



SUBDIVISION POLICY

SU2.1 Introduction

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 thirty five 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 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 (i.e. fee simple, unit titles, cross leases, company leases, and leases of land or buildings for more than 35 years). In recognition of the difficulty in differentiating between the effects of different tenures, this Plan will adopt the approach of the Act.

The Issues, Objectives and Policies for the subdivision chapter are set out below in the following order:

- (a) All Zones.
- (b) Rural.
- (c) Residential.
- (d) Urban Settlement.

SU2.2 Issue: All Zones

- (a) Subdivisions and the subsequent development, both individually and cumulatively, adversely affecting:
 - (i) The character of wetlands, lakes and rivers.
 - (ii) Landscape values of outstanding natural features and landscapes.
 - (iii) Areas of significant indigenous vegetation and the habitat of indigenous fauna.
 - (iv) Significant infrastructure and utilities, including high voltage electricity transmission network.
- (b) Ensuring that the relationship of Māori with their ancestral lands, water, sites, waahi tapu and other taonga are provided for.
- (c) Subdivision resulting in lots that are unable to be adequately serviced.
- (d) Subdivisions creating allotments at risk from natural hazards.
- (e) The subdivision of potentially contaminated land increasing exposure levels.



SU2.2.1 Objective

- (a) To preserve and protect significant natural areas (wetlands, lakes and rivers; outstanding natural features and landscapes, and areas of significant indigenous vegetation and the habitat of indigenous fauna) within the District.
- (b) All sites are provided with adequate services, which do not result in adverse environmental effects.
- (c) Safe and functional access is provided to all sites.
- (d) The subdivision of land does not increase the risk from natural hazards or contaminated land.
- (e) To ensure that existing infrastructure and activities are taken into account in the assessment of subdivision applications, and any incompatible use or activity that would affect the continued use or operation of the infrastructure or activity is avoided, remedied or mitigated.

SU2.2.2 Policies

- (a) To ensure that all subdivision and subsequent development:
 - (i) Preserves the natural character of wetlands, lakes and rivers and their margins;
 - (ii) Ensures that outstanding natural features and landscapes are protected from inappropriate subdivision and development;
 - (iii) Protects areas of significant indigenous vegetation and significant habitats of indigenous fauna, from both direct and indirect effects (e.g. stormwater discharges).
- (b) To recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
- (c) To require that all sites created by subdivision are capable of being adequately serviced and have appropriate and safe access.
 NZS 4404:2010 *'Land Development and Subdivision Infrastructure'* will be used as a guide for all subdivision engineering requirements, and NZS PAS 4509:2008 *New Zealand Fire Service Firefighting Water Supply Code of Practice* will be used as a guide for the provision of firefighting requirements (including firefighting water supply and access) to all new lots.
- (d) 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.
- (e) To ensure that the subdivision and subsequent development of land will not:
 - (i) Expose future residents or users to unacceptable risks from contaminated sites.
 - (ii) Increase the risk of contaminants adversely affecting the surrounding environment.
- (f) To encourage building sites (and subsequently houses) to be sited to maximise solar gain and retain landscape features, including trees.
- (g) To manage subdivision to ensure that potential reverse sensitivity effects from incompatible development on lawfully established activities are avoided, remedied or mitigated.

SU2.2.3 Explanation of Policies

The policies of SU2.2.2 are general policies relating to subdivisions within all zones.

Policies (a) and (b) both reflect the requirements of section 6 *Matters of National Importance* of the RMA, and interlink with a number of the environmental policies, including the:

- (a) Riparian Management and Public Access Policy; and
- (b) Outstanding Natural Features and Landscapes Policy.

More specific policies are also provided within this chapter for the Rural, Residential and Urban Settlement Zones.



Policies (c) – (e) address:

- (c) The servicing of allotments in relation to potable water, firefighting water, wastewater and stormwater, along with roading (see also the Transport Infrastructure and Car Parking section).
- (d) Natural hazards (see also the Natural Hazards chapter and s106 of the RMA); and
- (e) Contaminated sites.

The contaminated sites policy recognises that there are a number of historical uses of land within the District which may have resulted in contamination of the land. Such uses include both timber treatment plants, farming activities, eg, sheep dips, mining and abattoirs, etc.

