

SECTION 10 – SUBDIVISION AND DEVELOPMENT

INTRODUCTION

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 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 strips and access strips and is therefore significant in the context of providing public access to waterways and the coastline.

ISSUES

The following are resource management issues relating to subdivision within the Waimate District. The objectives and policies which address these then follow.

Issue 1 - Site Suitability and Natural Hazards

Description

The underlying objective is to ensure that the allotments created by subdivision are suitable for the anticipated use, that the land is serviceable and developable and that it is not subject to any unacceptable man-made or natural hazard. To ensure that new lots contain building sites within acceptable risk levels, and to prevent lots being created within which development would be subject to unacceptable risk, it is necessary to constrain subdivision within known natural hazard areas.

Issue 2 - Costs of Infrastructure

Description

It is recognised that development facilitated by subdivision adds incrementally to demands on the infrastructure of the District. The scale and types of servicing required for newly subdivided lots will depend on a number of factors such as the likely use of the land, the extent to which the services can connect to existing public systems

and the demands of the community. In rural blocks, especially larger blocks, there is possibly little need to require subdividers to provide for stormwater disposal. By contrast there is an expectation that a lot within a residential zone will have a range of services including connections to a reticulated water supply and reticulated sewage and stormwater disposal system, telecommunications and good roading.

In controlling subdivision (as is required by the Act) the District Plan can specify what type of infrastructure is to be provided for each new lot and the level of that service, or it can provide for these standards to be specified as conditions on any subdivision consent.

The provision of major capital works ahead of development presents difficulties in funding. The mix of public and private provision of subdivision infrastructure is something which each community must decide. This decision will be based on matters such as community expectations of service levels, equity between generations and the ability of subdividers and/or ratepayers to pay lump sums for major capital works. The new extension of the residential area out to Allan Street in the Waimate Urban area is not serviced by a reticulated sewage disposal system and decisions will need to be made by the Council and the community as to how best develop and pay for any new sewage system for this area.

Issue 3 - Rural Allotment Size

Description

An issue of significance to most rural areas is whether there is a need to limit the minimum size of allotments. While rural subdivision in itself does not usually create adverse impacts it is often a precursor to residential development on the new lots. Possible impact of small lot subdivision and associated residential use include: a reduction in the open rural landscape, reduction in groundwater and surface water quality from the proliferation of septic tank disposal fields and increased complaints from the new residents about neighbouring farming operations.

Issue 4 - Contributing Towards Public Open Space - Subdivision and Development

Description

The subdivision and development of land creates the opportunity for various activities to be established, the more common one being residential accommodation. If communities continue to grow in size

through subdivision and building development, without providing for the recreation and open space needs of the community, adverse environmental effects will become apparent. These adverse effects would be:

- A lack of neighbourhood parks in new subdivisions;
- An inadequacy of neighbourhood parks in areas with growing numbers of units/town houses, where infill housing and redevelopment is taking place;
- Lack of visual relief in the form of green open space and plantings amongst the built environment.

The taking of contributions towards public open space and recreation areas, as communities expand, is a means of avoiding such adverse effects.

Issue 5 - Esplanade Provision

Description

There is a public desire to have access to most lakes, rivers and the coast throughout the District. However, legal access is only available if there is a legal road, reserve of other formal arrangement such as an access easement, or if private arrangements are made with landowners. Access to these areas is also important. The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers is identified as a matter of national importance by the Resource Management Act.

To obtain public access to waterbodies the Council must either purchase land for that purpose or use powers available to it under the Resource Management Act. These powers permit the Council to require that an esplanade reserve or strip be created at the time of subdivision.

An esplanade reserve or strip is a strip of land that lies along a waterbody is measured landward from the bank of a lake or river or from mean high water springs on the coast. It can have the purposes of:

- maintaining or enhancing the natural functioning of the adjacent waterbody
- maintaining or enhancing water quality or aquatic habitats
- protecting the natural values of the area

- enabling public access to or along any waterbody
- enabling public recreational use of the area that is compatible with conservation values.

OBJECTIVES AND POLICIES

Objective 1 - Subdivision Servicing

The provision of necessary services to subdivided allotments in anticipation of the likely effects of future land use on those allotments.

Policies

- 1 To integrate subdivision roading with the existing roading network in an efficient manner which reflects expected traffic levels and the safe management of vehicles and pedestrians.
- 2 To achieve 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 minimise the adverse visual and physical effects of subdivision roading.
- 5 To ensure that water supplies to subdivided allotments are of a sufficient capacity and of a potable standard.
- 6 To require upon urban subdivision, that all new lots be provided with a means of connection to a reticulated water supply system, where water from such a system is available.
- 7 To ensure that the provision of any necessary additional water supply, stormwater control or sewage disposal infrastructure and the upgrading of existing infrastructure is undertaken or paid for by subdividers, in recognition of the scale and nature of the anticipated land uses.
- 8 To encourage the retention of natural open waterways for stormwater and to ensure disposal in a manner which maintains or enhances the quality of surface and ground water.
- 9 To ensure that stormwater is disposed of in a manner that avoids inundation of land within or adjoining the subdivision.
- 10 To ensure, upon subdivision, that anticipated development is provided with a means of disposing of sanitary sewage in a manner which is consistent with maintaining public health and minimises adverse effects on the environment.
- 11 To require upon subdivision, that all new lots be provided with a means of connection to a reticulated sanitary system, where such a system is available. Where a reticulated system is not

- available, on site or stand alone communal treatment systems may be installed, subject to any discharge consents required.
- 12 To require that provision be made for trade waste disposal upon subdivision of land for anticipated industrial use.
 - 13 To ensure that adequate provision is made for the supply of reticulated energy and communication facilities and that the method of reticulation is appropriate to the amenities of the area.

Explanation and Reasons

High vehicle ownership requires consideration of access to newly created lots. Only in a very restricted set of circumstances would vehicular access be impracticable and pedestrian access is always essential. Roading and access standards are a reflection of anticipated traffic be it volume or type. Subdivision standards for roading and access will reflect the opportunities to create a variety of vehicle and access limits for the benefit of both vehicular transport and pedestrians. Roading 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 land use that subsequently increase the demand for water usage. Where the proposed subdivision creates new allotments, and where the users will require water for human consumption, then that supply must be potable and reliable. Water for fire fighting purposes will not be readily available from the Rural Water Supply Schemes. Unless the water supply system has an excess of capacity, subdivision and development leads 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. The water resource can be better managed if a public supply system is installed wherever practicable. Having as many water users as is possible connected to the public water supply system increases the efficiency of use of the whole system, including management of both the natural water resource and the physical resources involved in water supply. When land is subdivided new connections to the system will be required by the activities to be established on these allotments. The

ability to connect to the water supply system at the property boundary must be provided by the subdivider. Where the public system is physically not available, then the subdivider or developer must provide a connection to that system as the Council requires, or to an individual on-site system of sufficient capacity and a potable quality. Where subdivision occurs within a reticulated water supply and water is not available from the supply, future owners need to be aware that the water supply is their ongoing responsibility.

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 and if any adverse effects will or could result from the subdivision of land, then mitigating measures must be carried out. Any possible adverse effects on land surrounding a subdivision are also to be prevented by remedial works installed by the subdivider.

Recognition and enhancement of the values of natural waterways 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 and environmentally more acceptable.

Disposal and proper treatment of sanitary 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 that of receiving waters.

Adequate treatment of sewage effluent requires adequate provision for treatment works and means of disposal for the waste waters generated in the system. In the urban areas where density of development precludes individual disposal systems, it is a Council function to provide sewage treatment and reticulation ensuring a safe means of disposal of the large quantities of urban sewage, treating it and discharging the waste water.

