activities then:
  - a) The vehicle access lot shall have a minimum legal width of 6.0m and a minimum formed width of 5.0m

#### 14.4.2.4 Construction Standards

| Type of Road   | Road Width (m) |     | Carriageway Width (m) |     | Kerb & Channel | Footpath(s) |
|--|----------------|-----|-----------------------|-----|----------------|-------------|
|  | Min            | Max | Min                   | Max |                |             |
| State Highways Fronting Non-Rural Zones                                | 20             | 20* | 12                    | 14* | Both Sides     | Both Sides  |
| State Highways Fronting Rural Zones                                    | 20             | 20* | 7                     | 10* | Nil            | Nil         |
| All Roads and Private Roads Fronting Rural Zones Except State Highways | 15             | 20  | 6.8                   | 7.5 | -              | -           |
| All other Roads and Private Roads                                      | 12             | 20  | 7                     | 12  | Both Sides     | Both Sides  |

\* These dimensions are guidelines only. The Regional State Highway Manager shall determine for each application the standards appropriate. Applicants to note the Technical Requirements contained in Chapter 3 of the Transit New Zealand State Highway Control Manual.

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**Note:** For the purposes of this Rule, Rural Zones means the Rural G Zone, Rural S Zone, Rural-Residential Zone, Oamaru Airport Zone, Omarama Airfield Zone and the Macraes Mining Project Mineral Zone.

All private vehicular access, access legs and access lots to fee simple title lots, cross leases, unit titles or leased premises shall be in accordance with the standards set out below.

All new roads provided in terms of the above rules to provide vehicular access to new lots shall be laid out and vested in the Council, in accordance with the standards set out in the table above.

- 1 The Vehicle Crossings to all lots and to all vehicle access lots shall be provided in terms of the Transportation section.
- 2 The Carriageway of all new roads laid out for vesting in accordance with the above shall be formed and sealed.
- 3 Footpaths shall be constructed as a sealed strip of 1.5m width within the berm. All areas of berms not sealed in footpath are to be formed in grass.
- 4 Cul-de-sac shall be constructed with turning heads of the following diameters measured kerb face to kerb face:
  - a) Residential, Residential 1, Township and Rural-Residential Zones:
    - i) 13m where there is no provision for on-street parking;
    - ii) 18m where there is provision for on-street parking.
  - b) Rural Zones: 18m.
- 5 If a corner lot is included in any subdivision, the corner at the road intersection shall be splayed with a diagonal line reducing each boundary by at least 6m from the corner in a Rural or Rural-Residential Zone and at least 3m in a Township, Residential, Residential 1 or Business Zone. The corner rounding or splay shall be vested in the Council.
- 6 Minimum height clearance for private vehicular access shall be 3.5m.
- 7 Gradient of Vehicle Crossing and Roads, Vehicle Access Legs and Vehicle Access Lots:
  - a) Gradient shall not exceed 1 in 8 where the vehicle crossing or road is to serve 2 or more sites.
  - b) Gradients may be increased under (a) above to 1 in 6 for vehicle crossing or road lengths less than 50m.
  - c) The maximum change in gradient without a transition shall be 8°.
- 8 Where a private vehicular access serves more than one lot, the vehicle crossing and the carriageway of the vehicle access lot shall be:
  - a) formed and sealed within a Residential, Residential 1, Township or Business Zone;

- b) formed to an all weather standard within a Rural or Rural-Residential Zone, with the first 5.5m of the access (as measured from the road boundary) being formed and sealed with Grade 4 chip surface to Transit New Zealand specifications, so that material such as mud, stone chips or gravel is not carried on to the road.
  - c) have passing bays every 50m. At passing bays the formation shall be widened to 5.5m wide for at least 10.0m along the access.
- 9 All vehicle crossings shall be sealed for the full berm width of the adjoining road.
- 10 All new roads vested upon subdivision of land shall be given distinctive names not already in use with the area covered by the District Council. The name shall be agreed to by the Council.
- 11 Where any new road or road extension is to be vested in the Council or a named private access is provided, the applicant shall pay to the Council a financial contribution for the manufacture and erection of all necessary name plates which must be displayed at the intersections of all other roads. The financial contribution shall be the actual cost of the name plate.

#### **14.4.2.5 Residential or Township Lot Size**

Except in the case of lots for access, utilities, reserves, and roads where there shall be no minimum lot sizes, no unsewered lot in the Residential, Residential 1 or Township Zones created by subdivision consent, including balance titles, shall be less than 3000m<sup>2</sup>.

