

# SUBDIVISION

Subdivision is a procedural and legal process whereby legally identifiable parcels of land can be created, and includes the sale or lease of any area of land or a part of a building for a period of twenty years or longer. Typically subdivision occurs to facilitate a use of land, to rationalise existing land uses, or for speculation purposes.

It could be argued that subdivision does not affect the land itself and as a result it does not create any environmental effects. Using this argument, subdivision itself should not be managed, but the resulting land use.

This argument has a weakness as it does not consider the community's expectations that if a parcel of land is created it is suitable for an allowable land use. The sale and purchase of land is generally based upon this assumption. Further, to rely on this argument would result in the Council being forced to react to individual situations of allotments being unsuitable for acceptable land uses rather than proactively avoiding undesirable potential future environmental effects and promoting sustainable management.

Therefore, in this Plan it is accepted that there is a link between allotments created and potential future effects from land uses. Accordingly the Plan adopts an approach that seeks to avoid, remedy and mitigate potential adverse effects which may be created due to inappropriate subdivision and subsequent land use by controlling the subdivision process.

It is also recognised that the Act does not differentiate between different types of land tenure resulting from different subdivision processes (ie fee simple, unit titles, cross leases, company leases, and leases of land or buildings for more than 20 years). In recognition of the difficulty in differentiating between the effects of different tenures this Plan will adopt the approach of the Act.

## **SU 1.0 ISSUE**

- (a) **Subdivision resulting in community expectations of the establishment of unsustainable land uses resulting in potential adverse environmental effects.**

## **SU 1.1 OUTCOME**

- (a) **Subdivision facilitating the establishment and continuance of land uses provided for in this Plan.**

## **SU 1.2 OBJECTIVE**

- (a) **Subdivision of land promoting the integrated management of the effects of the use, development and protection of the natural and physical resources of the District.**

## **SU 1.3 POLICIES**

- (a) **To require that each allotment created is suitable for a permitted activity or an activity that has been provided for by the granting of a resource consent.**
- (b) **To require all subdivisions to avoid, remedy or mitigate the risk of natural hazards, including the management of stormwater in a way that avoids, remedies or mitigates the risk of surface flooding.**

- (c) To require that all sites created by subdivision be capable of being adequately serviced with respect to sewage disposal.
- (d) To require potential adverse effects of a subdivision to be avoided, remedied or mitigated.
- (e) To use the standards set out in NZS 4404:1981 “Code of Practice for urban land subdivision” as a guide for all urban subdivision engineering requirements.
- (f) To prevent the unplanned sprawl of urban areas caused by the creation of lots unsuitable for rural purposes on the fringes of urban zones. In applying this policy the following matters will be had regard to:
  - (i) the size, shape and topography of the allotments
  - (ii) the intended use of each allotment created
  - (iii) the number and size of the other allotments in the surrounding area
  - (iv) the cumulative effects of the proposal
  - (v) any potential conflict between the effects of rural activities and the amenity values and environmental quality requirements of the likely use of the proposed allotments.
- (g) To avoid subdivision that will promote sporadic, fragmented and/or ribbon development in the vicinity of State Highway 47.
- (h) To restrict the development in the Urban Settlement Zone by preventing subdivision that potentially creates new development opportunities.
- (i) To treat subdivisions creating different types of land tenure the same.

#### **Explanation of Policies**

These policies seek to further the achievement of the integrated management of the use, development and protection of the natural and physical resources of the District. The policies integrate the subdivision of land with the potential land use. They seek to ensure that any site created can be potentially utilised for activities that are in accordance with the Plan.

Subdivision for non-rural purposes in the vicinity of State Highway 47 and Urban Zones is sought to be avoided for the reasons set out in the Rural and Urban Zones.

With respect to subdivision in the Urban Settlement Zone, the policy reflects the intent of the Urban Settlement Zone.

The policies also recognise that the effects of different forms of land tenure on the natural and physical resources are not able to be differentiated.

## **SU 2.0 RULES**

### **SU 2.1 RURAL**

#### **SU 2.1.1 PERMITTED ACTIVITIES**

- (a) Boundary Adjustments
- (b) Internal subdivision of buildings.

#### **SU 2.1.2 DISCRETIONARY ACTIVITIES**

- (a) Subdivision for any Special Activity listed in Rule SA 3.8 within the Rural Zone.

- (b) Any subdivision within the Rural Zone that is not a permitted activity specified in Rule SU 2.1.1 or a non-complying activity specified in Rule SU 2.1.3.