In rural areas where connection is impracticable, care must be exercised to ensure the individual treatment plant does not cause pollution of any adjoining waterways or the underground aquifers, that could affect the quality of District's or a locality's water supply. Subdivision for new industrial activities has to anticipate trade waste

disposal needs which are often much higher than most other land use activities.

The supply of electric power and telecommunications to all sectors of the community can readily 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 provision of reticulated supplies will of necessity involve reticulation systems which can be either above or below ground, as well as (in some cases) substation structures. The widespread use of electric power means a provision of power lines and their associated structures. However, with appropriate planning, adverse effects of overhead lines can be mitigated to a certain degree, while for most properties in the residential, town centres and special conservation areas, provision of new reticulation is required to be by underground reticulation. The much higher cost of underground reticulation is recognised, and underground reticulation is not required in all rural and industrial areas where environmental and economic considerations may be differently balanced.

Objective 2 - Cost of Services to be met by Subdividers

The costs of the provision of services within subdivisions or the upgrading of services necessitated by that subdivision, is to be met by the subdividers.

Policies

- 1 To require subdividers to meet the costs of upgrading services (including head works), which are attributable to the impacts of the subdivision, including where applicable:
 - roading and access;
 - water supply;
 - sewage disposal;
 - stormwater disposal;
 - trade waste disposal;
 - provision of electricity;
 - provision of telecommunications.
- 2 To provide for any contributions to be in accordance with the methods of determination specified in the Rules.

Explanation and Reasons

Subdivision of land provides a framework of services for subsequent purchasers of new allotments 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 allotments and can be imposed on a subdivider at the time of subdivision development. Furthermore, where a subdivision creates a demand for upgrading services outside of the subdivision, the Council is justified in recovering costs attributable to the subdivision itself.

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

Objective 3 - Pattern of Subdivision

A subdivisional pattern which contributes to the maintenance of groundwater quality and a range of rural land use activities.

Policies

- 1 To limit the minimum size of subdivisions in the rural zone in order to enable flexibility in house siting while limiting the possibility of:
 - occupiers of the new allotments being effected by neighbouring farming activities, or
 - cumulative adverse impacts of septic tank disposal systems on the quality of groundwater.
- 2 To require residential buildings to setback from property boundaries to reduce the probability of the residents of those dwellings being exposed to significant adverse effects from an activity on a neighbouring property. (Refer Rural Zone Policy 5B).

Explanation and Reasons

There is a need and expectation by the community that groundwater quality should be maintained and/or enhanced because of the biological needs of natural systems, the cultural values attributed to water, and its use in domestic and stock consumption. Small lot subdivision with its associated residential use which can impact on groundwater quality by seepage from septic tank disposal fields should therefore be avoided where possible.

It is wise to ensure that lot sizes are of a sufficient size to enable flexibility in house location while being set back from neighbouring properties to reduce the impact of neighbouring farming activities.

Objective 4 - Esplanade Provision

Development of a system of esplanade areas adjacent to important waterways, and access strips to these esplanade areas, which

- enables protection of the margins and retaining the natural character of lakes and rivers, and
- provides for public access to and along, and the recreational use of the margins of lakes and rivers, where it is appropriate in terms of conservation values and public safety.

Policies

- 1 To require esplanade strips of up to 20 metres width along waterways to be created upon subdivision of lots within rural areas which have particular value for access or recreation and protection of margins, water quality and aquatic habitats.
- 2 To enable the creation of up to 20 metre esplanade strips along waterways upon subdivision of lots in areas which are assessed at the time of subdivision as having value for access or recreation, or which enable protection of margins, water quality or aquatic habitats.
- 3 To provide for esplanade reserves upon subdivision of land where protection of conservation values requires land management practices which are unlikely to occur with current land use.
- 4 To negotiate easements for access for the public across private land to enable access to waterways within the District which are valued for recreational purposes and because of their conservation values.

Explanation

- The public desire a reasonable level of access to waterways within the District, particularly for recreational purposes.
- There are areas adjacent to waterways within the District which have significant conservation value or which contribute to the maintenance and enhancement of water quality and aquatic habitats. It is desirable that these areas receive protection to retain those conservation values.
- Esplanade strips enable public access onto properties while permitting existing land uses to continue.

- Some waterways and their margins have significant conservation values which require protection that can only be achieved if the land is reserved for that purpose.
- To enable the public to enjoy esplanade areas and the District's waterways it is necessary that access to these areas and waterways be made available. The Council is authorised under the Act to negotiate access arrangements across private land for the purpose of public access to waterways.

Objective 5 – Recreation and Reserves

A conveniently distributed and accessible range of public open space and recreational areas and facilities to meet the diverse needs of residents and visitors to the District.

Policies

- 1 To encourage and, where possible, provide for a range of recreation opportunities within the District.
- 2 To ensure the provision of open spaces and recreational areas within or in reasonable proximity to new residential subdivisions to meet the needs of the future community.
- 3 To require contributions towards public open space and recreation areas from residential subdivision and from any major residential, business or community development to provide for:
 - i additional parks, walkways and cycleways needed as a result of additional household and/or visitor growth;
 - ii additional open space needed for visual relief or enhancement;
 - iii development and maintenance of neighbourhood parks and local open space to a level at which they are useable and enjoyable.

Explanation and Reasons

The use of contributions by way of land or cash at the time of subdivision or development will assist the Council in acquiring further reserves to improve the availability of these or to improve and maintain the quality and facilities of existing recreation and open space areas. These new or improved recreation areas and facilities will serve the people who will be housed or work in the new subdivisions or developments.

The basis for the reserve contribution is the additional, actual or potential demand anticipated for recreational and open space land consequent to subdivision and development - that is, its "effects" in terms of land use intensification. Contributions are not to be imposed as a tax on development, but can be in the form of land (where provision is practicable such as from larger "green field" sites) or cash.

Objective 6 – Avoidance of Natural Hazards

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

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.

Explanation and Reasons

There are areas within the District, which because of risk of natural hazards including flooding would be unsuitable for development, or require specific measures to be undertaken to overcome these hazards. The Council has an obligation under Section 106 of the 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 which may also create adverse environmental effects.

Objective 7 - Heritage Values

Subdivision which enhances or maintains heritage values

Policies

- 1 To avoid or mitigate loss of heritage values of heritage items or places or archaeological sites, resulting from subdivision.
- 2 To allow or create easements or consent notices in order to leave heritage items and archaeological sites undisturbed where possible.

- 3 To allow for a remission of any financial contribution in recognition of retaining the integrity of heritage items.

Explanation and Reasons

- The subdivision process can provide an opportunity to ensure heritage values are enhanced or maintained by creating potential development options. Where possible any adverse impact on heritage values should be avoided.

Anticipated Environmental Results

The objectives and policies are anticipated to result in the following outcomes:

- Safe, convenient access to and from subdivided allotments.
- Enhanced and extended patterns of vehicular, cycle and pedestrian linkages.
- Water supplies which are sufficient in volume to meet reasonable needs and of potable quality.
- Adequate disposal of stormwater, sewage and trade wastes.
- Retention and enhancement of natural drainage systems.
- Adequate provision for energy supplies and telecommunications.
- Cost effective provision of services for redevelopment and growth without additional financial burdens on District rate payers.
- Continued provision of esplanade reserves or strips in appropriate locations where enhancement of habitats and/or access can be achieved.
- Avoidance of potential risk to property and people from flooding, erosion or subsidence.
- Limited impact of septic tank disposal systems on groundwater quality.
- Sites of sufficient size to allow flexibility of house location within set back limits.