#### **14.4.2.6 Rural Scenic (S) Lot Size**

Except in the case of lots for access, utilities, reserves, and roads where there shall be no minimum lot sizes, no lots in the Rural S created by subdivision consent, including balance titles, shall be less than 20 hectares. Subdivisions for existing dwellings constructed prior to August 6<sup>th</sup> 2005 are exempted from this standard.

## 14.5 FINANCIAL CONTRIBUTIONS

### 14.5.1 PURPOSE

The control of subdivision and the management of the effects of development of land are functions of a territorial authority.

In this Plan all subdivisions within the District require a resource consent.

Resource consents are also required for developments, which are the construction, erection or alteration of more than two residential units on a lot, or an industrial, service, commercial, recreational or community activity or visitor accommodation with a value exceeding \$200,000.

The subdivision or development of land may require the extension of public infrastructure to service the subdivision or development and create a need for open space and recreational areas and facilities and the upgrading thereof.

The rules in this section of the Plan enable the Council to impose a condition on a subdivision consent or land use consent for a development, for a financial contribution to ensure the subdivision or development is provided with services, areas and facilities for open space and recreation. The rules also enable the Council to impose a condition on a land use consent for a development for a financial contribution in respect of esplanade provision.

### 14.5.2 FINANCIAL CONTRIBUTIONS FOR SERVICES - SUBDIVISION AND DEVELOPMENT

A financial contribution may be included as a condition of a resource consent for a subdivision or development, in the following circumstances:

#### (a) New Services

Purpose

To provide services to and/or within the land in the subdivision or the site of the development.

Form

Payment of money  
Land

Works  
Any combination of money, works or land.

Maximum Contribution

The actual costs of providing the service to and/or within the land in the subdivision or the site of the development.

#### (b) Existing Services

Purpose

To reimburse the Council or contribute to the cost actually incurred by the Council in the ten years before the lodging of the application for resource consent in providing any service to and/or within the land in the subdivision or the site of the development.

Form

Payment of money.  
Land

Works  
Any combination of money, works or land.

Maximum

The actual cost to the Council in providing the service to and/or within the land in the subdivision or the site of the development.

**(c) Future Services**

Purpose

To provide a service within five years of the granting of the resource consent and/or pay or contribute to the cost likely to be incurred by the Council within five years of the granting of the resource consent in providing any service to and/or within the land in the subdivision or the site of the development.

Form

Payment of money

Works

Land

Any combination of money, works or land.

Maximum

The actual cost of providing a service to and/or within the land in the subdivision or the site of the development.

### **14.5.3 GENERAL PROVISIONS - FINANCIAL CONTRIBUTIONS FOR SERVICES**

These provisions shall apply to all financial contributions for services on subdivision and development.

- 1 The actual or estimated costs of providing any service may include:
  - a) An allowance for the overhead costs of the Council;
  - b) Any costs incurred or likely to be incurred by the Council in servicing Council expenditure in providing, upgrading or replacing a service;
  - c) Such allowance or adjustment as the Council thinks fit for inflation;
  - d) Provision for depreciation;
  - e) All associated costs incurred in providing the service, including (but not limited to) any legal, survey and engineering costs and disbursements.
  - f) The value of and/or the costs of acquiring any land or any interest in any land required for the service;
  - g) Any costs in avoiding, mitigating or remedying any effects on the environment of providing, upgrading or replacing the service.
  - h) All costs shall be GST inclusive.
- 2 Where any service serves or is intended to serve land in a subdivision or development and other land, the liability of the consent holder shall be limited to the extent to which the service serves or is intended to serve the land in the subdivision or development.
- 3 Where the financial contribution is or includes a payment of money, the Council may specify in the condition:

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- a) The amount to be paid by the consent holder or the method by which the amount of the payment shall be determined;
  - b) How payment is to be made, including whether payment is to be made by instalment;
  - c) When payment shall be made;
  - d) Whether the amount of the payment is to bear interest and if so, the rate of interest;
  - e) If the amount of the payment is to be adjusted to take account of inflation and if so, how the amount is to be adjusted;
  - f) Whether any penalty is to be imposed for default in payment and if so, the amount of the penalty or formula by which the penalty is to be calculated.
- 4 Where the financial contribution is or includes works, Council may specify in any condition:
- a) The works to be carried out by the consent holder;
  - b) The location of the works;
  - c) The design specifications and/or standards of the work;
  - d) Any certification required before, during or on completion of the works;
  - e) The time within which the works must be carried out;
  - f) Whether, when and how the works are to be vested in or transferred to the Council.
- 5 Where the financial contribution is or includes land, the value of the land shall be determined by the Council in granting a consent; the Council shall in its decision give reasons for its assessment of the value of the land.
- 6 Where the financial contribution is or includes land, the Council may specify:
- a) The location and area of the land;
  - b) Any works to be carried out on the land;
  - c) When and how the land is to be transferred to or vested in the Council.
- 7 The Council may require a bond to be given in respect of the performance of any condition requiring that a financial contribution be made.