**SU 2.1.3 NON-COMPLYING ACTIVITIES**

- (a) Any discretionary activity specified in Rule SU 2.1.2 that does not meet the relevant standards and terms.
- (b) Subdivision within the Rural Zone for the purpose of providing for activities other than rural activity and that is within the Urban Periphery or within 1,000 metres of State Highway 47.

**SU 2.1.4 CONDITIONS FOR PERMITTED ACTIVITIES**

**For Boundary Adjustments and Internal Subdivision of Buildings, compliance with the following conditions is required for the activity to be a permitted activity:**

- (a) A subdivision shall not increase the non-compliance with the rules of this Plan.
- (b) All buildings subject to internal subdivision shall have been legally established.
- (c) Any necessary easements for the protection of telecommunications services shall be provided where they cross any right of way or access lot. All such easements shall be in favour of the telecommunications provider.

**SU 2.1.5 STANDARDS AND TERMS FOR DISCRETIONARY ACTIVITIES**

**For Discretionary Activities, being any subdivision within the Rural Zone that is not a permitted, or non-complying activity compliance with the following standards and terms is required for an activity to be a Discretionary Activity:**

- (1) Appropriateness
  - (a) All sites shall be a minimum of 1.0 hectare in area unless the purpose of the site is to accommodate a utility.
  - (b) All sites shall have a minimum of one access that is both legal and practicable.  
  
In this context “practicable” means that under its own power and in a forward gear a medium sized two wheel drive family car shall be able to access the site.
  - (c) Any necessary easements for the protection of telecommunications services shall be provided where they cross any right of way or access lot. All such easements shall be in favour of the telecommunications provider.

**SU 2.2 RESIDENTIAL HIGH**

**SU 2.2.1 PERMITTED ACTIVITIES**

- (a) Boundary adjustments
- (b) Internal subdivision of buildings

**SU 2.2.2 CONTROLLED ACTIVITIES**

- (a) Any subdivision within the Residential High Zone that is not a permitted activity specified in Rule SU 2.2.1 or a discretionary activity specified in Rule SU 2.2.3.

### **SU 2.2.3 DISCRETIONARY ACTIVITIES**

- (a) Any permitted activity specified in Rule SU 2.2.1 which cannot meet all the relevant conditions for permitted activities.
- (b) Any controlled activity specified in Rule SU 2.2.2 which cannot meet all the relevant standards and terms for controlled activities.

### **SU 2.2.4 CONDITIONS FOR PERMITTED ACTIVITIES**

**For Boundary Adjustments and Internal Subdivision of Buildings, compliance with the following conditions is required for the activity to be a permitted activity:**

- (a) A subdivision shall not increase the non-compliance with the rules of this Plan.
- (b) All buildings subject to internal subdivision shall have been legally established
- (c) Any necessary easements for the protection of telecommunications services shall be provided where they cross any right of way or access lot. All such easements shall be in favour of the telecommunications provider.

### **SU 2.2.5 STANDARDS AND TERMS FOR CONTROLLED ACTIVITIES**

**For Subdivision, compliance with the following standards and terms is required for the activity to be a controlled activity:**

- (1) Size  
No site shall be less than 250m<sup>2</sup> in net site area unless the purpose of the site is to accommodate a utility.
- (2) Shape  
Each site shall be of a shape that can accommodate a 10.0 metre diameter circle unless the purpose of the site is to accommodate a utility.
- (3) Topography  
Each site shall be capable of having a dwelling unit erected on it complying with the rules of this Plan, except where the site is for a utility or to provide access.
- (4) Transportation  
All sites shall have a minimum of one access that is both legal and practicable. For this purpose, access to and from State Highway 4 between the intersection of Bell Road with State Highway 4 and State Highway 41, Taumarunui, and to State Highway 4 in National Park Township, and to State Highway 49 in Ohakune shall not constitute legal and practicable access.  
  
In this context “practicable” means that under its own power and in a forward gear a medium sized two wheel drive family car shall be able to access the site and that the access shall conform with Rule TR 3.5 in terms of both legal width and formation width.
- (5) Servicing  
All sites shall have a reticulated sewerage and stormwater system contiguous, or passing through the site, that can be connected with to provide sewerage and stormwater services to the site.

Any necessary easements for the protection of telecommunications services shall be provided where they cross any right of way or access lot. All such easements shall be in favour of the telecommunications provider.