Methods of Implementation

The objectives and policies will be implemented through the following methods:

District Plan Rules

Rules in the Plan stating development standards for subdivision relating to and including:

- site suitability assessment;
- shape and dimension;
- effluent disposal;
- water supply;
- energy and telecommunications servicing;
- area and frontage requirements for each zone;
- access requirements and standards;
- financial contributions;
- reserve requirements or contributions;
- esplanade requirements;
- the subdivision of special allotments; and
- subdivisions including existing buildings or structures.

Conditions on subdivision consents

- All those matters listed above under “District Plan Rules”
- Consent Notices on new Lots created within the Downlands Water Supply Area will record that each landowners is responsible for the security of their water supply.

REASONS FOR RULES

Status of Subdivision Activities

- Because of the location and great variety of site characteristics of subdivision, both man-made and natural, it is not considered possible to predetermine what conditions may need to be applied to any subdivision. All subdivisions therefore are at least controlled activities. Failure to meet specific site or zone standards will require a discretionary or non-complying subdivision, respectively.

General Purpose of Subdivision Control

- As subdivision is often the basis for land development it is logical, in relation to the provision of services, that this provision be co-ordinated at the time of subdivision to avoid piecemeal provision of services upon individual properties being developed. Co-ordinated and standardised servicing of subdivisions ensures that the purchasers of sections and the community can expect and achieve an acceptable level of services and amenity and protection of the natural and physical resources. Rules for subdivision have as far as possible been written to address effects, not the type of tenure chosen.

Relationship with Code of Subdivision

- Engineering standards are set out in a separate code of subdivision of the Council. It is considered inappropriate and cumbersome to incorporate detailed standards in a document such as the District Plan. Generally the relationship with the subdivision rules is that compliance with the Code is deemed to be an acceptable (but not the only means) of compliance with the rules on provision of services within subdivisions.

Allotment Size

- The minimum area requirements for Residential Zones are addressed in the objectives and policies for these areas. In general, the lot size aims to maintain the character of previous development and enable a variety of complying development. However, in recognition that many sites are subdivided and built on simultaneously, and that therefore the siting of the buildings is finalised at the subdivision stage, the rules permit a reduction in minimum area where there is a building commitment and that building will comply with all relevant standards for the zone.
- A larger minimum area for unserviced lots will be required to enable sewage to be adequately collected and disposed on-site.
- A minimum allotment size has been set for the Rural area to ensure sewage disposal within sites is possible and to mitigate potential adverse effects of neighbouring activities on new allotments.
- No standards have been included for Business Zones nor for access, utilities, roads and reserves, to allow the assessment of any particular proposal in terms of the likely use of the land.
- The boundary adjustment provisions recognise that the effects of such alterations are minor provided no additional allotments are vested.
- Further subdivision of the hut settlements is not provided for due to a combination of several factors at each of these settlements; including significant risks from natural hazards, sewage disposal limitations, lack of public open space and desire to maintain their small-scale character, and a need to protect the natural character of their coastal, lakeside or riverside settings.

Allotment Dimensions

- Allotment dimensions are specified to ensure that, in residential areas in particular, allotments are of a shape that permits some flexibility in placing a complying building on-site at a later stage.

Subdivision Design

- The purpose of controls on subdivision design are to ensure that allotments are appropriately located in relation to each other and to available sunshine for energy conservation purposes, that walkways provided logical links with adjacent areas, that buildings are located where there is the minimum risk of damage from natural hazards, and that natural stormwater channels and wetland areas are used for the benefit of both residents and the natural values of the area.

Property Access

- The rules specifying widths for roads and the assessment matters regarding roads are to ensure that all new roads and property access are created with the capacity to provide access for residents of the area and link up with the adjoining road network safely and efficiently, avoiding congestion, and providing for on-street parking and pedestrian/cycle movement.
- The rules for private vehicular access are to ensure the accesses can adequately cater for likely anticipated volumes of traffic. Provision for turning areas and passing bays also relate to the likely number of users and have the purpose of avoiding hazardous and inconvenient reverse manoeuvres. Footpaths are required to promote pedestrian safety. Where more than 10 residential units is likely to be served a road is considered necessary to ensure safe and efficient vehicle movement.
- Corner roundings are required to facilitate pedestrian movement and safety. Naming of streets is provided to enable ready identification and efficient delivery of services to all properties including emergency services.
- Road upgrading costs have the purpose of ensuring that costs of providing roads of an acceptable standard is apportioned in accordance with the demands placed on those roads by development of subdivisions. Point strips can ensure that contributions to roading will be made in the future as required.
- Where new allotments adjoin State Highways minimum distances between access points onto the state highway and minimum sight distances are specified to enable good visibility to and from accesses. The location of accesses from intersections on state highways is controlled to ensure adequate spacing and sight distances are available for all vehicle movements such that the function of through roads is not impaired.

Water Supply

- To ensure that a safe and adequate supply of potable water is available, all allotments in or adjoining areas with Council reticulated water supplies will be required to connect to such supplies whenever water is available. Financial contributions towards water supply upgrading or the provision of new water supply infrastructure ensure that the costs of maintaining or extending water supplies of an acceptable standard are apportioned according to the demands placed on water supplies by new subdivisions. The assessment matters enable the consideration of the adequacy of water supply provision on any subdivision for reasons of public health, convenience and efficient use of supply infrastructure.

Stormwater Disposal

- The controls on the disposal of stormwater have the primary purpose of avoiding adverse effects of stormwater on adjacent land. Stormwater can also impact on the quality of surface water. In general these concerns are most relevant within settlement areas where the density of development can result in stormwater flowing onto adjacent land, or more rapid or contaminated run-off into natural watercourses. Financial contributions towards stormwater disposal system upgrading or the provision of new stormwater infrastructure, ensure that the costs of maintaining or upgrading stormwater systems to an acceptable standard are apportioned according to the demands placed on stormwater disposal by new subdivisions.

Sanitary Sewage Disposal

- The subdivision rules on sanitary sewage disposal complement the Canterbury Regional Council controls which have the purpose of protecting the quality of ground and surface water. In the settlement areas where Council reticulated disposal systems are available the subdivision rules require that all lots be provided with a means of disposal, being a minimum diameter piped outfall connection to the Council system. Financial contributions towards sewage disposal system upgrading or the provision of new sewage disposal infrastructure, ensure that the costs of maintaining or upgrading sewage systems to an acceptable standard are apportioned according to the demands placed on sewage disposal by new subdivisions.
- In the rural area and in unserviced residential areas minimum site areas are specified to ensure that, in general, lots are created which have the ability to dispose of sewage on site. This approach gives future purchasers the ability to put a dwelling, or other buildings or activities requiring ablution facilities onto the lot. A discharge permit

from the Regional Council may be required if the lot is less than 4 hectares.

Energy Supply and Telephone Systems

- The rules require that as a minimum all lots, other than in Rural Zones, have the ability to connect to an electric supply and telephone system at the boundary of the site. This requirement ensures that services expected by subsequent owners will be available. In addition, the adequacy of the standard of energy and telecommunications installations and their co-ordination can be ensured by conditions on the subdivision.

Trade Waste Disposal

- No standards for trade waste disposal are specified. However, the Council has the power to place conditions on subdivisions which set standards for such disposal to avoid contamination of ground or surface water and to maintain the efficiency and capacity of general sewage treatment and disposal systems of the District.

Vegetation and Landscape

- The purpose of rules requiring on-going conditions on subdivision preserving notable or significant trees or vegetation is to protect key natural or physical features within a proposed subdivision.