#### **14.5.4 FINANCIAL CONTRIBUTIONS FOR OPEN SPACE AND RECREATION - SUBDIVISION**

##### Purpose

A financial contribution may be included as a condition of a subdivision consent for the purposes of providing or upgrading land and/or facilities for open space and recreation, including streetscaping.

### **Residential, Residential 1, Rural-Residential, Rural and Township Zones**

In the Residential, Residential 1, Rural-Residential, Rural G and S, and Township Zones the following provisions shall apply to financial contributions for open space and recreation:

Form

Payment of money  
Works

Land

Any combination of money, works or land.

Maximum

7.5% of the market value of the land in the additional lots authorised by the subdivision consent, calculated as follows:

- a) The market value of the new lots is the sale value of the land in the lots at the date on which the subdivision consent is granted, as if the lots had been subdivided in accordance with the subdivision consent.
- b) In the Rural and Rural-Residential Zones, the market value of the land in the lots shall be the market value of 1000m<sup>2</sup> of each lot assessed as a site for a residential unit.
- c) Lots for roads, utilities, reserves, access or similar purposes shall be disregarded.

### **Business Zones**

In the Business Zones, the following provisions shall apply to financial contributions for open space and recreation:

Form

Payment of money  
Works

Land

Any combination of money, works or land.

Maximum

10% of the market value of the land in the additional lots authorised by the subdivision consent, calculated as follows:

- a) The market value of the new lots is the sale value of the land in the lots at the date on which the subdivision consent is granted, as if the lots had been subdivided in accordance with the subdivision consent.
- b) Lots for roads, utilities, reserves, access or similar purposes shall be disregarded.

Credit

If, within the 5 years preceding the lodging of the application for subdivision consent, any payment in respect of a development on the land in the subdivision has been made to the Council for the purposes of providing land and/or facilities for open space and recreation, the amount of that payment shall be deducted from the maximum amount payable.

## **14.5.5 FINANCIAL CONTRIBUTIONS FOR OPEN SPACE AND RECREATION - DEVELOPMENTS**

### **Residential Development**

Purpose

A financial contribution may be included as a condition of a subdivision consent for the purposes of providing or upgrading land and/or facilities for open space and recreation, including streetscaping.

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Form

Payment of money  
Works

Land

Any combination of money, works or land.

Maximum

7.5% of the market value of the land in the additional lots authorised by the subdivision consent, calculated as follows:

- a) The market value of the new lots is the sale value of the land in the lots at the date on which the subdivision consent is granted, as if the lots had been subdivided in accordance with the subdivision consent.
- b) In the Rural and Rural-Residential Zones, the market value of the land in the lots shall be the market value of 1000m<sup>2</sup> of each lot assessed as a site for a residential unit.
- c) Lots for roads, utilities, reserves, access or similar purposes shall be disregarded.

**Other Developments**

Purpose

A financial contribution may be included as a condition of a resource consent for any other development for the purposes of providing, maintaining or upgrading land and/or facilities for open space and recreation.

Form

Payment of money  
Works

Land

Any combination of money, works or land.

Maximum

0.5% of that value of the development which exceeds \$200,000.

Value of Development

The value of development shall be the cost of the development, as determined by the Council at the date on which the resource consent is granted, and shall include the cost of all improvements and fixed plant and machinery forming part of the development but not include the value of the site of the proposed development.

Credit

If, within the five years preceding the lodging of the application for a resource consent for any development, any payment in respect of the subdivision of the land comprising the site of the proposed development has been made to the Council for the purposes of providing land and/or facilities for open space and recreation, the amount of that payment shall be deducted from the maximum amount payable.