#### **SU 2.2.6 ASSESSMENT OF CONTROLLED ACTIVITIES**

**The Council has reserved control over the following matters when assessing a subdivision application for a Controlled Activity:**

- (a) Engineering design (the Council will refer to NZS4404:1981 and any amendments for guidance).
- (b) Financial contributions
- (c) Esplanade reserves/strips/access strips
- (d) Riparian Management and Public Access
- (e) Hazardous Substances
- (f) Natural Hazards
- (g) Utilities
- (h) Transportation
- (i) Amalgamation of land
- (j) Provision of easements
- (k) Compliance with other aspects of the Plan
- (l) Protection of amenity features
- (m) Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna

#### **SU 2.2.7 PUBLIC NOTIFICATION OF APPLICATIONS FOR CONTROLLED ACTIVITIES**

The written approval of affected persons is not required therefore the application need not be notified.

### **SU 2.3 RESIDENTIAL MEDIUM**

#### **SU 2.3.1 PERMITTED ACTIVITIES**

- (a) Boundary adjustments
- (b) Internal subdivision of buildings

#### **SU 2.3.2 CONTROLLED ACTIVITIES**

- (a) Any subdivision within the Residential Medium Zone that is not a permitted activity specified in Rule SU 2.3.1 or a discretionary activity specified in Rule SU 2.3.3.

#### **SU 2.3.3 DISCRETIONARY ACTIVITIES**

- (a) Any permitted activity specified in Rule SU 2.3.1 which cannot meet all the relevant conditions for permitted activities.
- (b) Any controlled activity specified in Rule SU 2.3.2 which cannot meet all the relevant standards and terms for controlled activities.

#### **SU 2.3.4 CONDITIONS FOR PERMITTED ACTIVITIES**

**For Boundary Adjustments and Internal Subdivision of Buildings, compliance with the following conditions is required for the activity to be a permitted activity:**

- (a) A subdivision shall not increase the non-compliance with the rules of this Plan.
- (b) All buildings subject to internal subdivision shall have been legally established.

- (c) Any necessary easements for the protection of telecommunications services shall be provided where they cross any right of way or access lot. All such easements shall be in favour of the telecommunications provider.

**SU 2.3.5 STANDARDS AND TERMS FOR CONTROLLED ACTIVITIES FOR SUBDIVISION, COMPLIANCE WITH THE FOLLOWING STANDARDS AND TERMS IS REQUIRED FOR THE ACTIVITY TO BE A CONTROLLED ACTIVITY:**

- (1) Size

No site shall be less than 600m<sup>2</sup> net site area unless the purpose of the site is to accommodate a utility.

- (2) Shape

Each site shall be of a shape that can accommodate a 15.0 metre diameter circle unless the purpose of the site is to accommodate a utility.

- (3) Topography

Each site shall be capable of having a dwelling unit erected on it complying with the rules of this Plan, except where the site is for a utility or to provide access.

- (4) Transportation

All sites shall have a minimum of one access that is both legal and practicable. For this purpose, access to and from State Highway 4 between the intersection of Bell Road with State Highway 4 in the area of open road speed restrictions and State Highway 41 Taumarunui, and to State Highway 4 in National Park Township, shall not constitute legal and practicable access.

In this context “practicable” means that under its own power and in a forward gear a medium sized two wheel drive family car shall be able to access the site and that the access shall conform with Rule TR 3.5 in terms of both legal width and formation width.

- (5) Servicing

All sites shall have reticulated sewerage and stormwater contiguous or passing through the site that can be connected into to provide sewerage and stormwater services to the site.

Any necessary easements for the protection of telecommunications services shall be provided where they cross any right of way or access lot. All such easements shall be in favour of the telecommunications provider.

**SU 2.3.6 ASSESSMENT OF CONTROLLED ACTIVITIES**

**The Council has reserved control over the following matters when assessing a subdivision application for a Controlled Activity:**

- (a) Engineering design (the Council will refer to NZS4404:1981 and any amendments for guidance).
- (b) Financial contributions
- (c) Esplanade reserves/strips/access strips
- (d) Riparian Management and Public Access
- (e) Hazardous Substances
- (f) Natural Hazards
- (g) Utilities
- (h) Transportation

- (i) Amalgamation of land
- (j) Provision of easements
- (k) Compliance with other aspects of the Plan
- (l) Protection of amenity features
- (m) Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna

**SU 2.3.7 PUBLIC NOTIFICATION OF APPLICATIONS FOR CONTROLLED ACTIVITIES**

The written approval of affected persons is not required, therefore the application need not be notified.

**SU 2.4 RESIDENTIAL LOW**

**SU 2.4.1 PERMITTED ACTIVITIES**

- (a) Boundary adjustments
- (b) Internal subdivision of buildings

**SU 2.4.2 CONTROLLED ACTIVITIES**

- (a) Any subdivision within the Residential Low Zone that is not a permitted activity specified in Rule SU 2.4.1 or a discretionary activity specified in Rule SU 2.4.3.

