
SECTION 16 : SUBDIVISION

16.1 INTRODUCTION

Council has a function under the Resource Management Act to control the subdivision of land. The Act distinguishes subdivision as a category of activity distinct from land use activities. No person may subdivide land unless the subdivision is expressly allowed by a rule in the plan or by a resource consent.

Subdivision is a legal mechanism for changing the boundaries, the size and the ownership of parcels of land and accordingly has no direct adverse effects per se. The act of subdivision is closely linked to land use because subdivision is often needed to facilitate a change in the use of land and to ensure that a parcel of land is sufficient to accommodate a land use.

Subdivision is also important for a number of other reasons. It provides an opportunity to service land with roading, water and sewage reticulation, electricity and telecommunication services, and waste disposal services to achieve the integrated management of effects on the environment. Subdivision also provides the mechanism for the provision of esplanade reserves and esplanade strips and is therefore critical to the maintenance and enhancement of public access to water bodies. The process of subdivision also makes a significant contribution to the ongoing provision of open space and reserves to meet the needs of the District.

16.2 ISSUES

The following issues are of specific relevance to subdivision. The issues set out in Section 15.2 of the Financial Contributions section of this Plan are also relevant to subdivision.

16.2.1 **Intensification of Development**

Subdivision often leads to more intensive development of land.

This can have adverse effects on:

- (a) **Public services, infrastructure and utilities and their efficient management.**
- (b) **The recreation resources of the District.**
- (c) **Landscape, heritage and amenity values.**
- (d) **Areas of significant indigenous vegetation and habitats of indigenous fauna, and significant habitats of statutorily managed sports fish and game.**
- (e) **The life supporting capacity of soil and water.**
- (f) **Public access to the District's reserves, water bodies, other public lands and natural and physical resources.**

*Cross Reference
Objectives 16.3.1,
16.3.2, 16.3.4 to
16.3.11*

Explanation

Subdivision, particularly in urban areas or on the fringe of urban areas can have a significant effect on public services such as water, stormwater, sewer reticulation, electricity and telephone reticulation, and the roading network. Inappropriate subdivision can create pressure to extend services to a level where the general public cannot sustain them.

Closer settlement of land which occurs as a result of subdivision also increases the pressure on the District's recreational facilities and can reduce environmental quality particularly in terms of landscape and amenity values.

Public access to recreational resources (particularly water resources) can be restricted as land use intensifies. This is because people accessing these resources will generally have less effect on the occupants of large properties than people living on smaller properties. Furthermore, negotiating public access rights is more difficult when dealing with a large number of separate landowners.

The servicing of subdivisions may also involve discharges to land or water which can significantly affect the sustainable management of the District's natural and physical resources. Consent in these circumstances may be required from the Regional Council.

16.2.2 **Hazards**

Subdivision that has the effect of intensifying future land use may also increase the number of people and/or activities that are at risk from the effects of hazards.

*Cross Reference
Objective 16.3.3
Section 17
Hazards*

Explanation

Subdivision often creates the opportunity for closer settlement. Subdivision will require closer scrutiny when it involves areas of land that are potentially at risk from a hazard.

16.3 OBJECTIVES

The objectives set out in this section are specific to subdivision. The objectives set out in Section 15.3 of the Financial Contributions section of this Plan are also relevant.