**14.5.6 GENERAL PROVISIONS - FINANCIAL CONTRIBUTIONS FOR OPEN SPACE AND RECREATION**

- 1 These provisions shall apply to all financial contributions made for the purposes of open space and recreation on subdivision or development.
- 2 All financial contributions shall be GST inclusive.
- 3 Where the financial contribution is or includes a payment of money, the Council may specify in the condition:
  - a) The amount to be paid by the consent holder or the method by which the amount of the payment shall be determined;

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- b) How payment is to be made, including whether payment is to be made by instalments;
  - c) When payment shall be made;
  - d) Whether the amount of the payment is to bear interest and if so, the rate of interest;
  - e) If the amount of the payment is to be adjusted to take account of inflation and if so, how the amount is to be adjusted;
  - f) Were there any penalties to be imposed for default in payment and if so, the amount of the penalty or formula by which the penalty is to be calculated.
- 4 Where financial contribution is or includes works, the Council may specify in the condition:
- a) The works to be carried out by the consent holder;
  - b) The location of the works;
  - c) The designs, specifications and/or standards of the works;
  - d) Any certification required before, during or on completion of the works;
  - e) The time within which the works must be carried out;
  - f) Whether, when and how the works are to be invested in or transferred to the Council.
- 5 Whether financial contribution is or includes land, the value of the land shall be determined by the Council in granting a consent; the Council shall in its decision give reasons for its assessment of the value of the land.
- 6 Whether financial contribution is or includes land, the Council may specify:
- a) The location and area of the land;
  - b) Any works to be carried out on the land;
  - c) When and how the land is to be transferred to or vested in the Council.
- 7 The Council may require a bond to be given for the performance of any condition requiring that a financial contribution be made.

**Note:** *No financial contribution shall be taken for any activity associated with a utility as defined in Chapter 1 Part III of the Plan.*

## **14.5.7 FINANCIAL CONTRIBUTIONS FOR ESPLANADE RESERVES AND ESPLANADE STRIPS - DEVELOPMENTS**

### Purpose

A financial contribution requiring provision of an esplanade reserve or esplanade strip may be included as a condition of a resource consent for any development for any one or more of the purposes in Section 229 of the Act where the site of the development adjoins the bank of any river or the margin of any lake.

### Form

Land

### Maximum

Land not exceeding 20m in width along the bank of the river or the margin of the lake adjoining the site of the development.

### General

Sections 231, 237 and 237D of the Act shall apply with all necessary modifications to every esplanade reserve created under this part of the Plan.

Sections 232, 233, 235 and 237 shall apply with all necessary modifications to every esplanade strip required as a financial contribution under this part of the Plan.

Where the development is on a site of 4ha or more then compensation shall be payable by the Council to the consent holder for the taking of an esplanade reserve or esplanade strip and Sections 237F and 237H of the Act shall apply with any necessary modifications.

The Council may in imposing the condition including the financial contribution under this part of the Plan specify:

- The location and area of the land to be included in the esplanade reserve or esplanade strip as the case may be.
- When and how the land is to be transferred to or vested in the Council.
- The terms and conditions of any instrument creating an esplanade strip.

Council may require a bond to be given for the performance of any condition requiring an esplanade reserve or esplanade strip.

## **14.6 NON-NOTIFIED RESOURCE CONSENTS**

Resource consents in relation to the following matters shall be non-notified and the written approval of affected persons need not be obtained:

Critical Zone Subdivision Standards 14.4.1 (b), (c), (d) and (e).  
Site Development Subdivision Standards 14.4.2.3

## 14.7 RESOURCE CONSENTS - ASSESSMENT MATTERS

### 14.7.1 GENERAL

The following Assessment Matters are methods or matters included in the District Plan, in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act.

- a) In addition, to the applicable provisions of the Act, the Council shall also apply the relevant *Assessment Matters* set out in Clause 14.7.2 below.
- b) In the case of *Controlled and Discretionary Subdivision Activities*, where the exercise of the Council's discretion is restricted to the matter(s) specified in a particular standard(s) only, the assessment matters taken into account shall only be those relevant to that/those standard(s).
- c) In the case of *Controlled Subdivision Activities*, the assessment matters shall only apply in respect to *conditions* that may be imposed on a consent.
- d) In the case of *Controlled Subdivision Activities*, the application would only be declined pursuant to Section 106 of the Act (Natural Hazards).
- e) Where a subdivision is a *Discretionary Subdivision Activity* because it does not comply with one or more of the relevant Site Subdivision standards, but is also specified as a *Controlled Subdivision Activity* in respect of other matter(s), the Council shall also apply the relevant assessment matters for the Controlled Subdivision Activity when considering the imposition of conditions on any consent to the Discretionary Subdivision Activity.