**SU 2.4.3 DISCRETIONARY ACTIVITIES**

- (a) Any permitted activity specified in Rule SU 2.4.1 which cannot meet all the relevant conditions for permitted activities.
- (b) Any controlled activity specified in Rule SU 2.4.2 which cannot meet all the relevant standards and terms for controlled activities.

**SU 2.4.4 CONDITIONS FOR PERMITTED ACTIVITIES**

**For Boundary Adjustments and Internal Subdivision of Buildings Activities, compliance with the following conditions is required for the activity to be a permitted activity:**

- (a) A subdivision shall not increase the non-compliance with the rules of this Plan.
- (b) All buildings subject to internal subdivision shall have been legally established.
- (c) Any necessary easements for the protection of telecommunications services shall be provided where they cross any right of way or access lot. All such easements shall be in favour of the telecommunications provider.

**SU 2.4.5 STANDARDS AND TERMS FOR CONTROLLED ACTIVITIES**

**For Subdivision, compliance with the following standards and terms is required for the activity to be a controlled activity:**

- (1) Size  
No site shall be less than 1.5 ha in net site area unless the purpose of the site is to accommodate a utility.
- (2) Topography

Each site shall be capable of having a dwelling unit erected on it complying with the rules of this Plan, except where the site is for a utility or to provide access.

(3) Transportation

All sites shall have a minimum of one access that is both legal and practicable.

In this context “practicable” means that under its own power and in a forward gear a medium sized two wheel drive family car shall be able to access the site and that the access shall conform with Rule TR 3.5 in terms of legal width and formation width.

(4) Any necessary easements for the protection of telecommunications services shall be provided where they cross any right of way or access lot. All such easements shall be in favour of the telecommunications provider.

**SU 2.4.6 ASSESSMENT OF CONTROLLED ACTIVITIES**

**The Council has reserved control over the following matters when assessing a subdivision application for a Controlled Activity:**

- (a) Engineering design (the Council will refer to NZS4404:1981 and any amendments for guidance)
- (b) Financial contributions
- (c) Esplanade reserves/strips/access strips
- (d) Riparian Management and Public Access
- (e) Hazardous Substances
- (f) Natural Hazards
- (g) Utilities
- (h) Transportation
- (i) Amalgamation of land
- (j) Provision of easements
- (k) Protection of amenity features
- (l) Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna in compliance with other aspects of this Plan

**SU 2.4.7 PUBLIC NOTIFICATION OF APPLICATIONS FOR CONTROLLED ACTIVITIES**

The written approval of affected persons is not required therefore the application need not be notified.

**SU 2.5 COMMERCIAL**

**SU 2.5.1 PERMITTED ACTIVITIES**

- (a) Boundary adjustments
- (b) Internal subdivision of buildings

**SU 2.5.2 DISCRETIONARY ACTIVITIES**

- (a) Any permitted activity specified in Rule SU 2.5.1 which cannot meet all the relevant conditions for permitted activities.
- (b) Any subdivision within the Commercial Zone that is not a permitted activity specified in Rule SU 2.5.1 or a non-complying activity specified in Rule SU 2.5.3.

**SU 2.5.3 NON-COMPLYING ACTIVITIES**

- (a) Any discretionary activity specified in Rule SU 2.5.2 which cannot meet all the relevant standards and terms for discretionary activities.

#### **SU 2.5.4 CONDITIONS FOR PERMITTED ACTIVITIES**

**For Boundary Adjustments and Internal Subdivision of Buildings Activities, compliance with the following conditions is required for the activity to be a permitted activity:**

- (a) A subdivision shall not increase the non-compliance with the rules of this Plan.
- (b) All buildings subject to internal subdivision shall have been legally established.
- (c) Any necessary easements for the protection of telecommunications services shall be provided where they cross any right of way or access lot. All such easements shall be in favour of the telecommunications provider.

#### **SU 2.5.5 STANDARDS AND TERMS FOR DISCRETIONARY ACTIVITIES**

**For Discretionary Activities, being any subdivision in the Commercial Zone that is not a permitted, or non-complying activity, compliance with the following standards and terms is required for the activity to be a Discretionary Activity.**

- (1) Appropriateness  

All sites shall have a minimum of one access that is both legal and practicable. For this purpose access to and from State Highway 4 between the eastern intersection of Bell Road with State Highway 4 and State Highway 41, Taumarunui, and to State Highway 4 in National Park township, shall not constitute legal and practicable access.

