

20 RULES: Subdivision and Development

20.0 OVERVIEW

This section sets out the standards, conditions and matters reserved for Council discretion for subdivision and development. This includes the obligations resting with developers in terms of providing services to subdivisions or developments both as permitted activities or as those activities requiring resource consent. These obligations are in addition to any requirement to pay a development contribution. The intention is to ensure that the reasonable direct on and off site infrastructure costs of a development are allocated to that development and do not fall to the cost of the ratepayers.

The Council has previously collected financial contributions under the Resource Management Act on subdivisions approved between July 2005 and June 2006. These were primarily collected to avoid, remedy or mitigate the adverse effects of development activities on the environment. The Council has determined that financial contributions will no longer be collected and will be replaced by development contributions taken under the Local Government Act 2002.

Development contributions are required in order to ensure that the existing levels of services provided by a Council are not reduced or diluted by ongoing development in the community. Developers who create a demand on infrastructure and reserves should contribute towards the cost of ensuring that there is no loss in the level of service that was being provided before the development took place.

Development contributions are provided for under the Local Government Act 2002 (principally sections 197 to 211). The Council's Development Contribution Policy and Financial Contribution Policy are set out within the Council's Long Term Council Community Plan.

Development contributions will be applied to any person who triggers a demand for additional services as set out in the Development Contributions Policy. Development contributions apply to both activities requiring resource consent as well as those permitted by the Plan.

Sections 229 – 237 of the Resource Management Act set out the provisions for Esplanade Reserves and Esplanade strips. The Council's Financial Contribution Policy does not affect the Council's rights relating to Esplanade Reserves and Esplanade Strips under the Resource Management Act and referred to in 20.2.6 of this section of the Plan.

20.1 CONDITIONS ON PERMITTED ACTIVITIES

The following shall apply to **all permitted activities** (in addition to the rules and permitted activity conditions for each of the zones):

20.1.1 GENERAL STANDARD OF COMPLIANCE

- (i) Rural roads which comply with the requirements set out in the document "Guide to Geometric Standards For Rural Roads" (1985) (which is available from Council) shall be deemed to comply with these requirements.
- (ii) Urban roads which comply with the requirements set out in N.Z.S. 4404:1981 'Code of practice for URBAN LAND SUBDIVISION' shall be deemed to comply with these requirements.

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- (iii) All public road reserves shall be of sufficient width to provide for vehicle carriageway, footpaths (as required), public utilities, street lighting, reticulated services, drainage, landscaping, and kerb-side vehicle parking (where required).

20.1.2 VEHICULAR ACCESS

(a) Vehicular Access to Serve the Development

For vehicular access connecting the site, and all allotments, with a public road (Refer standards and terms in Section 21), the developer shall pay the full and actual cost of the works.

(b) Upgrading of Existing Roads to Serve the Development

Where a development requires the upgrading of the existing road to serve the development, the developer shall pay the full and actual costs of upgrading the existing road to reasonably meet the needs of the development.

20.1.3 WATER SUPPLY

(a) Water Supply to the Development

The developer shall pay the full and actual cost of providing a development with, or connecting it to a supply of potable water where a Council approved water connection is available.

(b) Upgrading of Existing Reticulated Water Supply

Where a development requires the upgrading of the existing reticulated water supply, the developer shall pay the full and actual costs of upgrading the existing reticulated water supply to reasonably meet the needs of the development.

Note: Additional and separate resource consents may be required from Manawatu-Wanganui Regional Council for the taking of water where no reticulated system is available.

20.1.4 SEWAGE DISPOSAL

(a) Sewage Disposal to Serve the Development

The developer shall pay the full and actual cost of providing for the collection, treatment, and disposal of all sewage wastes that are reasonably expected to be generated by the development where a Council approved sewer connection is available.

(b) Upgrading of the Existing Reticulated Sewage Supply

Where a development requires the upgrading of the existing reticulated sewage supply system, the developer shall pay the full and actual costs of upgrading the existing reticulated sewage supply system to reasonably meet the needs of the development.

Note: Additional and separate resource consents may be required from Manawatu-Wanganui Regional Council for any independent discharge of wastes.

20.1.5 SURFACE WATER DISPOSAL

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(a) Surface water Disposal to Serve the Development

The developer shall pay the full and actual cost of providing for a surface water disposal system sufficient to dispose of all surface water that can be reasonably expected to be generated by the development.

20.1.6 ELECTRICITY AND TELECOMMUNICATION CONNECTIONS

The provision of utility services shall be in accordance with the permitted activity conditions in 22.1 of this Plan. The developer will be required to undertake or provide all required engineering services specified in this Plan.

The developer shall make all arrangements with the appropriate authorities for the supply and installation of electricity, street light reticulation and lamps, and telecommunication services.

Provision shall be made for ducts or conduits to be installed across roads and vehicle crossings if the authorities have been unable to install their cables/pipes at the appropriate time.