### 14.7.2 ASSESSMENT MATTERS

In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the following assessment matters for the respective standards:

#### 1 Lot Size and Dimensions

There are no specified minimum lot sizes or dimensions in the Business Zones or for lots for access, utilities, reserves and roads. Subdivision in the Business Zones and for these purposes is a Controlled Activity in respect of lot size and dimensions and is subject to the following assessment matters:

- a) Whether the lot is of sufficient area and dimensions to effectively fulfil the intended purpose or land use, having regard to the rules for the relevant zone;
- b) Whether the proposed lot sizes and dimensions are sufficient for operational and maintenance requirements; and in particular the disposal of effluent on-site;
- c) The relationship of the proposed lots and their compatibility with the pattern of the adjoining subdivision and land use activities, and access arrangements.

## 2 Subdivision Design

- a) The relationship and size of the lots in terms of their solar advantage including the alignment and layout of the lot, the location of building platform, relationship to adjoining lots.
- b) The provision for and practicality of walkways and cycleways, and the relationship of these to reserves (existing or proposed), access to the waterways, etc.
- c) The provision for and practicality of using natural stormwater channels and wetland areas.

## 3 Property Access

Whether the frontage road is of sufficient width to cater for the expected traffic generated by the possible land uses that will be established on the lots being created, and whether there is any need to widen and/or upgrade the frontage road.

- a) Where any proposed subdivision in any zone has frontage to any existing road(s) that is/are not constructed to the standards set out in Rule 14.4.2.4 above and/or where road widening is required and, therefore, where there is any need for the applicant to pay to the Council a financial contribution towards the forming or upgrading of the road(s).

**Note:** Where subdivisions access State Highways, Transit New Zealand may require road widening at the applicant's expense to mitigate any adverse effects on the State Highways.

- b) Where any proposed subdivision in any zone has frontage to any existing road(s) that has/have been formed or upgraded by the Council within the previous 5 years, using financial contributions from an adjoining landowner paid to the Council as specified in Council Engineering Standards, the need for the benefiting applicant to pay to the Council a fair financial contribution towards the costs that have been incurred by the Council in forming or upgrading the frontage road(s).
- c) Any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties.
- d) The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.
- e) The provisions of the Council's Code of Practice for Subdivision.
- f) The need for and practicality of providing vehicular access to all lots, and the practicality of providing parking elsewhere for vehicles.
- g) The provisions of the roading hierarchy, the account taken of pedestrian movement, provision of space for cyclists, amenity values of the street, opportunities for tree planting in the open space of the road to enhance the character and identity of the neighbourhood.
- h) The need to provide cycleways in circumstances where the roading network does not supply sufficient or direct cycle routes through the locality.

- i) The degree to which proposed new roads make adequate provision for vehicle movements, car-parking and property access.
- j) The need to provide pedestrian accessway facilities in circumstances where the roading network does not provide sufficient or direct access or easy walking access to facilities in the vicinity.
- k) The need to provide alternative access for car-parking and vehicle loading in Business Zones by way of vested service lanes at the rear of properties having regard to alternative means of access and performance standards for activities within such zones.
- l) Where in the course of a subdivision a new road is to be constructed and vested that will, or could provide frontage to other land, the need for the Council to enter into an agreement with the subdivider that permits the creation of a point strip that separates that other land from the new road, and ensures that the benefiting owner pays a fair share towards the costs of providing the frontage road. The point strip would be vested as legal road when the adjoining benefiting owner pays the required amount. The point strip agreement would set the amount to be paid, which will vary depending on the costs involved in each individual circumstance. The agreements would be held by the Council and be available on request for inspection. The benefiting owner would be informed of the cost at the time of the point strip creation. They can be identified by the point strip separating the subsequent property from frontage to the road. The contribution values of the benefiting owners will be adjusted annually on 30 June each financial year, in accordance with the Construction Price Index, beginning on 30 June 1997.
- m) Any need to require provision be made in a subdivision for the vesting of road reserves for the purpose of facilitating connections to future roading extensions to serve surrounding land, or planned road links that may need to pass through the subdivision and the practicality of creating such easements during the time of subdivision application in order to facilitate later development.
- n) Any need to require subdividers to enter into agreements that will enable the Council to require the future owners to form and vest roads when other land becomes available.
- o) The need for construction standards and on-going maintenance for private vehicular access, including access to individual lots, whilst ensuring that access is practical, convenient and safe.
- p) The need to provide for appropriate standards of street lighting or private vehicular access lighting having regard to the classification of the road or the access and the guidelines of Transit New Zealand.
- q) The need to provide distinctive names for private vehicular accesses. The name to be agreed to by the Council.
- r) The need for and extent of any financial contribution to achieve the above matters.

#### **4 Esplanade Provision**

- a) The purposes for the creation of esplanade reserves or esplanade strips set out in Section 229 of the Act, and the provisions of Section 6 of the Act.