Hazards and Building Location

- The controlled activity provision enables the Council to place conditions on the need for works, the location of services, earthworks and the location of buildings, with the purpose of limiting likely damage from hazards such as erosion, flooding, landslip and unconsolidated fill. This provision is needed to enable the extent of hazards to be fully ascertained for each site at the time of subdivision as this information is not always available at the time the District Plan is prepared. Within areas of high flood risk or high risk of coastal erosion, the discretionary activity provision, enables the Council to assess the effect of the subdivision in increasing the amount of property at risk from natural hazards or in increasing the severity of the hazard.

Esplanade Provision

- The Act contains specific provisions which places an onus on the Council to make provision for esplanades. In addition, the subdivision rules in the Plan require esplanade strips or reserves to be created along specified lakes and rivers. This provision is to enable

the public to gain access to these areas for recreation and general enjoyment and also to assist in the protection of the natural character and values of these areas. The rules for the Rural Zones relating to riparian areas provide additional protection to the values of these areas and are considered by the Council to be the principal means of protecting natural conservation values along riparian margins in rural areas.

Provision for Open Space and Recreation

- The subdivision and development rules require a financial contribution to be made to the Council to provide for the open space and recreation requirements of the people who will live in the potential residential unit on each subdivided allotment in the residential areas. The purpose of these rules is to maintain or improve the availability and quality of open space and recreation areas within the District as subdivision occurs for residential purposes. The adverse effects of household growth which will be avoided by the taking of such contributions are:
 - a lack of local neighbourhood parks in new subdivisions
 - an inadequacy of local neighbourhood parks in areas with growing numbers of units/townhouses, where infill housing and redevelopment is taking place; and
 - lack of visual amenity from local and district parks in areas where new subdivision is occurring.
- Some contribution is also necessary to ensure that new open space areas can be developed to a useable state.
- All contributions to the Council are to be in cash and any land purchases for reserves negotiated with the Council, to ensure that any land set aside for open space and recreation is in accordance with the Council's policy for land acquisition.
- A contribution of 5% of the average value of the allotments in the subdivision, is equivalent to 30m² of land for the average residential allotment created in the District of 600m². This is the contribution considered necessary to provide for neighbourhood reserves and their development, for each household capable of accommodating 3 people. As some contributions will be in cash and some as negotiated land acquisition, a 5% contribution would give a mix of land for neighbourhood reserves and cash for development works or land purchase in areas where reserves cannot be acquired on subdivision.

Heritage Items

- The subdivision of land surrounding listed heritage items can significantly affect 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. The discretionary activity provision for such subdivision enables the Council to assess the effect of the subdivision on these features and values.

Financial Contributions From Developments

- The reasons for the rules relating to financial contributions from developments are the same as the reasons for the rules relating to financial contributions on subdivision activities, as though the building development was a subdivision activity.

RULES - SUBDIVISION AND DEVELOPMENT

1 GENERAL PROVISIONS APPLICABLE TO ALL SUBDIVISION ACTIVITIES

a Definition of Subdivision of Land

The definition of subdivision of land shall be as set out in Section 218 of the Resource Management Act 1991.

b Sections of the Act

All applications are subject to the requirements set out in the Act, with particular reference to Sections 106, 219, 220 and 230-237G.

c Code of Practice for Subdivisions

The Council makes reference to 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, relates to engineering requirements and is not a part of the District Plan.

d Legal Access

All allotments shall comply with Section 321, Local Government Act 1974.

Note: **Esplanade Reserves or Strips**

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

2 PERMITTED ACTIVITIES - SUBDIVISION

- a No subdivision shall be a **Permitted Activity**.

3 CONTROLLED ACTIVITIES - SUBDIVISION

- a Any subdivision which complies with all Zone and Site Subdivision Standards shall be a **Controlled Subdivision Activity** in respect of the following matters:

Allotment Size and Dimensions

- Allotment size and dimensions of subdivisions in the Business Zones
- Size and dimensions of allotments for access, utilities, reserves and roads.

Subdivision Design

- Relationship and orientation of allotments;
- The location of walkways and cycleways;
- The provision and/or use of natural stormwater channels and wetland areas.

Property Access

- The location, alignment and pattern of roading or service lanes;
- The location and provision of access to allotments for vehicles, cycles and pedestrians, other than as required by Rule 7 b;
- Any financial contributions to be made by the applicant, other than those required by Rule 7 b;
- Road reserves and provision for future subdivision on adjoining land;
- The standard of construction required for property access, other than as required by Rule 7 b;
- Street lighting;
- Naming of private vehicular access.

Hazards

- 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.
- Erosion

- Flooding and Inundation
- Landslip
- Rockfall
- Alluvion
- Avulsion
- Unconsolidated Fill
- Soil Contamination
- Subsidence

Water Supply

- The supply of water within the Waimate Urban reticulated water system other than as required by Rule 6b.
- Within the Waimate Urban reticulated water system, water supplies for fire fighting purposes.
- The standard of water supply infrastructure installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;
- Any financial contributions including connection fees required in respect of water supply, other than Capital Contributions;

Stormwater Disposal

- The capacity of existing and proposed stormwater infrastructure and disposal systems;
- 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 and sediments;
- The location, scale and construction of stormwater infrastructure;
- Any financial contributions including connection fees required in respect to stormwater disposal;

Sanitary Sewage Disposal

- The method of sewage disposal where a public reticulation and treatment system is not available;
- The capacity of, and impacts on, the existing reticulated sewage disposal system;
- The location and environmental effects of the proposed sanitary sewage system;

- Any financial contributions including connection fees that may be required in respect of sanitary sewage provision, other than Capital Contributions;
- The need to have all new residential subdivisions in the Waimate Urban Area connect to future reticulated sewage disposal systems.

Trade Waste Disposal

- Disposal of trade waste within Business Zones.

Energy Supply and Telecommunications

- The adequacy and standard of electrical utility installation
- The adequacy and standard of telecommunications installation;

Vegetation and Landscape

- The preservation of vegetation and landscape, and archaeological sites;

Easements

- The need to create easements for any purpose;

Building Location

- The location of buildings.

4 DISCRETIONARY ACTIVITIES - SUBDIVISION

- a Any subdivision which complies with all the Zone Subdivision Standards but does not comply with any one or more Site Subdivision Standards shall be a **Discretionary Activity**, in respect of the applicable matter.
- b Any subdivision, which occurs within 100m of the line of permanent vegetation along the coast, or within any area shown on the Planning Maps as "Flood Area", shall be a **Discretionary Activity**.
- c Any subdivision of any site within the Residential and Business Zones, which contains a Heritage Item listed in the

Heritage Items Schedule in Section 8 and shown on the Planning Maps, shall be, a **Discretionary Activity**.

5 NON-COMPLYING SUBDIVISION ACTIVITIES

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

6 ZONE SUBDIVISION STANDARDS

a Allotment Size

The minimum net allotment areas in Residential Zones where connection to reticulated sewerage disposal is available shall be 450m², except as provided for in i, ii and iii below.

(Refer Site Subdivision Standard 7a for Minimum Allotment Size in the Rural Zone and in those parts of the Residential Zone which are not serviced by a reticulated sewage disposal system.)

i Boundary Adjustments

Notwithstanding a above, where there are two or more separately saleable existing allotments, which have separate Certificates of Title, any adjustment of the boundaries shall be such that the resultant allotments are not less than the smallest that existed before subdivision. In Residential Zones the allotments shall be contiguous or separated only by a road.

ii Building Commitment

Notwithstanding a above, in the Residential Zones, where an allotment is to be created after the erection of a building, or where the subdivision and building consents are issued in conjunction, the respective minimum net allotment areas, are reduced to 360m², where public sewage reticulation and treatment is available, provided all relevant rules applicable within the zone are complied with by the building and/or resource consents obtained in relation to those rules that are not complied with.