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| <p>16.3.1 <u>Objective - Adverse Effects on the Roading Network</u>
 To ensure that subdivision avoids, remedies or mitigates adverse effects on the safe and efficient operation of the District's roading network.</p> | <p><i>Cross Reference</i>
 <i>Issue 16.2.1</i>
 <i>Policies 16.4.1, 16.4.2</i></p> |
| <p>16.3.2 <u>Objective - Services and Infrastructure</u>
 To ensure that subdivisions provide all necessary services and infrastructure without adversely affecting the public interest and the ongoing viability of those services and infrastructure.</p> | <p><i>Cross Reference</i>
 <i>Issue 16.2.1</i>
 <i>Policies 16.4.3, 16.4.5</i></p> |
| <p>16.3.3 <u>Objective - Hazards</u>
 To ensure that subdivision does not facilitate development that may potentially be at risk from hazards.</p> | <p><i>Cross Reference</i>
 <i>Issue 16.2.2</i>
 <i>Policy 16.4.8</i>
 <i>Section 17</i>
 <i>Hazards</i></p> |
| <p>16.3.4 <u>Objective - Amenity Values</u>
 To ensure, where appropriate, that amenity values of the District created by the open space, landscape and natural character values, and areas of significant indigenous vegetation, significant habitat of statutorily managed sports fish and game are not adversely affected by subdivision.</p> | <p><i>Cross Reference</i>
 <i>Issue 16.2.1</i>
 <i>Policies 16.4.4, 16.4.7, 4.4.10</i>
 <i>(Rural Resource Area)</i></p> |
| <p>16.3.5 <u>Objective - Water and Soil Resources</u>
 To ensure that subdivision does not facilitate development that may compromise the life-supporting capacity of the District's water and soil resources.</p> | <p><i>Cross Reference</i>
 <i>Issue 16.2.1</i>
 <i>Policies 16.4.4, 4.4.10 (Rural Resource Area)</i></p> |
| <p>16.3.6 <u>Objective - Heritage Values</u>
 To ensure that subdivision does not facilitate development that may adversely affect heritage and cultural values including cultural values of importance to Kai Tahu ki Otago.</p> | <p><i>Cross Reference</i>
 <i>Issue 16.2.1</i>
 <i>Policies 16.4.7, 16.4.10</i>
 <i>Section 14</i>
 <i>Buildings, Sites and Trees of Heritage Value</i></p> |
| <p>16.3.7 <u>Objective - Open Space, Recreation and Reserves</u>
 To ensure that subdivision contributes to the open space, recreation and reserve needs of the community.</p> | <p><i>Cross Reference</i>
 <i>Issue 16.2.1</i>
 <i>Policy 16.4.7</i></p> |
| <p>16.3.8 <u>Objective - Public Access</u>
 To ensure, where appropriate, that subdivision maintains and where appropriate enhances public access:</p> <p>(a) To and along the margins of the District's lakes and rivers.</p> <p>(b) To the District's reserves and areas of public open space.</p> | <p><i>Cross Reference</i>
 <i>Issue 16.2.1</i>
 <i>Policies 16.4.7, 16.4.9 to 16.4.11</i></p> |

- (c) To sites of heritage and cultural values.
- (d) To sites of cultural importance to Kai Tahu ki Otago.

16.3.9 Objective - Physical Works Involved in Subdivision

To ensure that the physical works involved in preparing land that is part of the subdivision avoids, remedies or mitigates adverse effects on:

- (a) The stability of land.
- (b) Water quality within natural watercourses and the stability of their margins.
- (c) Neighbouring properties in respect of the effects of noise, dust and vibration.

Cross Reference
Issue 16.2.2
Policies 16.4.6,
16.4.7, 12.4.3 (pg
12:5) 12.4.7 (pg
12:6)

16.3.10 Objective - Provision for Future Development

To ensure subdivisions are designed to facilitate an appropriate and co-ordinated ultimate pattern of development having regard to the particular environment within which the subdivision is located.

Cross Reference
Issue 16.2.1
Policy 16.4.7

16.3.11 Objective - Effluent Disposal

To ensure that subdivision in areas without reticulated foul sewage services does not facilitate development that has an adverse effect on soil, surface and groundwater resources, and public health.

Cross Reference
Issue 16.2.2
Policy 16.4.4

16.4 POLICIES

16.4.1 Policy - Adequate Access

To require that all subdivisions have legal and physical access that:

- (a) Is of a standard that is adequate for the intended use of allotments having regard to current and likely future traffic levels and the safe and convenient movement of vehicles and pedestrians, and
- (b) That integrates with the existing roading network in a safe and efficient manner,

except in circumstances where Council is satisfied that section 321(2) and (3) of the Local Government Act 1974 is to apply or where no new lots are to be created.

Explanation

Subdivision generally results in the need for new entrances onto the existing roading system and often requires the development of new roading or the upgrading of existing roads. This has implications for the safe and efficient operation of the existing roading network. To mitigate the adverse effects of subdivision (including the adverse effects on the maintenance of the network) access points must meet certain criteria and standards, while new roading must be constructed to a standard that is suitable for the intended usage.

Cross Reference
Objective 16.3.1
Standards 16.7.2
to 16.7.6
Section 15
Financial
Contributions

16.4.2 Policy - Existing Access

To encourage the use of existing access points to rural State highways and arterial roads to avoid or mitigate adverse effects on the safe and efficient operation of these roads.

Explanation

Rural State highways and arterial roads carry heavy traffic loads of fast moving traffic. The creation of new access points to these roads must be kept to a minimum so as to maintain safety and efficiency levels. All other avenues must be explored before new access points to these roads are considered.