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- b) The appropriateness of creating an esplanade reserve or esplanade strip in relation to security or public safety concerns.
- c) The inappropriateness of an esplanade provision where the subdivision is a minor boundary adjustment; or is a further subdivision for a cross lease or unit title due to an increase or additions to existing units; or reallocation of accessory buildings; or the erection of garages where these have been indicated on earlier survey plans.
- d) The extent to which the natural functioning of the water body, water quality, and land and water based habitats will be affected by the creation of an esplanade reserve or strip, or the reduction or waiver of esplanade requirements.
- e) The extent of the public's ability to obtain access to and along the margin of the waterbody.
- f) The extent that recreational use will be assisted or hindered.
- g) The compatibility of the proposed reserve or strip with the physical characteristics of the land.
- h) The extent to which the natural character and visual quality of the area will be preserved.
- i) The extent to which natural hazards will be mitigated.
- j) The future use and purpose of any existing building that would otherwise encroach on, or be within a reserve or strip.
- k) The extent to which the purpose of the reserve or strip could be achieved through some other means such as conservation covenants or consent notices.
- l) The need for and appropriateness of creating esplanade strips for the purposes of public access along the margins of any lake or Shag, Waianakarua, Kakanui, Maerewhenua, Ahuriri, Waikouaiti, Ohau, Pleasant, and Waitaki Rivers in the Rural G and S Zones whenever subdivision occurs of lots of 4 hectares or greater in area, with the payment of appropriate compensation where necessary.
- m) The benefits of such a reserve or strip compared with the costs of maintenance.

## **5 Natural Hazards**

- a) Any information held on the Council's Hazard registers.
- b) Information obtained by suitably qualified experts, whose investigations are supplied for subdivision applications.
- c) The applicant or their Consultant's report, detailing the measures that have been or will be taken to avoid, remedy, or mitigate any hazard that may occur on the property.
- d) Potential adverse effects on other land that may be caused by the subdivision or anticipated land use activities.
- e) In relation to inundation from any source:

- i) The effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining land;
  - ii) Any proposed protection works and their environmental effects;
  - iii) Any proposed boundary drainage to protect surrounding properties;
  - iv) The adequacy of existing outfalls and any need for upgrading;
  - v) Any need for retention basins to regulate the rate and volume of surface run-off.
- f) In relation to erosion, falling debris or slippage, the need for ongoing conditions aimed at avoiding, remedying or mitigating future potential adverse effects, and any need for registration of consent notices on the Certificates of Title.
- g) In relation to subsidence, the provision of suitability certificates, such as NZS 4431, or if not appropriate, the setting of ongoing conditions, with consent notices registered on the Certificates of Title.
- h) In relation to contaminated site, any soil tests, establishing suitability, and methods to avoid mitigate or remedy the effects, including removal to approved disposal points.
- i) In relation to land filling and excavation operations, the following factors:
- i) The effects on surrounding properties;
  - ii) The natural pattern of surface drainage;
  - iii) The type of and placement of fill material;
  - iv) Mitigation, or avoidance, of adverse effects caused by dust or siltation affecting neighbouring properties;
  - v) Remedies necessary during emergencies.
- j) The likelihood of the proposed subdivision, including the establishment of potential assets such as residential units, being threatened by inundation or coastal erosion.
- k) The ability of any buildings on the land being subdivided to be relocated, the estimated cost of the relocation, and the possible destination of a relocated building.

## 6 Water Supply

- a) The suitability of the proposed water supply for fire fighting purposes, (*The Council may obtain a report from the Chief Fire Officer*); or the suitability of the proposed water supply for drinking purposes (potable water supply).
- b) The provisions of the Code of Practice in respect to installation of all necessary water supply pipe lines, and ancillary equipment necessary for the subdivision, including extensions to existing supply systems, and including mains, sub-mains, service mains and fire hydrants.
- c) The need to install isolating valves and backflow prevention generally at the street boundary or at the net site boundary where this is not the street boundary.
- d) Whether the existing water supply systems, to which the connection will be made, have sufficient capacity to service the subdivision, and if not whether the subdivider should contribute towards the upgrading of the system based on the cost of

supplying the incremental increase in demand by the additional lots, in addition to installing the extensions of the supply within the subdivision.