Where the allotment is not being created after the erection of a building, a condition will be imposed on the subdivision consent and a Consent Notice pursuant to Section 221 registered against the Certificate of Title, to the effect that any building erected on the allotment shall be in accordance with the building consent issued at the time of the subdivision consent.

iii Access, Utilities, Roads and Reserves

Notwithstanding a above, there shall be no specified minimum allotment sizes in any zone for allotments for access, utilities, reserves, roads and scheduled activities.

b Water Supply

All new allotments in the Waimate Residential and Waimate Business zones other than allotments for access, roads utilities and reserves, shall be provided with a water supply laid to the road boundary of the net area of the allotment and connected to the Waimate Urban Water Supply when available.

c Sanitary Sewage Disposal

i All allotments within the Waimate Urban Area Residential Zones shall be connected to a public reticulated sewage disposal system where available.

Note: When any further reticulated sewage disposal system is installed all sewage disposal is to be connected to the system.

ii All allotments in the Waimate Residential and Business Zones, other than allotments for access, roads, utilities and reserves, shall be provided with a piped sewage outfall for disposing of sanitary sewage laid at least 600mm into the net area of the allotment.

d Energy Supply and Telephone Systems

All new allotments in the Residential and Business Zones, other than allotments for access, roads, utilities and reserves, shall be provided with connections to electric supply and telephone systems to the boundary of the net area of the allotment. Refer to Part 11 Utilities Rules for standards relating to lines.

e Preservation of Vegetation

i Any heritage or notable tree, or group of trees, listed in Heritage Items Schedule in Section 8, shall be preserved and a Consent Notice shall be registered requiring

continual preservation as an ongoing condition for approval to the allotment containing such trees.

7 SITE SUBDIVISION STANDARDS

a Allotment Size and Dimensions

- i Rural Zone - No allotment created by subdivision, including balance titles, shall have a net area less than **4 hectares** except:
 - Where an allotment contains a residential unit which existed at 31 December 1999 which unit has a means of effective treatment and disposal of sewage within the allotment, or
 - Where a Maori reservation or similar holding is created under the Te Ture Whenua Maori Act 1993, or
 - Where there are two or more separately saleable existing allotments, which have separate Certificates of Title, any adjustment of boundaries shall be such that the resultant allotments are not less than the smallest that existed before subdivision.
- ii Residential Zone - No allotment created by subdivision, including balance titles, within the Hakataramea, Morven, Glenavy, Makikihi and St Andrews Residential Zones, and within the Residential Zone in Waimate urban Area where public sewage treatment and reticulation is not available, shall have a net area less than 4 hectares except:
 - Where an allotment contains a residential unit which existed at 31 December 1999 which unit has a means of effective treatment and disposal of sewage within the allotment
- iii Residential Zone - The dimensions of allotments created by subdivision in Residential Zones shall be such that they can accommodate a rectangle of the minimum dimensions of 15 metres.
- iv Notwithstanding the 7a i, ii and iii there shall be no minimum allotment dimensions or frontage in any zone, for allotments for access, utilities, reserves and roads.

b Property Access

- i All allotments created by subdivision shall have legal access to a legal road.
- ii All new roads shall be laid out, constructed and vested in the Council, in accordance with the standards set out in the table below.

ROADING STANDARDS

Type of Road	Road Width (m)		Carriageway Width (m)		Kerb & Channel	Footpath(s)
	Min	Max	Min	Max		
All Rural Zone Roads	15	20	6.2	6.5	-	-
Arterial Roads	20	20	12	14	Both Sides	Both Sides
Collector Roads -Other Zones	20	20	11	12	Both Sides	Both Sides
Local Roads - Other Zones	16	20	8	9	Both Sides	Both Sides
Cul-de-sac (<100m long) - Other Zones	14	20	6	8	Both Sides	Both Sides

- iii The carriageway of all new roads laid out and vested in accordance with a above shall be formed and sealed.
- iv 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.
 - a) Cul-de-sac shall be constructed with turning heads of the following diameters measured kerb face to kerb face:
 - Residential Zones:
 - 13m where there is no provision for on-street parking;
 - 18m where there is provision for on-street parking.
 - Rural Zones: 18m.
- v 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 Residential Zone and at least 3m in a Business zone. The corner rounding or splay shall be vested in the Council.

- vi Where properties adjoin a state highway with a speed limit of at least 100km/h.
- the minimum space between successive accesses onto the state highway shall be 200 metres or more.
 - no vehicle access onto the state highway shall be constructed within 100 metres of a road intersection.
 - and where a side road is used for access, the access shall be at least 30 metres from the state highway boundary.
 - no vehicle access shall serve more than 4 allotments.
- For the purposes of this rule the measurement of the distance to an intersection shall be taken from the intersections of the centrelines of the two intersecting roads.
- vii In residential, business or other urban zone
- no vehicle access onto a state highway shall be within 15 metres of a road intersection.
 - any vehicle access shall be 15 metres from a state highway boundary where a side road is used for access.
- viii All private accesses shall be located so as to ensure continuous visibility up to the minimum sight distances in the following table are achieved.

MINIMUM SIGHT DISTANCE FROM ACCESS

Minimum Sight Distances (metres) **				
		Frontage Road Classification		
		Local	Collector	Arterial
Posted Speed Limit	* Operating Speed Limit			
50	60	55	65	115
60	70	85	85	140
70	80	105	105	175
80	90	130	130	210
100	120	230	230	330

Footnotes:

** Distances are based on the Approach Sight Distance and Safe Intersection Sight Distance tables in NAASRA, Intersections AT Grade (1) assuming Reaction Times on 1.5 seconds on local roads with operating speeds up to 60 km/h and 2.0 seconds for all other speeds and all collector and arterial roads.

* Speed limit based on operating speed being the stated speed limit plus 15%.

Distances are based on the approach sight distances specified in the Land Transport Safety Authority document “Guidelines for Visibility of Driveways”.

Sight distances shall be measured as set out in Appendix H.

- ix All private vehicular access to fee simple title allotments, cross leases, unit titles or leased premises shall be in accordance with the standards set out in the table below.

PRIVATE VEHICULAR ACCESS

Zone	Potential No of Lots	Length	Legal Width	Carriage-way Width	Turning Area	Passing Bay	Footpaths
Residential	0-2	Over 50	3.5	3.0	Required	Optional	Optional
Residential	3-6	0-50	4	3.5	Required	Required	Optional
Residential	3-6	Over 50	4.5	4.0	Required	Required	Required
Rural	Any	All	5.0	4.0	Optional	Optional	Optional
	No.	Lengths					
All Other	Any	All	6.0	4.0	Required	Optional	Optional
Zones	No.	Lengths					

Minimum height clearance for private vehicular access shall be 3.5m.

