

### 24. SUBDIVISION AND DEVELOPMENT

#### OVERVIEW

This Chapter sets out the standards, conditions and matters over which the Council has reserved its discretion for subdivision and development. This includes the obligations resting with developers in terms of providing services to subdivisions or developments either as permitted activities or as those activities requiring resource consent. The intention is to ensure that the reasonable direct on and off site effects on infrastructure of a development are avoided, remedied or mitigated by the developer. These obligations are in addition to any requirement to pay a development contribution.

Development contributions are required in order to ensure that the existing levels of services provided by a Council are not reduced or diluted by on-going 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 Contributions Policy is set out within the Council's Long Term Plan.

Development contributions will be applied to any activity that 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 District Plan.

Sections 229 – 237 of the RMA set out the provisions for Esplanade Reserves and Esplanade strips. The Council's Development Contribution Policy does not affect the Council's rights relating to Esplanade Reserves and Esplanade Strips under the RMA and referred to in 24.2.5 of this Chapter of the District Plan.

#### 24.1 CONDITIONS FOR SUBDIVISION AND DEVELOPMENT

All activities shall comply with the following requirements (in addition to the rules and permitted activity conditions for each zone):

##### 24.1.1 General Standard of Compliance

- (a) Development and subdivision design and construction shall comply with the requirements of NZS 4404:2010 Land Development and Subdivision Infrastructure and Council's Subdivision and Development Principles and Requirements (Version: November 2012). Council's Subdivision and Development Principles and Requirements (Version: November 2012) shall prevail where those provisions alter NZS 4404:2010 unless otherwise stated.
- (b) All public road reserves shall be at least 20 metres wide and of sufficient width to provide for vehicle carriageway, footpaths and cycle lanes (as required), public utilities, street lighting, reticulated services, drainage, landscaping, and kerb-side vehicle parking.

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- (c) For any road, lane or right of way serving up to 12 dwelling units and has no through traffic, road reserves shall be at least 10-12 metres wide.

### **24.1.2 Vehicular Access**

- (a) Vehicular Access to Serve the Development
  - (i) For vehicular access connecting the site, and all allotments, with a public road, the developer shall pay the full and actual cost of the works.
- (b) Upgrading of Existing Roads to Serve the Development
  - (i) 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 meet the needs of the development.

### **24.1.3 Water Supply**

- (a) Water Supply to the Development
  - (i) 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
  - (i) 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 meet the needs of the development.

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

### **24.1.4 Wastewater Disposal**

- (a) Wastewater Disposal to Serve the Development
  - (i) The developer shall pay the full and actual cost of providing for the collection, treatment, and disposal of all sewage wastewater that is reasonably expected to be generated by the development where a Council approved sewer connection is available.
- (b) Upgrading of the Existing Reticulated Wastewater Supply
  - (i) Where a development requires the upgrading of the existing reticulated wastewater supply system, the developer shall pay the full and actual costs of upgrading the existing reticulated wastewater supply system to meet the needs of the development.

Note: Additional and separate resource consents may be required from Horizons Regional Council for any independent discharge of wastewater.

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### 24.1.5 Surface Water Disposal

(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 for the on-site disposal of all surface water and containment of water borne contaminants that can be expected to be generated by the development.

### 24.2 CONDITIONS FOR ACTIVITIES REQUIRING RESOURCE CONSENT

All activities that require resource consent shall comply with the following requirements (in addition to the rules and permitted activity conditions for each zone):

#### 24.2.1 General Standard of Compliance

- (a) Development and subdivision design and construction shall comply with the requirements of NZS 4404:2010 Land Development and Subdivision Infrastructure and Council's Subdivision and Development Principles and Requirements (Version: November 2012). Council's Subdivision and Development Principles and Requirements (Version: November 2012) shall prevail where those provisions alter NZS 4404:2010 unless otherwise stated.

#### 24.2.2 Water Supply

(a) Water Supply to Serve the Development or Subdivision

- (i) 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.
- (ii) Any shared potable water supply provided for communal use and not part of a Council reticulated supply shall comply with the Drinking-Water Standards for New Zealand 2005.

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

- (i) 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 developer or subdivider shall 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.

Note: 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 may 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, and calculated based on the additional costs to install the larger capacity water supply reticulation and associated infrastructure.

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### 24.2.3 Wastewater Disposal

- (a) Wastewater Disposal to be Provided to Serve the Development or Subdivision
  - (i) 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
  - (i) 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 developer or subdivider shall 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.

Note: 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 may 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, and calculated based on the additional costs to install the larger capacity sewage reticulation and associated infrastructure.

### 24.2.4 Surface Water Disposal

- (a) Surface Water Disposal Systems to Serve the Development or Subdivision.
  - (i) The developer shall provide a satisfactory system for the collection and containment of contaminants and disposal of surface water on site. Such provision shall avoid creating or worsening any ponding or inundation to surrounding upstream and downstream properties. All designs shall take into account winter ground water levels and groundwater mounding. Overland flow paths shall be designed and protected by easements.
  - (ii) 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.