Cross Reference
Objective 16.3.1
Rule 4.7.2(ii)

16.4.3 Policy - Adequate Infrastructure

To require that the land to be subdivided is supplied with services and infrastructure that are adequate for the intended use of the land to be subdivided without the public interest being adversely affected.

Explanation

Subdivision must provide all services and infrastructure needed to service that subdivision. Conditions of consent will ensure that a significant investment of public money into providing services to the subdivision is not needed. Council considers it appropriate that those who benefit from the subdivision should bear all costs incurred in the subdivision process, including the provision of services.

Cross Reference
Objective 16.3.2
Standards 16.7.1,
16.7.2, 16.7.3
Section 15
Financial
Contributions

Subdivision can also require the upgrading of existing utility infrastructure. This has implications for the capacity of the existing network and the responsibility for cost of upgrading rests with those who benefit from subdivision.

16.4.4 Policy – Unreticulated Areas

To require that subdivisions within unreticulated areas are designed to ensure that each allotment:

- (a) Has the ability to adequately dispose of effluent and stormwater on site without compromising health, the life-supporting capacity of soil resources, the quality of ground and surface water resources, and the drainage and amenity values of adjoining properties: and that,**
- (b) An adequate supply of water can be provided, where this is appropriate to the intended use of the allotment.**

Cross Reference
Objectives 16.3.5,
16.3.11
Rules 4.7.2(ii)
7.3.3(i), 8.3.2(ii)
9.3.2(i), 10.3.3(i)

Explanation

Intensive development in unreticulated areas has the potential to create significant adverse environmental effects as a result of discharging effluent directly to the ground rather than to a reticulated system. Allotments in unreticulated areas will be required to meet certain standards in relation to this issue. This may involve consents from the Otago Regional Council that is the principal agency in respect of the discharge of contaminants.

It is also essential that subdivisions for residential purposes can be provided with an adequate supply of water for domestic and fire fighting purposes. A consent may be needed from the Otago Regional Council for the taking of water for more than a single domestic use.

16.4.5 Policy - Trade Waste

To require that subdivision for industrial purposes make adequate provision for the disposal of trade waste where this is appropriate.

Cross Reference
Objective 16.3.2
Rule 9.3.2

Explanation

The waste generated by certain industrial activities cannot always be accommodated within existing systems. Consequently specific provision may need to be made for trade waste.

16.4.6 Policy – Construction Standards

To require that all physical works within subdivisions are designed and constructed in accordance with NZS 4404:1981 which is the Council’s Subdivision Code of Practice unless Council determines modification of this code is necessary given the local conditions and particular circumstances affecting the subdivision.

Cross Reference
Objective 16.3.9
Method 16.5.2
Standard 16.7.1

Explanation

Council’s Code of Practice is currently NZS 4404:1981 which is the basic design standard for subdivision construction. There will, however, be circumstances where the basic standard will need to be modified by conditions of subdivision consent in recognition of local conditions affecting the subdivision.

The Code of Practice only relates to the construction and design of works that will be subject to conditions attached to subdivision consents. The Code does not form part of this plan, but provides an indication to subdividers as to what standards of construction will generally be required.

16.4.7 Policy - Subdivision Design

To require that the design of subdivision, where relevant to the intended use, provides for the following matters:

- (a) **Facilitates convenient, safe and efficient access to all allotments including pedestrian access where appropriate.**
- (b) **Facilitates the safe and efficient provision and operation of services and infrastructure.**
- (c) **Facilitates access to passive solar energy resources.**
- (d) **Facilitates any foreseeable subsequent development or redevelopment including the economic provision of roading and network utility services.**
- (e) **Facilitates adequate provision of, or contribution to, the open space, recreational and reserve needs of the community with physical links to existing reserve areas where this is practicable.**
- (f) **Facilitates an appropriate level of access to heritage sites, natural features and water bodies where appropriate.**
- (g) **Facilitates development which keeps earthworks to a minimum.**
- (h) **Facilitates retention of the heritage values of a site or area.**

Cross Reference
Objectives 16.3.4, 16.3.6, 16.3.7, 16.3.8, 16.3.9, 16.3.10
Methods
Section 16.7
Section 15
Financial
Contributions
Rules 4.7.2(ii), 7.3.3(i), 8.3.2(ii), 9.3.2(i), 10.3.3(i)

Explanation

The design of a subdivision can have a significant impact on the matters identified in this policy. For subdivision to promote the sustainable management of natural and physical resources, the design of individual subdivisions must have due regard to these matters.