- x All vehicular crossings/accesses
 - a) onto a State Highway used for private access purposes shall be designed and constructed in accordance with Appendix H - Private Access Standards.
 - b) onto State Highway 82 south of Waihao Back Road used for retail purposes shall, where vehicle trips exceed 60 vehicles per day, be designed and constructed in accordance with Appendix H - Commercial Access. For the purposes of determining the number of vehicle trips per day, the following shall apply:
 - trips shall be averaged over a month
 - one heavy vehicle trip shall be equivalent to 6 vehicle trips.
 - c) onto a sealed road, other than a State Highway, shall be formed to an all weather standard with the first 5.5m of the access (as measured from the carriageway) or the full berm width of the adjoining road, which ever is the greater, being

- formed and sealed or paved to ensure that material such as mud, stone chips or gravel is not carried on to the sealed road.
- d) for 10 or less residential units or activities which generate fewer than 100 “normal” car traffic movements per day, shall have standard vehicle culverts and crossings to carry car traffic.
 - e) for drive-in accesses and other activities shall have heavy duty vehicle culverts and crossings shall be constructed to carry all types of road traffic.
 - f) in any other case vehicle crossings/accesses shall be constructed pursuant to Council standards, from the roadway to the road or service lane boundary of the site.
 - g) all vehicular crossings/accesses shall be at the owners expense.
- xi Land described as Sections 3, 4, 5, 93, 104 and Part Section 105, Reserve 1644 Lot 1 DP 5664, Lot 1 DP 43398 and RS 41445 Blk XIV Waitaki SD located in the Glenavy township, regardless of proposed section size, shall not be subdivided for any use where land use is solely dependent on direct access to and from State Highway 1. Access to such land shall be from local roads and where appropriate, an internal roadway network to serve each lot will be required.
 - xii 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.
 - xiii 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.
 - xiv Where any new lot abuts a State Highway, alternative access to any other road shall be used, unless it is impracticable for physical or traffic management reasons.

c Esplanade Provision

- i Except as provided for in 7c ii below, in Rural zones an esplanade strip of up to 20 metres shall be created along the river bank in accordance with Section 232 of the Act whenever any subdivision occurs of areas adjacent or adjoining the following rivers:
 - a) Hakataramea River (both sides)
 - b) Pareora River (south side) from the Dam to Holme Station Road
 - c) Wainono Lagoon
 - d) The Dead Arm
 - e) North Branch Waihao River
 - f) South Branch Waihao River
 - g) Stoney Creek
 - h) Waihao River from Waihao Forks to the Coast
 - i) Waikakahi Stream
 - j) The Coast
- ii Notwithstanding i, above, where a subdivision is:
 - a) for a minor adjustment to an existing cross-lease or unit title due to the increase in the size of the allotment by alterations to the building outline or the addition of accessory buildings;
 - b) for a minor adjustment to an allotment involving an alteration of no more than 10% of the allotment area; or
 - c) solely due to land being acquired or created for a road designation, public utility or reserve;no esplanade strip shall be required when a subdivision occurs of areas marked on the Planning Maps as "Proposed Esplanade Strip".
- iii Except as provided for in 7c i above the Council may require an esplanade strip or reserve of up to 20 metres to be created in accordance with Section 232 of the Act where an allotment of 4ha or more is subdivided along the mark of mean high water springs of the sea and along the bank of any river or along the margin of any lake. In considering such a strip the Council shall take into account the purposes of esplanade strips and reserves contained in Section 229 of the Act.
- iv Section 230(3) of the Act which provides for the vesting of esplanade reserves 20 metres in width along mean high water springs of the sea and along the bank of any river or along the margin of a lake shall apply only to the following extent:

- It shall only apply within the Rural Zone
- The esplanade provision shall be by way of esplanade strip only.

d Water Supply

- i Where a proposed subdivision is located within the Waimate Urban Water Supply Nominated Extension area and the new allotment(s) are other than for access, roads, utilities and reserves, the applicant shall pay to the Council a capital contribution and connection charges in the standard amount determined for each new allotment. The amount of the capital contribution and connection charges shall be determined by a resolution of Council and shall remain in force until such time as it is amended or deleted by resolution of Council. The capital contribution shall be a share of the total capital required to develop the whole of the water supply infrastructure as necessary for the extension required.

Note: No Waimate Urban Water Supply Nominated Extension areas currently exist. Any such areas shall be included in the District Plan by Plan Change.

The Downlands Water Supply Scheme currently has a capital contribution payable for all new connections and/or all additional water required.

e Sanitary Sewage Disposal

- i Where a proposed subdivision is located within the Waimate Urban Sewerage System Nominated Extension area and the new allotment(s) are other than for access, roads, utilities and reserves, the applicant shall pay to the Council a capital contribution and connection charges in the standard amount determined for each new allotment. The amount of the capital contribution and connection charges shall be determined by a resolution of Council and shall remain in force until such time as it is amended or deleted by resolution of Council. The capital contribution shall be a share of the total capital required to develop the whole of the water supply infrastructure as necessary for the extension required.

Note: No Waimate Urban Sewerage System Nominated Extension Areas currently exist. Any such areas will be included in the District Plan by Plan Change.

f Provision of Land for Open Space and Recreation

Rate of Contribution - Residential Purposes

Where any subdivision creates separately saleable, additional allotments in the Residential Zones, a cash contribution shall be made to the Council towards the provision and maintenance of land and facilities for open space and recreation, based on the following rates:

- i Vacant allotments, including vacant parts of allotments for cross-leases and unit titles: and
- ii Allotments created after the erection of a household unit, or where the subdivision and building consent for the household unit are issued in conjunction with one another:

5% of the average value of the allotments in the subdivision, excluding the area of allotments for roads, utilities, reserves, access and similar purposes.

All contributions shall be to the Council in cash, unless negotiated land purchases are made in conjunction with the subdivision.

Method of Calculation:

- a) All existing allotments, including those already created for cross-lease or unit titles, which when created (either pursuant to a resource consent or consent pursuant to previous legislation) complied with the minimum standards for their respective zone or the standards contained in this Plan, at the date of public notification of this Plan, shall be deemed to have a credit of 5% of the cash value of their allotment area.
- b) The credit for existing allotments, including those already created for cross-lease or unit title, shall be deducted from the assessment made in accordance with the rates specified above.

Where, within the preceding 10 years:

- a subdivision of land creating the allotment(s) has made provision for land for open space and/or conservation in excess of a previous contribution assessment; or

- building(s) erected on the allotment(s) have paid a financial contribution towards the provision of land for land for open space and recreation:

the excess contribution or the financial contribution from the building development shall be assessed as a credit and deducted from the value of the subdivision contribution.

Note: Refer Clause 10 for Financial Contributions from Development Rules.

8 RESOURCE CONSENTS - 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 or matters:

a Allotment size - Rural Zones, Residential Zones (St Andrews, Makikihi, Glenavy, Morven and Hakataramea only)

- i Whether the allotment is of a sufficient size to provide for disposal of sewage by an on site field system.
- ii The operational efficiency, and maintenance and legal implications, of having part of a field disposal system for sewage beyond the allotment.
- iii Any commitment to an on-site sewage disposal system, other than a field disposal system, that would provide future owners with an effective long term system of sewage treatment and disposal.
- iv Potential impacts of neighbouring landuses on the proposed subdivision.
- v Loss of rural character and amenity.
- vi Adverse effects on values natural landscape features.
- vii Adverse effects on efficiency and functioning of roading services.
- viii Impact on maintenance of roading and services.
- ix Reduce the life supporting capacity of the soil.

b Allotment Size and Dimensions - Business Zones, Access, Utilities and Roading

There are no specified minimum allotment sizes or dimensions in the Business Zones or for allotments for access, utilities, reserves and roads. Subdivision in the Business Zones and for these purposes is a Controlled Activity in respect of allotment

size and dimensions and is subject to the following assessment matters:

- i Whether the allotment is of sufficient area and dimensions to effectively fulfil the intended purpose or land use, having regard to the rules for the relevant zone;
- ii Whether the proposed allotment sizes and dimensions are sufficient for operational and maintenance requirements;
- iii The relationship of the proposed allotments and their compatibility with the pattern of the adjoining subdivision and land use activities, and access arrangements.

c Subdivision Design

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

d Property Access

- i 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 allotments being created, and whether there is any need to widen and/or upgrade the frontage road.
- ii 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 7 b i above and/or where road widening is required; whether the land uses that will be established on the proposed allotments will increase the use of that road(s) to the extent that forming or upgrading the existing road(s) is required and, therefore, whether there is any need for the applicant to pay to the Council a financial contribution towards the forming or upgrading of the road(s). Such financial contribution shall not exceed the extent to which the road(s) serves or is intended to serve the subdivision and, where the road(s) is/are

adjacent to the subdivision, shall not exceed half the cost of the formation or upgrading works. The maximum cost of providing carriageway formation and widening, berm formation, footpaths, kerb and channel, as the case may be, shall be assessed in accordance with the following formula:

Carriageway - unformed to metalled	\$10 per m ²
- unformed to sealed	\$12 per m ²
- metalled to sealed	\$10 per m ²

Kerb and Channel - \$50 per linear metre.