Note: Discharge of stormwater to land or drainage systems is also regulated by the Proposed One Plan and may require the approval of resource consent from Horizons Regional Council.

- (b) Surface Water Disposal Systems to Serve Expected Future Development of Other Land
  - (i) 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

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would rely on surface water disposal reticulation through the land which is the subject of the proposed development or subdivision, the developer or subdivider shall 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.

Note: 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 may 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, and calculated based on the additional costs to install the larger capacity surface water reticulation and associated infrastructure.

### 24.2.5 Esplanade Reserves/Strips

#### Subdivision

The following apply in all Zones:

- (a) An esplanade reserve shall be required where an allotment of less than 4 hectares is to be created adjacent to the water bodies listed in Group 1 in Schedule 12 – Priority Water Bodies.

(This clause shall not apply to Lake Horowhenua).

- (b) All esplanade reserves required by (a) above shall be vested in the Council, and have a minimum width of 50 metres, where adjacent to the Tasman Sea (from MHWS) and 20 metres, where adjacent to any other Group 1 Schedule 12 - Priority Water Bodies.

- (c) An esplanade strip shall be required and created where an allotment of less than 4 hectares is to be created adjacent to the water bodies listed in Group 2 in Schedule 12 – Priority Water Bodies.

(This clause shall not apply to the Hokio Stream).

- (d) All esplanade strips required by (c) above shall have a minimum width of 10 metres.

- (e) Where an allotment of less than 4 hectares is to be created adjacent to any water body not listed in the tables above and the water body is a river over 3 metres in width or a lake over 8 hectares, Council may require an esplanade reserve or strip to be created for one or more of the purposes set out in Section 229 of the RMA. Whether a reserve or strip is required and its width will be determined by the Council having considered the matters set out under (g) below.

- (f) It may be necessary, for one or more of the purposes set out in Section 229 of the RMA, that an esplanade reserve or strip be created when allotments of more than 4 hectares are created. In such cases, Council shall pay to the registered proprietor of that allotment compensation in terms of Section 237F of the RMA unless the registered proprietor agrees otherwise.

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- (g) 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 or esplanade area impracticable. In considering a reduction in width or waiver, Council will consider the following:
- (i) The values for which the water body was identified as being significant in Schedule 12 – Priority Water Bodies.
  - (ii) Natural and ecological values, including the riparian vegetation, water quality, potential for erosion, and the impact of flooding.
  - (iii) The protection of wahi tapu, mahinga kai and other taonga, as well as the provision of access to areas of importance to Māori.
  - (iv) Topography along the margins of the water body which makes access unworkable.
  - (v) The need for public access to and along the water body.
  - (vi) The rights of property owners and the security of private property.
  - (vii) The benefits and costs of the provision and maintenance of esplanade reserves and strips.
  - (viii) Risks from natural hazards and to public health and safety.
  - (ix) The width of any adjoining esplanade reserve or strip.
  - (x) The width of the river or stream concerned.
- (h) Council may require reserves to be fenced to protect the values of the reserve, which may include a stock proof fence (seven (7) wire post and batten fence, or equivalent). Stiles over fences or other devices may also be required to maintain or improve public access.
- (i) Notwithstanding the above requirements, in all Zones, an esplanade reserve or strip is not required where a subdivision is:
- (i) For a minor adjustment to an existing cross-lease or unit title due to the increase in the size of the allotment by alterations to the building outline or the addition of accessory buildings;
  - (ii) Boundary Adjustment; or
  - (iii) Solely due to land being subdivided for a network utility or reserve purpose.

### **Land Use**

In all Zones, the following requirements apply:

- (a) Where a land use consent application relates to a site that adjoins and/or includes part of a water body listed in Schedule 12 – Priority Water Bodies, Council may impose a condition of consent requiring an esplanade reserve or esplanade strip for one or more of the purposes set out in Section 229 of the RMA. In deciding whether an esplanade reserve or strip is required, the Council will consider the matters listed in 24.2.5(g) above.

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### 24.2.6 Access Strips

- (a) The creation of an access strip may be appropriate where land being subdivided includes, adjoins and/or can provide enhanced public access to a:
- Water body listed in Schedule 12 – Priority Water Bodies;
  - Significant habitat of indigenous fauna or area of significant indigenous vegetation;
  - Historic Heritage Building, Structure or Site listed in Schedule 2.
- (b) Notwithstanding any other provisions or rules in the District Plan, in respect of any unscheduled water body, heritage item or site or area of significant conservation values, an access strip shall only be created where there is a demonstrated need for public access or protection of conservation or recreational values.

### 24.2.7 Utility Services

- (a) Utility services shall be provided in accordance with ~~the permitted conditions in Rule 22.4~~ Council's Subdivision and Development Principles and Requirements (Version: November 2012).

### 24.2.8 Earthworks

- (a) The developer shall be responsible for the full and actual costs of any earthworks.

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