Often these sites pose little risk to the community if left undeveloped. However, where these sites are disturbed, for example, through earthworks associated with subdivision, they may pose an increased risk to both people and the surrounding environment.

However, there is limited information available on whether or not sites are contaminated. The main sources of this information at present are HAIL register and the Council's property files. Where a land owner is aware that a site may potentially have been contaminated, they must provide this information as part of any resource consent application and provide details of how the contaminated area will be dealt with.

There is currently a draft National Environmental Standard on the impact of contaminated sites on human health. This standard may supersede part of this policy.

Policy (f) also encourages subdivisions to be designed and buildings to be orientated to take full advantage of passive heating from the sun. This has advantages in reduced heating costs over the life of a building, and also makes homes more pleasant places for people to live within. This is especially important within Ruapehu, given the local climate with very cold winters.

Policy (g) seeks to manage incompatible development and reverse sensitivity effects associated with subdivision and associated development near existing lawfully established activities and near activities that are consented, but are as yet, not constructed.

Such activities will include existing and consented infrastructure and activities, for example, the electricity generation and transmission network, the road and rail networks, utilities and rural activities such as farming and horticulture, amongst others.

It is important that the location, nature, scale and requirements for the operation of regionally significant infrastructure should be taken into account at an early stage and when changes can be more readily made in response to identified issues.

Where subdivision applications are likely to affect existing infrastructure, Council encourages applicants to consult the relevant agencies at an early stage in the process, for example, where subdivisions are proposed in close proximity to the National Grid it is recommended that applicants contact Transpower New Zealand Limited directly to discuss their proposal.

SU2.3 Issue: Rural Zone

- (a) Subdivision in the Rural Zone can create adverse effects on rural amenity and infrastructure, the natural environment and landscape values.



SU2.3.1 Objective

- (a) To avoid the unplanned expansion of urban areas through rural subdivision on the periphery of urban areas.
- (b) To manage subdivision within the Rural Zone to avoid development detracting from the features that make the District unique, namely the:
 - (i) Landscapes.
 - (ii) Productive capacity of rural land.
 - (iii) Natural environment, eg, the flora and fauna.
 - (iv) Waterways; and
 - (v) Rural and/or natural character.
- (c) To ensure that development does not place undue pressures on existing infrastructure, including the road network.

SU2.3.2 Policies

- (a) 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 users of the proposed allotments.
 - (vi) Potential adverse impacts upon the safety and efficiency of the roading infrastructure, including the State Highway network.
- (b) To maintain or enhance rural or natural amenity and character values by providing subdivision rules to manage the scale and density of rural development.
- (c) To manage subdivision within the rural zone to ensure that such subdivision:
 - (i) Is limited in scale and density.
 - (ii) Is designed to retain the overall rural character of the area.
 - (iii) Avoids, remedies or mitigates adverse effects on rural infrastructure, including the road network.
 - (iv) Does not adversely affect lawfully established activities and activities allowed by unimplemented resource consents requiring a rural location.
 - (v) Avoids, remedies or mitigates adverse effects on, or reduction of, the productive capacity of the rural zone especially class III and IV land.

In assessing this policy, consideration will also be given to the cumulative effects of development.
- (d) **Flora and Fauna**
 To ensure that any subdivision avoids, remedies or mitigates the effects of both the subdivision and the subsequent use of land on significant areas of indigenous vegetation and significant habitats of indigenous fauna. This may include, but is not limited to consideration of the following:
 - (i) The sensitivity of these significant areas to development.
 - (ii) The location and impact of building platforms and access tracks in relation to these significant areas.
 - (iii) Measures to retain or enhance areas of native bush and other habitats.
 - (iv) Measures to ensure that stormwater and wastewater disposal areas do not adversely affect these areas.
 - (v) Measures to ensure that domestic pets and pest plants are not introduced into sensitive environments, for example, areas known to have rare or threatened species.



These considerations will be assessed in relation to all rural subdivisions, however, greater weight will be placed on these when the site is identified as being a Outstanding Natural Feature or Landscape (where ecological values are identified, see the ONFL chapter for details on specific values), or where the site is located within close proximity to Conservation Land.