Footpath - \$20 per linear metre at 1.5m wide

Berm - \$20 per linear metre at 2.7m wide

inclusive of 12.5% GST.

These costs shall be adjusted annually on 30 June of each financial year, in accordance with the Construction Price Index beginning on 30 June 1995.

- iii Where any proposed subdivision in any zone has frontage to any existing road(s) that has/have been formed or upgraded by the Council or other landowner within the previous 10 years, using financial contributions from an adjoining landowner paid to the Council; 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 or other landowner in forming or upgrading the frontage road(s). Such financial contribution shall not exceed the amounts specified in ii above.
- iv Any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties;
- v 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.
- vi The provisions of the Council's Code of Practice for Subdivision;
- vii The application of the requirements of Section 321, Local Government Act, 1974, to any subdivided allotment;

- viii The need for and practicality of providing vehicular access to all allotments, and the practicality of providing elsewhere for vehicles.
- ix 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;
- x The need to provide cycleways or pedestrian access in circumstances where the roading network does not supply sufficient or direct routes through the locality;
- xi The degree to which proposed new roads make adequate provision for vehicle movements, car-parking and property access;
- xii 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;
- xiii 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.
- xiv 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;
- xv The need for construction standards and on-going maintenance for private vehicular access, including access to individual allotments, whilst ensuring that access is practical, convenient and safe.
- xvi Whether vehicular crossings/accesses comply with the design guidelines as specified in “Appendix H - Commercial Access Guidelines” and “Appendix H - Rural Service Stations and Truck Stop Guidelines”.
- xvii 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.

- xviii The need to provide distinctive names for private vehicular accesses. The name to be agreed to by the Council.
- xix The need for and extent of any financial contribution to achieve the above matters.

e Esplanade Provision

- i The purposes for the creation of esplanade reserves or strips set out in Section 229 of the Act, and the provisions of Section 6 of the Act;
- ii The appropriateness of creating an esplanade reserve or strip in relation to security or public safety concerns;
- iii The inappropriateness of 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;
- iv 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.
- v The extent of the public's ability to obtain access to and along the margin of the water body.
- vi The extent that recreational use will be assisted or hindered.
- vii The compatibility of the proposed reserve or strip with physical characteristics of the land.
- viii The extent to which the natural character and visual quality of the area will be preserved.
- ix The extent to which natural hazards will be mitigated.
- x The extent to which the purpose of the reserve of strip could be achieved through some other means such as conservation covenants or consent notices.

f Hazards

- i Any information held on the Council's Hazard registers;
- ii Information obtained by suitably qualified experts, whose investigations are supplied for subdivision applications;

- iii The applicant's 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;
- iv Potential adverse effects on other land that may be caused by the subdivision or anticipated land use activities;
- v In relation to inundation from any source:
 - a) The effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining land;
 - b) The erection of stopbanks and their environmental effects;
 - c) Any proposed boundary drainage to protect surrounding properties;
 - d) The adequacy of existing outfalls and any need for upgrading;
 - e) Any need for retention basins to regulate the rate and volume of surface run-off;
 - f) The need or merit of flood hazard mitigation by raising floor levels.
- vi 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 allotment's Certificate of Title.
- vii 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.
- viii In relation to a contaminated site, any soil tests, establishing suitability, and methods to avoid mitigate or remedy the effects, including removal to approved disposal points;
- ix In relation to land filling and excavation operations, the following factors:
 - a) The effects on surrounding properties;
 - b) The natural pattern of surface drainage;
 - c) The type of and placement of fill material;
 - d) Mitigation, or avoidance, of adverse effects caused by dust or siltation affecting neighbouring properties;
 - e) Remedies necessary during emergencies;

- x The likelihood of the proposed subdivision, including the establishment of potential assets such as residential units, being threatened by inundation, coastal erosion or other natural hazards.
- xi 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.

g Water Supply

- i The suitability of the proposed water supply for fire fighting purposes; (The Council may obtain a report from the Chief Fire Officer).
- ii 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;
- iii 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.
- iv Whether it may be necessary to provide new reservoirs, pumping stations and rising mains, or increasing pipe sizes leading to the subdivision in existing streets, or providing new headworks and new pumping units;
- v 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;
- vi Where any proposed subdivision in any zone is to be connected to a water supply system that has been constructed or upgraded by the Council within the previous 5 years, using financial contributions from an adjoining landowner paid to the Council in accordance with these subdivision rules; 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 constructing or upgrading the water supply system. Such financial contribution shall not exceed the extent to which the water supply system serves or is intended to serve the subdivision.

- vii The need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility.

Note: The Downlands Water Supply Scheme currently has a capital contribution payable for all new connections and/or all additional water required.

h Stormwater Disposal

- i The provisions of the Council's Code of Practice for Subdivision;
- ii The adequacy of any proposed means of disposing of collected stormwater from the roofs of all buildings and impermeable surfaces.
- iii The adequacy of any proposed means for screening out litter, the capture of chemical spillages, the containment of contamination from roads and paved areas and of siltation;
- iv 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;
- v 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.
- vi 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.
- vii Where an existing outfall is not capable of accepting increased run-off, the adequacy of proposals and solutions for disposing of run-off;
- viii Any necessity to provide on-site retention basins 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;
- ix Any adverse effects of the proposed subdivision on drainage on, or from, adjoining properties and mitigation measures proposed to control any adverse affects;
 - x 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;
 - xi Where it is not possible to dispose of stormwater by way of gravity pipelines, due to topography, the adequacy of alternative pumping systems;
 - xii 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;
 - xiii The need for and extent of any financial contribution to achieve the above matters.
 - xiv Where any proposed subdivision in any zone is to be connected to a stormwater disposal system that has been constructed or upgraded by the Council within the previous 5 years, using financial contributions from an adjoining landowner paid to the Council in accordance with these subdivision rules; 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 constructing or upgrading the stormwater disposal system. Such financial contribution shall not exceed the extent to which the stormwater disposal system serves or is intended to serve the subdivision.
 - xv 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.

i Sanitary Sewage Disposal

- i The capacity, availability, and accessibility of the reticulated system to serve the proposed subdivision;
- ii 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.
- iii The installation of all new reticulation, and the provisions of the Code of Practice;
- iv 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, complete pressure, or vacuum systems.
- v The relevance of any existing cost sharing scheme and whether the proposed reticulation will benefit other property owners;
- vi 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 Canterbury Regional Council;
- vii Where a reticulated system is not immediately available but is likely to be in the near future, the appropriateness of temporary systems;
- viii 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;
- ix The extent of the Headworks Contribution, taking account of the likely sewage disposal from the subdivision and the potential land use activities that could be permitted on the land;
- x The need for and extent of any financial contribution to achieve the above matters;
- xi Where any proposed subdivision in any zone is to be connected to a sanitary sewage disposal system that has been constructed or upgraded by the Council within the previous 5 years, using financial contributions from an

adjoining landowner paid to the Council in accordance with the subdivision rules; 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 constructing or upgrading the sanitary sewage disposal system. Such financial contribution shall not exceed the extent to which the sanitary sewage disposal system serves or is intended to serve the subdivision.