- e) Whether it may be necessary to provide new reservoirs, pumping stations, treatment facilities, and rising mains, or reticulation including increasing pipe sizes leading to the subdivision in existing streets, or providing new headworks and new pumping units.
- f) Where it is necessary to upgrade the reticulated water supply system in order to cater for the subdivision, any costs to be borne by the subdivider, calculated on the cost of supplying the increase in demand as a result of the additional lots.
- g) Whether, because of increased demand that the potential land users may impose upon the system, an upgrading contribution should be made towards a programmed plan for installation of new headworks and pumping units.
- h) The need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility.
- i) The need for and extent of any financial contribution to achieve the above matters.
- j) Whether a resource consent from a regional council is necessary, and has been obtained, for the taking of water for the purposes of supplying the proposed subdivision.

## **7 Stormwater Disposal**

- a) The provisions of the Council's Code of Practice for Subdivision.
- b) The adequacy of any proposed means of disposing of collected stormwater from the roofs of all buildings and impermeable surfaces.
- c) The adequacy of any proposed means for screening out litter, the capture of chemical spillages, the containment of contamination from roads and impermeable areas and of siltation.
- d) The ability to retain open natural waterway systems for stormwater disposal in preference to piped or canal systems and any adverse impacts on existing waterways.
- e) The availability of an approved outfall where stormwater can be directed, whether such an outfall is capable of absorbing increased run-off and the need for and desirability of requiring a connection to such an outfall.
- f) Whether the existing stormwater disposal systems, to which any connection will be made, have sufficient capacity to service the subdivision, and if not whether the subdivider should contribute towards the upgrading of the system based on the cost of supplying the incremental increase in demand by the subdivision, in addition to installing the extensions of the supply within the subdivision.
- g) Where an existing outfall is not capable of accepting increased run-off, the adequacy of proposals and solutions for disposing of run-off.
- h) Any necessity to provide on-site retention basin to contain surface run-off where the capacity of the outfall is incapable of accepting flows, and where the outfall has

limited capacity, any need to restrict the rate of discharge from the subdivision to the same rate of discharge that existed on the land before subdivision takes place.

- i) Any adverse effects of the proposed subdivision on drainage on, or from, adjoining properties and mitigation measures proposed to control any adverse affects.
- j) For stormwater pipes and open waterway systems, the provision of appropriate easements in favour of either the registered user or in the case of the Council, easements in gross, to be shown on the survey plan for the subdivision, including private connections passing over other land protected by easements in favour of the user.
- k) Where it is not possible to dispose of stormwater by way of gravity pipelines, due to topography, the adequacy of alternative pumping systems.
- l) Where stormwater disposal cannot be obtained by gravity outfall, the necessity for land to be filled against the fall of the country, solely to obtain such an outfall, and whether it is practical to provide easements through adjoining owners' land to other frontage outfall systems.
- m) The need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for stormwater disposal purposes.
- n) The need for and extent of any financial contribution to achieve the above matters.
- o) Whether a resource consent from a regional council is necessary, and has been obtained, for the disposal of stormwater from the proposed subdivision.

## **8 Sanitary Sewage Disposal**

- a) The capacity, availability, and accessibility of the reticulated system to serve the proposed subdivision.
- b) Whether the existing sanitary sewage disposal systems, to which the outfall will be connected, have sufficient capacity to service the subdivision, and if not whether the subdivider should contribute towards the upgrading of the system based on the cost of supplying the incremental increase in demand by the additional lots, in addition to installing the extensions of the supply within the subdivision.
- c) The installation of all new reticulation, and the provisions of the Code of Practice.
- d) Where it is not possible to provide a reticulated system with a gravity outfall, the feasibility of individual pump connections with their private rising mains, or new pumping stations.
- e) The relevance of any existing cost sharing scheme and whether the proposed reticulation will benefit other property owners.
- f) Where a reticulated system is not available, or a connection is impractical, provision of septic tank or other disposal systems in accordance with either Regional Rules or a discharge permit issued by the regional council.
- g) Where a reticulated system is not immediately available but is likely to be in the near future, the appropriateness of temporary systems.

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- h) Provision made by the applicant for monitoring mechanisms to ensure contaminants are not discharged into the environment from septic tank or other disposal systems, together with any consent notices to ensure compliance.
- i) The need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for sanitary sewage disposal purposes.
- j) The need for and extent of any financial contribution to achieve the above matters.

## **9 Trade Waste Disposal**

- a) Whether any proposal to create lots for any business activity or other activity generating trade wastes will have the potential to discharge to outfall trade wastes.
- b) Whether the volume or type of trade waste generates a need for appropriate outfalls to be provided.
- c) Where a reticulated system is not available, any consents that may be required for discharge of permits from the regional council in conjunction with the subdivision consent.
- d) The provisions of the Council's Code of Practice for Subdivision in respect of the installation of trade waste sewers.
- e) The need for and extent of any financial contribution to achieve the above matters.

