

SECTION 13– SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS

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 and development provides the framework of service provision for land use including roading, water supply, sewage disposal, energy, telecommunication, stormwater and trade waste. Subdivision is also a 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.

Issues

Issue 1 - Site Suitability

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.

Issue 2 - Future Land Uses

There is an expectation by land purchasers that the effects of any proposed land use will have been examined before a new land parcel is allowed to be created. This includes the framework of services, access, water supply and sewerage disposal where appropriate.

Issue 3 - Costs of Infrastructure

It is recognised that development facilitated by subdivision adds incrementally to demands on the infrastructure of the District. The Plan's rules need to be designed to require each new development to contribute a fair and reasonable sum towards the cost of that demand unless it is replacing an existing development. A fair and reasonable share of costs needs to recognise:

- That to manage and develop land (a natural resource) in an orderly and efficient way, it is appropriate to install public utility services (a physical resource) for whole catchments in anticipation of development.
 - That there is a need to provide for people and communities economic and social well-being by equitable sharing of costs of utility services over time.
 - That works and the costs required for servicing specific areas or developments should be borne by the developers to the extent attributable to the development.
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Issue 4 - Marginal Land

The opportunity to subdivide and develop marginal land will exist and may require significant infrastructure works. Where land, or any structure on that land is likely to be subject to damage by erosion, subsidence, or inundation from any source, the Act provides that the Council shall not grant a subdivision consent unless the effects can be avoided, remedied or mitigated.

Issue 5 - Esplanade Provision

There is a public desire to have access to many lakes and rivers throughout the District. However access is only available if there is a legal road, reserve or other formal arrangement such as an access easement, or if private arrangements can be made with landowners. The importance of access to waterways is recognised in the Resource Management Act 1991 where:

The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers" S6(d)

is specified to be a matter of national importance which is to be recognised and provided for by local authorities.

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. If the part being created by subdivision is less than four hectares then there is an automatic power to take a 20 metre esplanade reserve for which no compensation is payable. If however the allotment created is four hectares or more the power to require esplanade provision must be in the District Plan and the owner must be compensated for the land taken or the loss in value associated with creating an easement for public access.

An esplanade reserve or strip is a strip of land that lies along a waterbody and 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.

A difficulty in achieving an effective system of access to and along waterbodies is the cost involved. Prior to any rules being included in the District Plan providing for esplanade provision it is necessary for the Council to survey the District's waterways to ascertain the values of these to determine whether esplanade provision is required. If provision is considered desirable and incorporated into the Plan and a subdivision occurs the Council must compensate the owner for the loss of lands or its value.

A second difficulty is that rules requiring esplanade provision are likely to be of a general nature even though they apply to specifically identified areas. There needs therefore, to be some mechanism available to the Council to consider whether a reduction in the width of an esplanade reserve or strip or even complete waiver of the requirement is appropriate in particular circumstances, e.g. where there is a minor boundary adjustment or where access to the waterbody would be difficult or dangerous.

Under the provisions of the Conservation Act 1987 and subsequent amendments, marginal strips are set aside on disposition of Crown land, under circumstances where the legislative requirements are met. Disposition includes renewal of pastoral leases, and changes in tenure of pastoral leases as a result of tenure review. Council will take into account the requirement for marginal strips before determining whether further esplanade provisions are required.

Issue 6 – Subdivision Design and Location

It is recognised that poor subdivision design and location can result in adverse effects on landscape, natural conservation values and amenity values. Because these factors vary from site to site, it may be appropriate for the Council to have the discretion to consider these impacts in relation to each proposed subdivision.