16.4.8 Policy - Sites Subject to Hazards

With respect to land that is, or is likely to be, subject to the effects of hazards (including the circumstances set out in section 106 of the Act) Council may only grant a subdivision consent where either:

- (a) **The area of the subdivision to be used for building or other development purposes will not be subject to material damage from the hazard; or**
- (b) **The subdivision is not materially changing the status quo (eg. boundary adjustment); or**
- (c) **The subdivision is to facilitate land stabilisation, erosion protection, flood protection or some other method of avoiding, remedying or mitigating the effects of the hazard; or**
- (d) **The adverse effects of the hazard can be avoided, remedied or mitigated by conditions attached to the consent including the provision of appropriate works;**
or

Cross Reference
Objective 16.3.3
Methods
Section 17
Hazards
Rules 4.7.4(iii), 7.3.4(ii), 10.3.4(iii)

- (e) **Other exceptional circumstances exist; and/or**
- (f) **The subdivider is willing to accept any potential risk and is prepared to have the resultant certificate of titles registered accordingly.**

Explanation

Subdivision that facilitates intensive development in hazard prone areas is not considered appropriate. In some instances subdivisions will not increase the risk to the community or individual from a hazard event. Furthermore, some people are prepared to take the risk of locating in these areas because of other benefits to be gained from doing so. In these circumstances, consent may be granted subject to appropriate conditions.

16.4.9 Policy - Esplanade Provision

To ensure where appropriate that the subdivision of land recognises and provides for the purposes set out in section 229 of the Act by requiring the provision of an esplanade reserve or strip on subdivision having regard to:

- (a) **The values of the river or lake in terms of section 229 of the Act.**
- (b) **Public safety requirements.**
- (c) **Any requirements of adjoining activities or land.**
- (d) **Any other matters that may be relevant.**

Explanation

The purposes of esplanade reserves and esplanade strips is set out in section 229 of the Act as follows:

- (a) To contribute to the protection of conservation values by, in particular, -
 - (i) Maintaining or enhancing the natural functioning of the adjacent river or lake; or
 - (ii) Maintaining or enhancing water quality; or
 - (iii) Maintaining or enhancing aquatic habitats; or
 - (iv) Protecting the natural values associated with the esplanade reserve or esplanade strip; or
 - (v) Mitigating natural hazards; or
- (b) To enable public access to or along any river or lake; or
- (c) To enable public recreational use of the esplanade reserve or esplanade strip and adjacent river or lake where that use is compatible with conservation values.

Note: This reflects the legislation at the time of the notification of this plan. The Act itself should be consulted.

The creation of esplanade reserves and strips is considered by Council as an essential aspect of fulfilling its duties under sections 6 and 7 of the Act.

The maintenance and enhancement of public access to and along the margins of rivers or lakes is also a matter of national importance by virtue of section 6 of the Act. Subdivision, which often facilitates more intensive development, has the potential to compromise public access. Where this is a possibility, consent will only be granted subject to appropriate provisions being made for access.

Cross Reference
Objective 16.3.8
Standard 16.7.13
Section 15
Financial
Contributions

The preservation of the natural character of wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development is another matter of national importance identified in section 6 of the Act. The purpose of section 229 is consistent with this duty.

There are, however, circumstances where access is not appropriate or necessary because the river or lake may have little ecological or recreational value or where there are public safety or other reasons (such as those associated with hydro power generation facilities) that override the need for public access.

16.4.10 Policy - Esplanade Reserves and Esplanade Strips

In circumstances where an esplanade provision to achieve access along the District's rivers or lakes is necessary, Council will generally require the creation of an esplanade strip except in the following circumstances where an esplanade reserve may be required:

- (a) **Where an area of significant indigenous vegetation or significant habitat of indigenous fauna exists in a river or lake and/or along the margin of a river or lake.**
- (b) **Where the river or lake is, or may potentially be, adversely affected by pollution or runoff from the adjoining land use.**
- (c) **Where a site of archaeological or historical importance exists.**
- (d) **Where a site of cultural significance to Kai Tahu ki Otago exists.**
- (e) **Where the river or lake comprises an integral part of an outstanding natural feature or landscape.**
- (f) **Where a significant habitat of trout and salmon, or a significant sports fishery exists or significant public recreational hunting occurs.**
- (g) **Where the bank of the river or lake is, or is potentially, unstable.**
- (h) **Where there is a threat or potential threat from a natural hazard.**
- (i) **Where the public use of the site would be better served by the land being in public ownership.**
- (j) **Where the subdivision will create an intensive pattern of development which has the potential to lead to defacto occupation of the riparian margin thereby acting as a deterrent to public access.**
- (k) **Where the natural functioning and aquatic habitats of the river or lake require protection from the adverse effects of adjacent land uses.**