(e) Wetlands, Lakes and Rivers

To ensure that any subdivision and the subsequent development of land preserves the natural character of wetlands, lakes and rivers, and their margins. Consideration will be given to:

- (i) Managing the design, location and scale of subdivisions, including building platforms and access tracks, so that the natural character of these water bodies, and their margins, are retained.
- (ii) Ensuring that any earthworks and subsequent development, including access tracks and stormwater run-off, does not result in the sedimentation of adjoining water bodies.
- (iii) Ensuring that the cumulative effects of subdivision and development on the freshwater environment are avoided, remedied and mitigated.
- (iv) The impact of development on any water body protected through a water conservation order.

(f) Outstanding Natural Features and Landscapes

To ensure that any subdivision does not adversely affect an Outstanding Natural Feature or Landscape. Specific consideration will be given to the following:

- (i) The visual impact of the development, including:
 - (1) Structures.
 - (2) Earthworks.
 - (3) Vegetation clearance.on the landscape values of the area, and any measures taken to minimise the visual impact of the development over the life of the building.

For the purposes of this rule, areas identified as Outstanding Natural Features and Landscapes and land within close proximity of identified Conservation Land will be considered (please see the District Plan maps).

It is recognised and anticipated that rural activities within the Rural Zone form part of this landscape and will continue to occur within these areas.

SU2.3.3 Explanation of Policies

Subdivision adjoining Urban Areas

Policy (a) aims to consolidate urban development, avoid the fragmentation of residential areas and reduce development pressure on rural land within close proximity to urban areas. The policy recognises that urban development within close proximity to farmland may detrimentally affect established farming practices.

General Rural Subdivision

The Rural Subdivision rules provide for limited rural subdivision as a Controlled Activity. The Controlled Activity Rule is intended to allow for inheritance or retirement lots; and also provides for very limited rural lifestyle development. The rule is set at a density (50ha average, with a maximum of one additional allotment) whereby it is anticipated that rural character will be maintained.

The Rural Subdivision rules generally class the majority of subdivisions as Discretionary Activities. As such, Council can, based on its assessment of the objectives and policies, either grant or refuse resource consent.



The intent of the rural subdivision rules is to provide limited opportunity for subdivision within rural areas. However, the intention of the provisions is to balance the demand for rural residential development while avoiding adverse cumulative effects on the rural zone.

Council is working with DOC to actively share information, for example, mapping of Kiwi habitat.

It is worth highlighting here that rural subdivision will in most cases be classed as a Discretionary Activity, and as such, Council will have the ability to refuse consents, or may only be willing to consent to a lower number of allotments, where the application does not comply with the above policies, especially subdivisions affecting Matters of National Importance (section 6 of the RMA).

When assessing applications, consideration will also be given to the cumulative effects of development including recent subdivision, for example, should consent be granted for a Controlled Activity subdivision, the effect of this subdivision will be taken into consideration should a subsequent Discretionary Activity consent be sought.

SU2.4 Issue

Residential Zone

- (a) Inappropriate residential subdivision design that has the potential to have an adverse effect on the established urban amenity and character.

SU2.4.1 Objective

- (a) To promote urban amenity and character as part of subdivision design.

SU2.4.2 Policies

- (a) To ensure that the layout and density of subdivisions do not detract from the existing character of an area.
- (b) To ensure that the shape of allotments provide sufficient area for a dwelling, along with adequate open space and yards, to ensure that the future development of the site allows for privacy and good quality residential development, without compromising the amenity and privacy of adjoining sites.
- (c) To treat subdivisions creating different types of land tenure the same.
- (d) To encourage good quality urban design, with attention to details such as street design including lighting and tree planting, and the use of a variety of construction materials e.g. paving.
- (e) To ensure that subdivisions are designed to maximise connectivity:
 - (i) Between the site and any adjoining, undeveloped residential land.
 - (ii) To any existing development.
 - (iii) To any existing and proposed walkways.
- (f) To ensure that subdivisions are designed to maximise passive solar gain of future dwellings through the layout of streets and orientation of allotments.
- (g) To ensure that subdivisions in the Miro Street catchment in Ohakune (see Planning Maps) are designed, and subsequent development built, to ensure that the development, including buildings, roading and other impermeable surfaces, do not exacerbate the risk of downstream flooding in a 1:200 year event.
- (h) To ensure that all subdivisions make adequate provision for servicing.