Objectives And Policies

Objective 1 - Subdivision Servicing

The provision of necessary services including safe and efficient access to subdivided allotments in anticipation of the likely effects of 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 require that water supplies to subdivided allotments are of a sufficient capacity and of a drinkable standard.
 - 6 To require upon 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 require that the provision of any necessary additional water supply, stormwater control or sewage disposal infrastructure and the upgrading of existing infrastructure is undertaken or contributed to by subdividers where appropriate, in recognition of the scale and nature of the anticipated land users.
 - 8 To encourage the retention of natural open waterways for stormwater to ensure disposal in a manner which maintains or enhances the quality of surface and ground water.
 - 9 To require that stormwater is disposed of in a manner that avoids inundation of land within or adjoining the subdivision.
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- 10 Land modification, development and subdivision in the Residential zones and the Rural-Residential 1 & 2 zones in Twizel should occur in a way that:
 - (a) protects the performance of natural overland flowpaths and open watercourses;
 - (b) protects water quality by the use of filtering mechanisms where necessary such as stormwater treatment ponds; and
 - (c) provides stormwater management in an integrated and cost effective manner.
- 11 For subdivision and development in Twizel, to require where appropriate/necessary a comprehensive stormwater management plan which addresses stormwater runoff and management of its effects.
- 12 To encourage the harvesting and/or re-use of stormwater for non-potable uses where appropriate.
- 13 To require, 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.
- 14 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.
- 15 To require that provision be made for trade waste disposal upon subdivision of land for anticipated industrial use.
- 16 To require 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. Rooding and access standards are a reflection of anticipated traffic be it volume or type. Rooding and access can also have a major visual impact and as such both the location in terms of the topography and landscape, and the design of access routes, should enhance the natural environment and minimise any visual intrusion. It is important that access to all subdivisions, in particular from the state highway, is appropriately located and is formed to an all weather standard to ensure the efficiency and safety of the rooding network is not compromised.

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. In addition, where life and property needs to be protected, ready access to sufficient water supplies must be available for fire fighting purposes. Unless the water supply system has an excess of capacity, subdivision and development 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.

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.

Given the potential for development within the residential and rural-residential zones at Twizel, it is important to ensure that stormwater management is provided for appropriately. Policies 10 and 11 require appropriate assessment of and planning for stormwater, and sets standards for its management.

Where it is safe and cost-effective, stormwater harvesting and re-use via rainwater tanks is considered to be a sustainable method of water management. It involves re-use of a resource that would otherwise run to waste, and it reduces the demands on the mains supply. It also provides added protection against loss or reduction of supply in a drought, and assists in providing for more resilient communities in emergency situations.

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 the 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, rural-

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 and Developers

The costs of the provision of existing services, new services or the upgrading of services which are necessitated by subdivision or development, is to be met by the subdividers and/or developers.

Policies

- 1 To require subdividers and developers to meet the costs of new or upgraded services (including head works), which are attributable to the impacts of the subdivision or development, including where applicable:
 - roading and access;
 - water supply;
 - sewage disposal;
 - stormwater disposal;
 - trade waste disposal;
 - provision of electricity; and
 - provision of telecommunications.
- 2 To require contributions for creation of new allotments and multi-unit residential development for the purpose of recouping costs of existing public utility services provided by the Council that serve the land in the subdivision or development.
- 3 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.

Where adequate public utilities are already in place it is considered appropriate, to enable people and communities to provide for their social and economic benefit, that all users of public utility services (e.g. water supply, sewerage and stormwater drainage) contribute to these services. New ratepayers otherwise “freeload” on the value and capacity of the asset provided by earlier generations and developers. In this way the Council can confidently plan its servicing to provide for the reasonably foreseeable needs of current and future generations. Financial contributions towards existing infrastructure are based on a “recognised equity” model involving contributions by developers equivalent to the equity held by existing ratepayers in the existing utility service infrastructure. If new reticulated areas are created by the Council beyond the existing systems at Twizel, Lake Tekapo or Fairlie the equity formula shall apply and a new cost structure added to the newly created assets in these areas.

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

OBJECTIVE 3 - 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 and use intensification. Contributions are not 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 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 of the natural character of lakes and rivers;*
- *maintains or enhances the natural functioning of lakes and rivers, their water quality and aquatic habitats;*
- *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; and*
- *mitigating natural hazards.*

Policies

- 1 Where appropriate, taking into account the requirements of Section 6(d) of the Act, and the purposes of esplanade provision contained in Section 229, to require esplanade strips or esplanade reserves along waterways when allotments are created.