In this context “practicable” means that under its own power and in a forward gear a medium sized two wheel drive family car shall be able to access the site.
- (2) Any necessary easements for the protection of telecommunications services shall be provided where they cross any right of way or access lot. All such easements shall be in favour of the telecommunications provider.

### **SU 2.6 INDUSTRIAL ZONE**

#### **SU 2.6.1 PERMITTED ACTIVITIES**

- (a) Boundary adjustments
- (b) Internal subdivision of buildings

#### **SU 2.6.2 DISCRETIONARY ACTIVITIES**

- (a) Any permitted activity specified in Rule SU 2.6.1 which cannot meet all the relevant conditions for permitted activities.
- (b) Any subdivision within the Industrial Zone that is not a permitted activity specified in Rule SU 2.6.1 or a non-complying activity specified in Rule SU 2.6.3.

#### **SU 2.6.3 NON-COMPLYING ACTIVITIES**

- (a) Any discretionary activity specified in Rule SU 2.6.2 which cannot meet the relevant standards and terms for discretionary activities.

#### **SU 2.6.4 CONDITIONS FOR PERMITTED ACTIVITIES**

**For Boundary Adjustments and Internal Subdivision of Buildings Activities, compliance with the following conditions is required for the activity to be a permitted activity:**

- (a) A subdivision shall not increase the non-compliance with the rules of this Plan.
- (b) All buildings subject to internal subdivision shall have been legally established.
- (c) Any necessary easements for the protection of telecommunications services shall be provided where they cross any right of way or access lot. All such easements shall be in favour of the telecommunications provider.

#### **SU 2.6.5 STANDARDS AND TERMS FOR DISCRETIONARY ACTIVITIES**

**For Discretionary Activities being any subdivision in the Industrial Zone that is not a permitted, or non-complying activity, compliance with the following standards and terms is required for the activity to be a Discretionary Activity.**

- (1) Appropriateness

All sites shall have a minimum of one access that is both legal and practicable. For this purpose access to and from State Highway 4 between the intersection of Bell Road with State Highway 4 and State Highway 41, Taumarunui, and to State Highway 4 in National Park township, shall not constitute legal and practicable access.

In this context “practicable” means that under its own power and in a forward gear a medium sized two wheel drive family car shall be able to access the site.

- (2) Any necessary easements for the protection of telecommunications services shall be provided where they cross any right of way or access lot. All such easements shall be in favour of the telecommunications provider.

#### **SU 2.7 URBAN SETTLEMENT ZONE**

##### **SU 2.7.1 NON-COMPLYING ACTIVITIES**

- (a) All subdivision.

#### **SU 2.8 PROTECTED AREAS ZONE**

##### **SU2.8.1 DISCRETIONARY ACTIVITIES**

- (a) All subdivision

#### **Principal Reasons for Adopting the Objectives, Policies and Methods**

The objectives, policies and methods provide a management framework whereby all subdivision of land that occurs will promote the establishment of activities associated with the area.

The approach to subdivision in each of the zones reflects the objectives and policies for those zones. The Council considers that the management of the subdivision process is an effective and efficient method to further the achievement of the purpose of the Act and those objectives and policies.

As such subdivision is utilised as a “method” of implementing the Council's functions. In particular subdivision is used as the primary management method to control the fragmentation of tenure in the Rural Zone (Urban Periphery and adjacent to State Highway 47), and the Protected Areas Zone. It is viewed as an efficient and effective mechanism in these circumstance as it is typically the first “step” in the intensification of, or change in, land uses. The activity status reflects this.

Subdivision has also been utilised as a mechanism to ensure the appropriate design of allotments. This proactively ensures that any land use established on the allotments; firstly can be sited so as the effects of the land use can be avoided, remedied or mitigated, and secondly provides any established land use with separation from adjacent land uses, reducing the potential for incompatible land use to conflict.

An underlying theme in the provisions is that of integrated management. The expectation is that any allotment created will be suitable for a range of permitted activities. As such the subdivision and zoning provisions are interrelated and consistent.

### **SU 3.0 CROSS REFERENCES**

As a guide only, any person referring to the above should also refer to the parts of the District Plan addressing the following issues:

- Information Requirements
- District Rules
- Rural Zone
- Residential High Zone
- Residential Low Zone
- Commercial Zone
- Industrial Zone
- Urban Settlement Zone
- Protected Areas Zone
- Maori Land
- Transportation
- Signs
- Financial Contributions
- Hazardous Substances
- Indigenous Vegetation and Habitats of Indigenous Fauna
- Riparian Management and Public Access
- Relocatable Buildings
- Utilities
- Special Activities
- Surface of Water
- Natural Hazards
- Heritage
- Cross-Boundary Processes
- Monitoring