*Cross Reference
Objective 16.3.8
Standard 16.7.13
Section 15
Financial
Contributions*

Explanation

The need for an esplanade provision will be assessed in accordance with Policy 16.4.9. Where an esplanade provision is considered necessary esplanade strips are favoured as the land is not lost to the owner and no survey costs are involved. Conditions of public access can be regulated by the owner and Council and the public

can be excluded at particular times of the year (eg. lambing). Strips as opposed to reserves move with any movement in the position of the river or lake. As ownership does not change, any compensation payable is minimal.

There are exceptional circumstances where reserves are preferable to strips. This policy identifies those circumstances.

16.4.11 Policy - Width of Esplanade Provision

To relate the width of any esplanade strip or reserve that may be required to the function to be performed by that strip or reserve, having regard to:

- (a) **The values identified in Policy 16.4.9 and Policy 16.4.10,**
- (b) **The topography and/or the location of any existing building or activity adjacent to the water body, and**
- (c) **Whether the purposes specified in section 229 of the Act or values identified in Policy 16.4.10 can be adequately provided by other means,**

provided that the width of any esplanade strip or reserve to provide public access shall be no less than 3 metres.

Explanation

The width of any esplanade strip or reserve required will depend entirely on the function it is to serve. Where public access is all that is required, and the topography adjacent to the water body facilitates convenient access, then 3 metres may be sufficient. However, if the purpose of the mechanism is to protect water quality or riparian vegetation, then the appropriate width may be greater. Any such assessment will take place on a case by case basis as part of the consideration of the subdivision application. Total waiver of any such requirement would need to be assessed in accordance with this policy and Policies 16.4.9 and 16.4.10.

Cross Reference
Objective 16.3.8
Standard 16.7.13
Section 15
Financial
Contributions

16.5 METHODS OF IMPLEMENTATION

16.5.1 Subdivision Consent Process

To establish a subdivision consent procedure that ensures the efficient processing of applications while ensuring that all technical information required is supplied and appropriate consultation is carried out.

*Cross Reference
All policies*

Reason

The majority of subdivision applications will be dealt with under delegated authority in order to maintain a simple and streamlined process. Consultation with affected persons such as Transit New Zealand, Otago Regional Council, network utility operators and neighbouring property owners should also be done prior to making an application for subdivision consent.

16.5.2 Subdivision Code of Practice

To develop a Code of Practice as a guideline for quality control and design standards for the physical works involved in subdivision. This Code will be based on NZS 4404 : 1981, modified to meet local conditions. It does not form part of this plan but provides subdividers with an indication of the standards the Council will generally impose as conditions of consent relating to the physical construction of subdivisions. Until such a Code is developed NZS 4404:1981 shall remain as the Council's Code of Practice.

*Cross Reference
Policy 16.4.6*

Reason

This code contains standards that will ensure the environmental effects of the physical construction of subdivisions are avoided, remedied or mitigated.

16.5.3 Rules

The rules of the various Resource Areas require that an application for resource consent must be applied for in respect of all subdivision activities. The majority of subdivisions are identified as controlled activities or discretionary (restricted) activities. Subdivisions that do not comply with the various standards are identified as either discretionary or non-complying activities.

*Cross Reference
All policies
Rules contained
in various
Resource Areas*

Reason

Subdivision is closely linked to land use and often facilitates an intensification of development. This has implications for services and infrastructure, and can adversely impact on amenity values. Consequently, the most practical option to ensure these effects are avoided, remedied or mitigated is to control subdivision through the consent process. Furthermore, subdivision that may only have minor effects on the environment often requires the granting and reserving of easements, amalgamation of allotments and the like. Conditions addressing these matters can only be imposed through the resource consent process.

16.5.4 Preliminary Consultation

In circumstances where a subdivision will create more than 20 allotments and will therefore have a significant effect on public and utility services (for example, water schemes, sewerage schemes, roading, electricity, telecommunication etc) the Council encourages the applicant to submit to Council prior to formal application, a concept plan that outlines the proposed subdivision, to enable the significant issues to be identified and addressed through a consultative process before the final subdivision design is prepared. This process should also involve consultation with other utility operators, the Otago Regional Council, Transit New Zealand and neighbouring property owners, if appropriate.