Explanation and Reasons

- 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 (which are created by easements over private property) 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.
- It is not practical at this stage for the Council to identify all areas where esplanade provision is desirable given the extensive length of riparian areas within the District. As this District Plan contains detailed assessment matters to guide the Council in its decisions upon appropriate esplanade provision consistent decisions can be made as and when subdivision occurs. The provisions of the Conservation Act 1987 and subsequent amendments ensure that where pastoral lease land is renewed, or freeholded as a result of tenure review, appropriate marginal strips will be created. This effectively ensures riparian protection throughout most of the high country.
- 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 - 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, or from hazards associated with active faults.
- 2 To ensure that mitigation measures do not give rise to unnecessary adverse impacts on the environment.
- 3 Require esplanade provision be made to mitigate natural hazards.

Explanation and Reasons

There are areas within the District which because of risk of natural hazards including flooding and active geological faults would be unsuitable for development, or require specific measures to be undertaken to overcome these hazards. Risk from flood hazard in some areas may include inundation associated with the unforeseen and uncontrolled release of water from the Waitaki hydro electric power scheme. 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 6 – Design And Location

The avoidance of adverse environmental effects associated with subdivision design and location.

Policies

- 1 To require that the creation of new allotments take into account as far as possible underlying topography and the maintenance of the integrity of any significant nature conservation site; and that any adverse effect on landscape, nature conservation values and amenity are avoided or mitigated.
 - 2 To ensure subdivision and development in the Residential zones and the Rural-Residential 1 & 2 zones in Twizel have regard to community coherence and linkages with Twizel.
 - 3 To ensure subdivision and development in the Residential 1 and 2 zones created by Plan Change 16 adjoining Lakeside Drive, Lake Tekapo provides areas for clusters of planting to soften the visual impact of development in these areas which are in proximity to the shore and Lake Tekapo, with a preference for native species.
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Explanation and Reasons

There are areas within the District where subdivision has the potential to create adverse visual effects because boundaries are poorly located in relation to topography. In addition subdivision in the vicinity of important habitat or vegetation areas can impact on those values of these areas.

Other relevant objectives and polices that the Council shall refer to in considering subdivision are:

Rural Objective 1 - Indigenous Ecosystems, Vegetation and Habitat
Policy 1C - Natural Character and Ecosystem Functions

Rural Objective 2 - Natural Character of Waterbodies and their Margins
Policy 2A - Controlling Adverse Effects
Policy 2B - Riparian Margins

Rural Objective 3A - Landscape Values
Policy 3A - Impacts of Subdivision Use and Development
Policy 3A4 - Tree Planting
Policy 3A5 - In Harmony with the Landscape

Rural Objective 3B - Activities in the Mackenzie Basin's outstanding natural landscape
Policy 3B1 - Recognition of the Mackenzie Basin's Distinctive Characteristics
Policy 3B2 - Subdivision and building development
Policy 3B3 - Development in Farm Base Areas
Policy 3B4 - Potential Residential, rural residential and Visitor Accommodation
Activity Zones and Environmental Enhancement
Policy 3B5 - Landscape Aspects of subdivision

Rural Objective 4 - High Country Land
Policy 4A - Vegetation Cover
Policy 4B - Ecosystem Functioning, Natural Character and Open Space Values
Policy 4C - Soils and Water.

Policy 2 seeks to ensure that development in the residential and rural-residential areas of Twizel is designed to provide for integration with the town, including linkages with the town and its services and facilities. These linkages can include roading, open spaces and greenways including cycleways and/or pedestrian walkways.

Implementation Methods

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.

Investigate options for obtaining information on the values of waterways in order to undertake an overall assessment of the need for esplanade provision within the district to achieve the purposes of esplanade provisions set out in section 229 of the Resource Management Act 1991.

Environmental Results Anticipated

- 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.
 - Maintenance of visual amenity and coherence of indigenous vegetation and habitat.
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