- xii 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 Trade Waste Disposal

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

k Energy Supply and Telecommunication

- i Where the subdivision involves construction of new roads or formed rights of way, the installation of an extended reticulation system (at the subdividers responsibility) having regard to the Code of Practice and the networks operators requirements;
- ii The adequacy of the proposed reticulated system to be installed by the subdivider;
- iii The need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility.
- iv The proximity and layout of the subdivision in relation to existing or proposed transmission lines which have a voltage at/or exceeding 110KV and a capacity at/or exceeding 100MVA.

Refer to Section 11 Utilities Rules for standards relating to lines.

I Land for Open Space and Recreation

- i 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.
- ii 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 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.
- iii Whether the intended land use of the allotments being created is for the housing of the elderly, and whether a reduction in the contribution assessment is, therefore, reasonable.
- iv 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.
- v 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.

m Vegetation Protection

- i Whether any landscape features or vegetation on the site are of a sufficient amenity value that they should be retained;
- ii Whether a local purpose reserve should be set aside and vested in the Council to preserve any natural feature, vegetation or conservation value on the site;
- iii 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.

n Easements

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

o Building Location

- i The local ground conditions or the situation applying to the allotment and the suitability of the site of the building.
- ii Whether or not an allotment should be restricted from development on parts of the site.
- iii 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.

p Heritage Items

- i 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.
- ii Any ability by the applicant to retain the essential character of the site of the heritage item.
- iii 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.
- iv Any incentives available to retain the site of the heritage item.
- v Impact on any archaeological site.

9 FINANCIAL CONTRIBUTIONS FROM DEVELOPMENT RULES

a Application of Rules to Zones

The rules apply in all zones unless otherwise stated.

b Activities

- i Any Residential Activity which complies with all of the following Site Standards shall be a Permitted Activity.
- ii Any Residential Activity, Commercial, Industrial, Service, Recreational, Community, Visitor Accommodation or Utility (other than network utility operations) which does not comply with any one or more of the following Site Standards shall be a Discretionary Activity in respect of that matter.
- iii Industrial, Service, Commercial, Recreational or Community Activities or Visitor Accommodation shall, where the following Site Standards specify, be Controlled Activities in respect of financial contributions.

c Site Standards

Site Standards for Residential, Industrial, Service, Commercial, Recreational, Community, Visitor Accommodation or Utility Activities (Other Than Network Utility Operations)

- i Where the assessed value of any development as defined in 10c ib below, that is solely for residential, commercial, industrial, recreational, community, visitor accommodation or utility purposes (other than network utility operations) or any combination of these, exceeding \$1 million the Council shall require, whether in conjunction with a subdivision consent or not, the following financial contributions shall be made to the Council;
 - a) A cash contribution towards the provision and maintenance of land and/or facilities for open space and recreation, assessed in accordance with Rule 7 f above, as if the development was an allotment in a subdivision. Where the applicant and the Council agree to part of the property being vested in the Council as land for open space and recreation, the value of such land shall be taken into account when the cash contribution above is assessed.

- b) For the purposes of this rule a "development" means constructing, erecting or altering any one or more buildings, fixed plant and machinery or other works and shall include:
- the draining, excavation, filling or reclamation of land;
 - the grading or levelling of land;
 - the removal or destruction of vegetation relating to any such construction, erection or alteration.

Where it is proposed to construct, erect, or alter one or more buildings, fixed plant and machinery, or other works in stages and the total proposed construction, erection, or alteration would, if carried out otherwise than in stages, constitute a development as defined in the foregoing provisions of this definition, the total construction, erection, or alteration shall constitute one development for the purposes of this Rule.

- ii Where the activity is being undertaken in conjunction with a subdivision, the above financial contributions shall be assessed as part of, and not in addition to, the subdivision consent requirements.
- iii Where, within the preceding 10 years, a financial contribution for any one or more of the above purposes, has been made to the Council, on the subdivision of land, that contribution shall be assessed as a credit and deducted from the value of the relevant contribution above.
- iv All respective financial contributions shall be paid to the Council at the time of the issue of the building consent, except where application for subdivision consent is made in conjunction with the undertaking of the residential activity. In such cases, the subdivision consent will specify when the payment shall be made.

d Site Standards for Industrial, Service, Commercial, Recreational and Community Activities and Visitor Accommodation

Any industrial, service, commercial, recreational or community activities or visitor accommodation, which:

- i requires a connection to a Council reticulated water supply system with a pipeline larger than 25mm diameter shall be a Controlled Activity in respect of financial contributions towards water supply headworks and water supply systems; or
- ii will discharge stormwater to a Council reticulated stormwater system from the site which exceeds the co-efficient of discharge that existed on the site prior to the establishment or operation of the activity, shall be a Controlled Activity in respect of financial contributions towards stormwater disposal systems; or
- iii requires a connection to a Council reticulated sewerage system for the discharge of sewage from other than staff ablution or staff kitchen facilities, shall be a Controlled Activity in respect of financial contributions towards sanitary sewage systems; or
- iv has access to a road which is not formed to the standards specified in Rule 7 b shall be a Controlled Activity in respect of financial contributions towards road widening, construction and/or formation.
- v is located on a site which adjoins a lake or river to which Section 230(4) applies, shall be a Controlled Activity in respect of esplanade provisions.

10 RESOURCE CONSENTS - ASSESSMENT MATTERS

a General

- i The matters contained in Sections 104 and 105 and Part II of the Act apply to the consideration of resource consents for land use activities.
- ii In addition, the Council shall also apply the relevant Assessment Matters set out in Clause 12 ii b below.
- iii In the case of Controlled Activities, and activities which are Discretionary activities involving limited discretion the assessment matters taken into account shall only be those relevant to that standard.
- iv In the case of Controlled Activities, the assessment matters shall only apply in respect to conditions that may be imposed on a consent.

b 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:

- i Residential Activities - Discretionary Activities
In considering any application relating to financial contributions from residential activities the Council shall have regard to the respective assessment matters for financial contributions on subdivision activity applications, as though the application for a residential building development was for a subdivision activity.
- ii Industrial, Service, Commercial, Recreation and Community Activities and Visitor Accommodation - Controlled Activities
 - a) Any need for a financial contribution towards property access assessed in accordance with the Assessment Matters in Rule 8b Property Access above, as if the activity was a subdivision.
 - b) Where the site of the activity is located within a nominated area, any need for a capital services contribution towards a water supply system, a stormwater disposal system and/or a sanitary sewage system, assessed in accordance with Rules 7 d and e and 3 a and any need for a financial contribution towards water supply, stormwater disposal and sanitary sewage disposal assessed in accordance with the Assessment Matters in Rule 8 b Water Supply, Stormwater Disposal and Sanitary Sewage Disposal above, as if the activity was a subdivision.

Note: No nominated areas have been identified by the Council at this stage. Any such area shall be included in the District Plan by Plan Change.

The Downlands Water Supply Scheme currently has a capital contribution payable for all new connections and/or all additional required.
 - c) Where the site of the activity is located adjoining a river or lake to which Section 230(4) applies, the need for a contribution towards esplanade reserves, assessed in accordance with Rule 3a and the Assessment Matters in Rule 8b

Esplanade Provision above, as if the activity was a subdivision.

- d) The respective assessment matters for financial contributions on subdivision activities relating to property access, water supply headworks and systems, stormwater disposal systems and sanitary sewage disposal systems, as though the application was for a subdivision activity.