*Cross Reference
Policy 16.4.3*

16.5.5 Information To Accompany Subdivision Consent Applications

Any resource consent application to subdivide land or buildings shall include all information required under section 88(4) and section 219 of the Act and all information required under Schedule 19.1 of this Plan.

*Cross Reference
Schedule 19.1*

16.5.6 Certification and Design Work

All certification required by Council and all design work shall be carried out by a suitably qualified and experienced person.

*Cross Reference
Policy 16.4.6*

16.5.7 Section 226(1)(e)(ii) Certification

For an allotment to be certified under section 226(1)(e)(ii) of the Act, all servicing and access requirements must comply with the requirements of the plan.

*Cross Reference
Refer section 226
of the Resource
Management Act
1991*

All title boundaries to be created by certification must not create a situation where a building does not comply with the requirements of the Building Act and/or the building does not comply with either the district plan or section 10 of the Act.

16.5.8 As Built Plans

Four copies of all as-built plans are to be lodged with the Chief Executive of the Council upon completion of all works.

*Cross Reference
Policy 16.4.6*

16.6 PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

The Act confirms that the Council has the function to control subdivision. The approach adopted in this plan recognises that while the actual creation of new allotments on a plan has, in itself, no direct effects on the environment, the subdivision process is often the facilitator of new development. The control of subdivision is therefore a useful, (and often essential), tool to avoid, remedy or mitigate adverse effects on services, infrastructure, recreation resources, landscape values, and general amenity values. The objectives, policies and methods of implementation contained within this section provide the framework to achieve this.

16.7 GENERAL STANDARDS

The following general standards relate to those matters Council has retained control or discretion over on resource consent applications for subdivisions. The general standards generally identify “minimum” standards for subdivision design and construction, and should be read in conjunction with the subdivision rules in each Resource Area. These standards will generally be applied in the formulation of any conditions of subdivision consent. However, compliance with these matters does not guarantee that a resource consent will be granted. The Council may impose conditions beyond the scope of these matters.

16.7.1 Subdivision Code of Practice

The physical design and construction of works to be carried out as part of the subdivision or as required by a condition of consent will generally be in accordance with Council’s Code of Practice for Subdivision (see Method 16.5.2 page 16:11). Modification may be made to the requirements of this Code by any conditions of consent.

*Cross Reference
Policy 16.4.6*

16.7.2 Services, Infrastructure and Roading Within a Subdivision

(a) The subdivider shall be responsible for providing all reticulation, services and roading within the subdivision. The subdivider shall also ensure that services are provided to the boundary of each allotment. All costs of tying into existing services and infrastructure (including roading, footpaths and kerb and channel (or other similar systems)) shall rest with the subdivider.

*Cross Reference
for 16.7.1 to
16.7.13*

*Rules
Rural Resource
Area
4.7.2(ii), 4.7.4(iii),
4.7.5(iv)*

(b) The subdivider shall be responsible for the forming, grassing and where necessary, irrigating of all berms, and for establishing landscaping that is required as a condition of consent. An irrigation system may be required as a condition of consent and this shall be installed at the cost of the subdivider.

*Residential
Resource Area
7.3.2(i), 7.3.3(i),
7.3.4(ii)*

(c) Lighting shall be installed within all urban subdivisional roads and shall be designed and installed in accordance with the requirements of NZS 6701:1983. Lighting reticulation to be installed shall be cost effective with regard to future availability, operating costs and maintenance. Lighting components must be approved by Council.

*Business Resource
Area
8.3.2(ii)*

(d) The consent holder or successor in title shall be responsible for providing kerb crossing places and vehicle entrances to all allotments intended to accommodate a dwelling or other building.

*Industrial
Resource Area
9.3.2(i)*

(e) The consent holder shall provide for Council’s consent, a proposed name or names for any new subdivisional road and when approved it shall be the consent holder’s responsibility to supply and erect appropriate signs of a design consistent with the road sign design used in that particular locality.

*Rural Settlements
10.3.2(i), 10.3.3(i),
10.3.4(iii)*

(f) The subdivider shall provide, as part of the design and construction of any private way or access lot servicing more than 2 allotments, common facilities for postal delivery and refuse collection services. Facilities for these services shall be provided in a co-ordinated and tidy manner which promotes ease of access and use, the design of which is to be compatible with the existing streetscape.

16.7.3 Services, Infrastructure and Rooding Servicing the Subdivision

All services, infrastructure and roading that service the land within a subdivision shall be of a standard adequate to meet the intended use of the subdivision.