## **10 Energy Supply and Telecommunication**

- a) Where the subdivision involves construction of new roads or formed rights of way, the installation of a reticulated energy supply and a telecommunication system (as the subdivider's responsibility) having regard to the Code of Practice and the network operator's requirements.
- b) The adequacy, capability and suitability of the proposed energy supply and telecommunication system to be installed by the subdivider.
- c) The need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility.
- d) The degree to which the subdivision design, including the location of roads, reserves and the location of building platforms:
  - (i) enable the existing high voltage lines to be efficiently operated and maintained;
  - (ii) compromise health and safety risks, and in particular the degree of compliance with NZ Electrical Code of Practice for Electrical Safety Distances: NZECP:34.
- e) Refer to Part III Section 15 Utilities Rules for other assessment matters relating to lines.

## **11 Land for Open Space and Recreation**

- a) The extent to which the provision for land for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision and diversity of open spaces and recreational facilities.
- b) The extent to which the provision of land and/or cash contributions towards land for open space and recreation is consistent with the objectives and policies of the District Plan relating to the requirements for reserve contributions from subdivision; the acquisition of land for public open space and recreation; and the use of cash received as contributions.
- c) Whether the intended land use of the lots being created is for the housing of the elderly, and whether a reduction in the contribution assessment is, therefore, reasonable.
- d) Where the contribution towards the provision of land for open space and recreation is not to be paid to the Council before a Conditions Certificate is issued pursuant to Section 224 of the Act, a requirement for the applicants to enter into a bond.

**Note:** *documentation will be registered against the Certificates of Title issued for the lot(s), preventing their sale until contribution is paid, and subject to the following:*

- i) payment of the prescribed fee, including all legal costs;*
- ii) the assessed amount for payment being adjusted in accordance with the Valuation NZ Index if not paid within two years of the assessment;*
- iii) payment shall be either:*
  - a) the total assessment being paid on the sale of half the number of lots in the subdivision less one; or*
  - b) an instalment system based on the assessment being divided by the total number of lots less one, with payment commencing at the first transfer.*

- e) Whether the undertaking of works, including the planting of trees or the regrading or levelling of reserve land that will vest in the Council, or the setting aside of a reserve to protect any natural features, should be taken into account when assessing the value of the contribution towards land for open space and recreation.
- f) In considering any application relating to financial contributions from developments, the Council shall have regard to the respective assessment matters for financial contributions on subdivision activity applications (above), as though the application for a building development was for a subdivision activity.

## **12 Cultural or Heritage Values, Margin of Waterways, Vegetation and Landscape**

- a) Whether any cultural or heritage values, or vegetation, landscapes and margins of waterways can be maintained or enhanced by favourable subdivision design and protected during works associated with the subdivision process.
- b) Whether a local purpose reserve should be set aside and vested in the Council to preserve any cultural or heritage feature, natural feature, vegetation or conservation value on the site.

PROPOSED DISTRICT PLAN INCORPORATING PLAN CHANGE 2, 7 & 8 (SHOWN AS DOUBLE UNDERLINE OR ~~STRIKE THROUGH~~)

- c) Where a reserve is set aside under ii above, then the value of the land so reserved shall be off-set against the cash contribution to be paid for land for open space and recreation purposes.

### 13 Easements

- a) Whether there is a need for easements
  - i) where a service or access is required by the Council;
  - ii) for stormwater passing through esplanade reserves where drainage will be to the river;
  - iii) to meet network operator requirements;
  - iv) in respect of other parties in favour of nominated lots or adjoining Certificates of Title;
  - v) for private ways;
  - vi) for stormwater, sanitary sewer, water supply, electric power, gas reticulation, telecommunications;
  - vii) for party walls and floors/ceilings; and
  - viii) for servicing with sufficient width to permit maintenance, repair or replacement.

### 14 Building Location

- a) The local ground conditions or the situation applying to the lot and the suitability of the site of the building.
- b) Whether or not a lot should be restricted from development on parts of the site.
- c) The minimum floor height for buildings in situations where inundation is likely and damage to structures could occur, but the land may not necessarily be filled.

### 15 Heritage Items

- a) The effect of the subdivision on the character of the heritage item and its environs, its important features, the reasons for its listing, and the ability of the public to enjoy and appreciate its features;
- b) Any ability by the applicant to retain the essential character of the site of the heritage item.
- c) The ability of the applicant to develop the site of the heritage item without adversely affecting the character of the heritage item and its environs.
- d) Any incentives available to retain the site of the heritage item.