20.2 ACTIVITIES REQUIRING A RESOURCE CONSENT

20.2.1 ASSESSMENT MATTERS IN DETERMINING RESOURCE CONSENT APPLICATIONS

In assessing an application for a resource consent, Council will have regard to the following:

(a) Rooding to Provide for Future Access to Other Land

Where the proposed development contains or adjoins other land which is expected to be developed in the future; and where the future development of that other land would rely on vehicle access by way of any road through the land which is the subject of the proposed development.

The Council may require the developer to either:

- (i) Provide for and construct any road access through the proposed development or subdivision to such a width or standard as is expected to be necessary to provide vehicle access to that other land; or
- (ii) Vest in Council or the Crown or otherwise dedicate, the land which is expected to be required for that future road access to that other land; or
- (iii) Place a restriction or condition on the certificate(s) of title for the land contained within the proposed development or subdivision which has the effect of protecting part of the land for future use for road access to that other land.

Where these requirements result in the developer or subdivider incurring design and construction costs in excess of those that would be required to serve the proposed development or subdivision, Council will reimburse the additional costs to the developer or subdivider.

The costs shall be determined on the basis of the estimated or actual cost of design and construction incurred at the time of the proposed development or subdivision.

The proposed future rooding pattern shown is required to be compatible with Council's rooding hierarchy set out in 20.2.

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Council may require the proposal to incorporate pedestrian access routes connecting residential areas, schools, shopping centres, recreation reserves, and public transport collection points and terminals.

20.2.3 WATER SUPPLY

(a) Water Supply to Serve the Development or Subdivision

The developer shall pay the full and actual cost of providing a development with, or connecting it to a supply of potable water, where a Council approved water connection is available.

(b) Water Supply to Serve Expected Future Development of Other Land

Where the site of the proposed development or subdivision contains or adjoins other land which is expected to be subdivided or developed in the future; and where the future development or subdivision of that other land would rely on water supply by way of pipes reticulated through the land which is the subject of the proposed development or subdivision.

The Council will require the developer or subdivider to provide for and construct water supply reticulation through the proposed development or subdivision to such a standard as is expected to be necessary to provide adequate supply to that other land.

Where this requirement results in the developer or subdivider incurring design and construction costs in excess of those that would be required to serve the proposed development or subdivision, Council will reimburse the additional costs to the developer or subdivider; and

Costs shall be determined on the basis of the estimated or actual costs of design and construction incurred at the time of the proposed development or subdivision.

20.2.4 SEWAGE WASTE DISPOSAL

(a) Sewage Disposal to be Provided to Serve the Development or Subdivision

The developer shall pay the full and actual cost of providing for the collection, treatment, and disposal of all sewage wastes that are reasonably expected to be generated by the development or subdivision, where a Council approved sewer connection is available.

(b) Sewerage Reticulation to Serve Expected Future Development of Other Land

Where the site of the proposed development or subdivision contains or adjoins other land which is expected to be subdivided or developed in the future; and

Where the future development or subdivision of that other land would rely on sewage disposal reticulation by way of pipes reticulated through the land which is the subject of the proposed development or subdivision.

The Council will require the developer or subdivider to provide for and construct sewage disposal reticulation through the proposed development or subdivision to such a standard as is expected to be necessary to provide adequate reticulation to that other land.

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Where this requirement results in the developer or subdivider incurring design and construction costs in excess of those that would be required to serve the proposed development or subdivision, Council will reimburse the additional costs to the developer or subdivider; and

Costs shall be determined on the basis of the estimated or actual costs of design and construction incurred at the time of the proposed development or subdivision.

20.2.5 SURFACE WATER DISPOSAL

(a) Surface water Disposal Systems to Serve the Development or Subdivision

The developer shall provide a satisfactory system for the collection and disposal of surface water. Such provision shall avoid creating or worsening any ponding or inundation.

The surface water collection system shall provide for the collection and control of all surface water within the land being developed or subdivided together with drainage from the entire catchment upstream of the proposed development or subdivision.

Council may permit a system incorporating surface water drainage to existing open watercourses and shall provide for riparian planting for interception or treatment of stormwater where discharging to stream within the catchment of any wetland identified and recorded as a Significant Natural Areas.

Where a drain is to be laid through any other land the developer shall negotiate and create all necessary drainage easements.

(b) Surface water Disposal Systems to Serve Expected Future Development of Other Land

Where the site of the proposed development or subdivision contains or adjoins other land which is expected to be subdivided or developed in the future; and where the future development or subdivision of that other land would rely on surface water disposal reticulation through the land which is the subject of the proposed development or subdivision.

The Council will require the developer or subdivider to provide for and construct surface water disposal reticulation through the proposed development or subdivision to such a standard as is expected to be necessary to provide adequate reticulation to that other land;

Where this requirement results in the developer or subdivider incurring design and construction costs in excess of those that would be required to serve the proposed development or subdivision, Council will reimburse the additional costs to the developer or subdivider.

Costs shall be determined on the basis of the estimated or actual costs of design and construction incurred at the time of the proposed development or subdivision.

20.2.6 ESPLANADE RESERVES

Except where (c) below applies:

- (a) Esplanade reserves and strips will be required where an allotment or allotments of less than 4 hectares in size are to be created adjacent to the coast, lakes or adjacent to rivers and streams over three (3) metres in width in accordance with s230 of the Resource Management Act 1991.