16.7.4 Minimum Access Widths - Urban Areas

Minimum access widths for rear allotments in urban areas shall be as follows:

- 1 Lot** = 3.6 metres legal, 3.0 metres formed and sealed, and no more than 60 metres in length
- 2 - 4 Lots** = 6 metres legal, 4 metres formed and sealed, and no more than 60 metres in length.
- 5 or more Lots** = To a road standard as determined by conditions of resource consent.

Provided that Council may require a different standard as a condition of the resource consent given the particular characteristics of the locality and/or subdivision and provided that where an access more than 60 metres is proposed, provision may be required for the passing of vehicles on the access.

Note: Private access to rear allotments may be achieved by access lots or access strips with reciprocal rights of way.

16.7.5 Minimum Access Widths - Rural Areas

Minimum access width in rural areas shall be as follows:-

Rights of way, access lots = 6 metres legal, 4 metres formed.
Crossfalls of a minimum of 6% shall be provided to ensure water drains freely from the carriageway

Roads = Width and construction are to be consistent with the requirements of Council's roading classification provided that any proposed road to be vested in the Council shall be no less than 10 metres in width.

16.7.6 Maximum Gradients for Carriageways

The maximum gradients for carriageways shall be as follows –

- Private access** - 1 in 5.
- Roads** - 1 in 8.

16.7.7 Access to Back Land

The design of every subdivision shall give consideration to the future development of adjoining land and the Council, may, as a condition of consent, require the creation of reserves, roads or the formation of roads to the boundary of adjoining land to facilitate future development.

16.7.8 Existing Buildings or Other Developments

Where any subdivision includes land that has existing buildings or other developments located upon it, Council will require that the individual allotments upon which the existing buildings or other developments are situated have independent connections to all utilities servicing the land and that appropriate easements are created to protect existing services. Separate drainage and water connections

will generally be required for each property. In special circumstances, however, “drains in common” or a shared water connection with separate tobys may be consented to.

16.7.8 (cont'd)

In such cases a formal maintenance agreement may be required to be entered into and registered to confirm the responsibilities of the respective parties.

16.7.9 Stability of Land

Prior to considering an application, the Council may require the production of a report from a geologist or engineer experienced in the field of land stability showing that each site in the proposed subdivision is suitable for the permitted activities on that site and the erection of buildings. A report from an appropriately qualified and experienced person may be required where any other potential hazard may affect land subject to the application.

16.7.10 Electricity and Telephone Services

The design and provision to each allotment of electricity and telephone utility services shall comply with the standards of the relevant network utility operator (that is referred to in the context of this rule as a ‘provider’) provided that electricity and telephone utility services are to be located underground in urban areas unless this is demonstrated to be impracticable (apart from the Industrial Resource Area) and other areas if Council so determines as a condition of consent.

This may require written confirmation from the relevant provider that:

- (a) The facilities can be made available to the subdivided lots from existing services, or that agreement has been reached with the provider for the provision of any necessary services.
- (b) Agreement has been reached with the provider for payment (which may include the lodging of a bond with the provider or registration of an encumbrance against the land) of the reasonable cost of installation of new facilities or alteration to existing facilities, including undergrounding of lines necessary to provide the facilities to and within the subdivision.
- (c) If the land proposed to be subdivided is crossed by existing lines, the provision to be made for any necessary relocation or undergrounding of such lines, including the granting of easements in favour of the provider where required.

Wherever necessary easements shall be granted by the subdivider in favour of the provider, at the cost of the subdivider, to ensure continued access to such facilities in circumstances where they are to be owned by the provider, and where they are located beyond the boundaries of any road vested in the Council.

16.7.11 High Voltage Transmission Lines

Where subdivision activities are to occur in close proximity to high voltage transmission lines (being 20 metres either side of the centre line of that transmission line) such subdivisions shall, through the design of sites and the location of roads and reserves under the route of the line:

- (a) Ensure that ease of access to transmission lines is maintained so that maintenance and inspections of transmission lines to avoid risk of injury and/or property damage can occur;
- (b) Be designed so that there will be no need to erect buildings within 20 metres of the centre line on each of high voltage transmission lines; and
- (c) Facilitate building platforms for residential dwellings where the main living area will not face the transmission lines.