- (i) To ensure that subdivisions in the Kowhai Residential Area in Ohakune (see Planning Maps) are designed, and subsequent development built, to ensure that the effects of lawfully established activities from the nearby industrial and rural zones are mitigated to a level that is appropriate for residential amenity.

Safety

- (j) To encourage the use of Crime Prevention through Environmental Design Principles in subdivision design.
- (k) To ensure higher density developments are designed to minimise opportunities for crime.

Network Utilities

- (l) To avoid the adverse visual effects of network utilities through the undergrounding of reticulated services for electricity and telecommunications unless connection to the lot can be made directly to existing overhead infrastructure.

Comprehensive Residential Development

- (m) To encourage and provide for comprehensive residential development on larger allotments, to allow for the efficient use of land and infrastructure, and provide for greater choice of housing, if the development is designed to:
 - (i) Integrate with, or enhance, the character of the area.
 - (ii) Ensure the amenity of the surrounding area is maintained, including the overlooking of adjoining properties is minimised.
 - (iii) Provide a high standard of residential amenity for residents of the development, including:
 - (1) Ensuring that overlooking between properties is minimised, especially to the rear, while encouraging passive surveillance of public areas.
 - (2) Ensuring adequate private and communal open space is provided.
 - (iv) Ensure the development is designed to provide good connectivity between:
 - (1) The development and the existing road network for all users (eg, pedestrians, cyclists, the disabled, and those in vehicles).
 - (2) Any adjoining walking and cycling tracks.
 - (3) The development and any adjoining future urban development.
- (n) To generally allow comprehensive residential development within the Kowhai Residential Area provided that it meets the performance conditions in RE3.4.7 and is in general accordance with the Kowhai Residential Area Plan.

SU2.4.3 Explanation of Policies

Overall these policies seek to ensure that subdivision does not compromise existing character and amenity. They recognise that developers may choose to create different types of land tenure other than free-hold titles, such as cross-lease or unit title subdivisions and requires that any new dwelling or unit be created to comply with relevant subdivision standards for each zone.

The policies also recognise that urban design measures can be incorporated to maintain and enhance amenity. Such measures include additional lighting, street tree planting and the use of a variety of construction materials that will aim to enhance amenity and retain or improve the individual character of towns.

The policies also recognise the importance of ensuring that new subdivisions are well connected with the existing area and with future urban development; are laid out to ensure sites are well orientated for the sun; are designed to be safe, for example, through ensuring good visibility along pathways, and



appropriate lighting within developments; and to ensure overhead wires do not detract from residential amenity.

In relation to Policy (g), Council has recently received information from Regional Council on flooding risks for both Taumarunui and Ohakune. This information will subsequently be incorporated in the District Plan through a plan change, which is likely to address both flood mitigation measures, for example, minimum floor levels for new dwellings, and other measures to minimise the amount of stormwater flowing off sites.

In the interim, the policy approach is to require that new subdivisions in the Miro Street catchment are designed to ensure they do not exacerbate flooding risks to downstream properties over and above what would have occurred prior to development. A specific policy is set out for Miro Street as this is an area of identified risk, and also where there is potential for significant growth. Developers will need to assess the potential additional stormwater created by new roading, housing and other impermeable surfaces.

In relation to Policy (i), the Kowhai Residential Area is located close to part of the Industrial Zone which generates some noise that propagates beyond the Industrial Zone boundary. Residential developers will need to integrate noise attenuation measures into the design of residential development in this area, which will include construction of bunds or fences and controls on the designs of buildings.

Finally, the policies address Comprehensive Residential Development, which is encouraged where it is designed to integrate well into existing residential areas.

SU2.5 Issue: Urban Settlement Zone

- (a) Lack of infrastructure within the existing urban settlement zone for additional growth.
- (b) Potential for subdivision and development to alter the existing character of urban settlements.

SU2.5.1 Objective

- (a) To avoid further subdivision within the Urban Settlement Zone due to the lack of infrastructure and so as to protect the existing character of these areas.

SU2.5.2 Policies

- (a) To restrict the development in the Urban Settlement Zone by preventing subdivision that potentially creates new development opportunities.

SU2.5.3 Explanation of Policies

The policies seek to maintain the existing density, scale and character of the urban settlements within the District. The policies also aim to avoid development within urban settlements resulting in additional demand for services and facilities.