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- (b) In some circumstances it may be necessary to obtain an esplanade reserve or strip from properties of more than four (4) hectares created when land is subdivided. In such cases, Council shall pay to the registered proprietor of that allotment compensation in terms of Section 237F of the Resource Management Act unless the registered proprietor agrees otherwise.
- (c) The Council may reduce or waive esplanade reserves or strips where it is demonstrated to the satisfaction of Council that circumstances make the required width impracticable. This could include difficult topography, existing buildings or in recognition of other public access.

Applications for reduction or waiver may be required to consult with the Department of Conservation and the Manawatu Wanganui Regional Council.
- (d) In some circumstances, Council will not require an esplanade reserve to be taken in land as required by (a) above, but instead will require a sum of money equivalent to the value of the land that would have constituted the esplanade reserve. Such circumstances would include situations where there is adequate existing access or isolated areas where access is impracticable.
- (e) Council will identify priority areas for acquisition and rehabilitation through the natural environment chapter to facilitate the creation of a network of reserves and for soil and water quality protection. Two areas to be given priority are already specified in Policy 5.3.
- (f) Circumstances may exist where it is desirable to have a reserve wider than 20 metres. Such cases include those areas of considerable ecological value or where an extra buffer zone is necessary for flood protection. Where appropriate, compensation will be paid to the registered proprietor.
- (g) Council may require a 50 metre (from MHWS) esplanade reserve along the coast when subdivision occurs, creating lots of less than 4 hectares.
- (h) All reserves shall be fenced with a 7 wire post and wire fence equivalent.

20.2.7 UTILITY SERVICES

Utility services are to be provided in accordance with the permitted activity conditions in Clause 22.1.

Where the removal of existing poles or underground cables is necessary for the construction of new streets or services, the cost of such removal and reinstatement shall be borne by the Developer.

In submitting any application for a resource consent, the Developer is required to provide documentary evidence that the proposed layout is sufficient for reticulation by other utility service authorities.

Adequate provision shall be made for transformer sites, junction boxes and other special needs of these authorities. Street lighting on proposed public roads shall comply with the requirements of NZS 6701 Code of Practice for Road Lighting and the Developer will be required to confirm in writing that these lighting standards will be met.

Note: Resource Consents may also be required from Manawatu Wanganui Regional Council for activities that may as an example use the beds of rivers and lakes.

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20.2.8 EARTHWORKS

The developer shall be responsible for the full and actual costs of any earthworks. Dust nuisance to adjoining properties and siltation of water courses should be minimised.

Areas of exposed soil shall be minimised and shall be re-vegetated as soon as practicable. In dry and windy conditions exposed soils may be required to be watered or otherwise stabilised. (Refer to Section 24 General Provisions' for information to accompany resource consent applications involving earthworks).

Note: Any subdivision or development which involves bulk earthworks, changes to the slope of land, the cutting or filling of land, or the construction of foundations for roads, services, or other works may be subject to the requirements of the Regional Council relating to land disturbance.

20.2.9 DEVELOPER TO BE RESPONSIBLE FOR ALL SERVICES

The developer shall make all arrangements with the appropriate authorities for the supply and installation of electric power, street light reticulation and lamps, and telecommunication services.

Provision shall be made for ducts or conduits to be installed across roads and vehicle crossings if the authorities are unable to install their cables/pipes at the appropriate time.

any case where the subdivision or development of land gives rise to the necessity to obtain easements for access or servicing over adjoining land, the developer or subdivider shall obtain all the necessary consents and have these consents registered on the respective certificates of title.

The developer shall maintain all new engineering works within the subdivision or development until they are formally taken over by Council as public works or to a date specified in a bond for completion of uncompleted works.

All damage to existing roads, services or private property, or any disturbance of survey boundary marks due to or caused by any new works, shall be the liability of the Developer. All damage must be repaired by the Developer as soon as reasonably practicable. Where damage is considered by Council or the New Zealand Transport Agency in respect of State Highways to be a serious hazard to the public, Council or the New Zealand Transport Agency may arrange for the necessary work to be carried out and charged to the Developer. Such work includes the removal of mud and debris from existing roads in the vicinity of the subdivision and may include daily removal of such debris where necessary in the interests of traffic safety.

20.2.10 BONDS FOR UNCOMPLETED WORKS

- (i) Where, in the opinion of Council it is desirable, Council may approve a request from a subdivider to complete any required works after approval of a survey plan provided a bond is lodged with Council as guarantee against completion of the works.
- (ii) The minimum standard required by Council before any such bond will be accepted is that all earthworks shall have been completed; all underground services including electricity and telephone shall have been installed; base course metal shall have been satisfactorily laid; and all kerb and channel shall have been laid in new public roads.

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- (iii) The subdivider shall forward to Council a schedule of the quantities and three quotes confirming the costs for completion of the works. Council will make its own assessment of the value of the uncompleted work and will require a bond guarantee against completion of the required work, to be registered against the certificate(s) of title for the affected land.
- (iv) The bond may be progressively reduced on completion of stages of the work.