16.7.12 Amalgamation Conditions

In addition to the circumstances set out in section 220(1)(b) of the Act Council may impose amalgamation conditions for the following purposes:

- (a) To ensure adequate legal and/or physical access is available to the land being subdivided.
- (b) To maintain the integrity of network utility services and/or infrastructure that serves or crosses the land being subdivided.
- (c) To maintain and enhance amenity values, particularly with respect to landscape values.
- (d) To meet minimum allotment size requirements.
- (e) To reduce the non-compliance of an existing allotment.
- (f) To meet yard and/or separation requirements.
- (g) To facilitate boundary adjustments.
- (h) For any other purpose consistent with the above.

Where a formal amalgamation condition is not appropriate the Council may apply alternative conditions provided for in terms of the Act or may require the land administering agency, owner or occupier to enter into a written undertaking to require that parcels of land be held together.

16.7.13 Provision of Esplanade Strips, Esplanade Reserves, and Access Strips

1. Esplanade Strips/Esplanade Reserves

Where any land to be subdivided adjoins any river or lake or in circumstances where section 345 of the Local Government Act 1974 applies, the following may be required as a condition of consent to the subdivision:

- (a) Allotments less than 4 hectares.
Where an allotment of less than 4 hectares is created when land is subdivided adjacent to a river 3 metres or greater in width or a lake of 8 hectares or more in area, an esplanade strip up to 20 metres in width may be required to be created within that allotment OR an esplanade reserve up to 20 metres in width may be set aside from that allotment along the bank of the river or along the margin of the lake as the case may be.

(b) Allotments greater than 4 hectares

16.7.13 (cont'd)

Where an allotment greater than 4 hectares is created, Council may require an esplanade strip to be created or an esplanade reserve to be set aside in the following circumstances:

1. Where reserves already exist adjacent to or in the general vicinity of the subdivision and an esplanade strip or reserve would complement or increase the width of that land already in public ownership.
2. On those streams, rivers or lakes identified in Schedule 19.9
3. On any other water body where an esplanade strip or reserve may be necessary to provide for the purposes set out in section 229 of the Act.

Note: The Act requires that Council pay compensation for any esplanade strip or reserve taken as part of a subdivision of allotments greater than 4 hectares.

2. Existing Reserve or Road

Where a reserve or road already exists along the bank of the lake or along the margin of a river or previously existed but the position of the river or lake has changed and reduced the width of the reserve or road in places, then additional land may be required to be set aside as esplanade reserve or an esplanade strip created to increase the reserve or road to a width appropriate to perform the esplanade function.

3. Vesting of Lake and River Beds

Section 237A of the Act shall only apply when it is considered to be in the public interest to vest the bed of the river or lake in the Council.

Matters of public interest may include, but are not limited to, the following:

1. Where there is a need, or a potential need, to dredge the bed of the lake or river for some public purpose.
2. Where there is the possibility of mineral and/or gravel extraction from the bed that may adversely effect the ecology of the river.
3. Where there is the potential need for public structures to be attached to the bed at some time in the future.
4. Significant ecological, amenity, and/or recreational values exist.

4. Request to Waiver Requirements on a River or Lake Listed in Schedule 19.9

Where, as part of a subdivision application, an applicant requests that the requirement for access be totally waived in respect of a water body listed in Schedule 19.9, Council will require that the written approval of the Otago Fish and Game Council and the Department of Conservation accompany the subdivision application. This may enable the application to be processed without public notification. In considering whether to waive the requirements for esplanade provisions by way of a condition of subdivision consent, Council will have regard to Policies 16.4.9 and 16.4.10.

5. **Agreements for Esplanade Strips and Access Strips**

16.7.13

(cont'd)

Council may, from time to time, negotiate the creation of esplanade strips by agreement pursuant to section 235 of the Act, and access strip easements pursuant to section 237B of the Act.

Priority for any such negotiations for the creation of esplanade strips will be given to those water bodies identified in Schedule 19.9.

Any such negotiation undertaken in respect of access strips will only occur in circumstances where there is no existing or practical physical public access to any river, lake, esplanade reserve, esplanade strip or reserve.

16.8 ENVIRONMENTAL RESULTS ANTICIPATED

- 16.8.1** Subdivision that maintains the integrity and economic provision of services, infrastructure and utilities.
- 16.8.2** Subdivision that maintains and enhances public access to areas of open space, reserves and the margins of the District's rivers and lakes, where appropriate.
- 16.8.3** Subdivision that contributes to the recreation and reserve resources of the community.
- 16.8.4** Subdivision that maintains and enhances amenity values and facilitates future land use activities.
- 16.8.5** Subdivision which ensures that water quality and public health is not compromised by effluent disposal.