

## 8. SUBDIVISION OF LAND

### 8.1 Introduction

Subdivision is recognised as a category of activity under the RMA separate from land use activities. However, subdivision and land use are closely related, because subdivision generally creates new allotments that are then used in the establishment of land use activities. There is also a clear link to subsequent expectations of land owners to erect a dwelling on any allotment. The effects of land subdivision are therefore long term and cumulative.

The subdivision of land nearby and adjacent to rivers raises issues of public access and angler access. This is of particular concern with respect to the Maitara River and Waikaka Stream.

Where a HAIL activity has been undertaken on the land being subdivided then the provisions of the National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health apply. In the first instance reference should be made to the list of HAIL activities in the Standard and also the list of potentially contaminated sites held by the Gore District Council. Appendix 5 of the district plan contains the relevant provisions from the Standard that apply to contaminated sites.

### 8.2 Issues

Subdivision of land provides for the changing of property boundaries and creation of new allotments. That together with subsequent development can give rise to adverse effects. An integrated approach needs to be adopted to subdivision, assessing effects on matters highlighted in the Plan as being resource management issues within the District.

When subdividing land, it is frequently necessary to undertake construction works to make the land suitable for future use, and to provide essential services, including power, water and sewage.

The significant resource management issues of the District relating to subdivision are:

- (1) The subdivision and subsequent use of land can give rise to adverse effects, including impacts on existing infrastructure, amenity and road safety. Residential subdivision in inappropriate locations can also give rise to reverse sensitivity issues.
- (2) Public access to the Maitara River and access for licensed sports fishers to the Waikaka Stream and their margins is considered important.
- (3) Boundary adjustments that do not change the number of allotments in an area generally do not give rise to any effects of concern to Council.
- (4) Servicing of subdivided land.
- (5) The orderly expansion of urban areas and the ability to provide for further subdivision of the land, or adjoining land, in the future.

### 8.3 Objectives

- (1) To facilitate the orderly subdivision and development of land.
- (2) To ensure that the size and shape of new allotments created, and the design standards for access and infrastructure, is suitable and appropriate for the location and future use of the land.
- (3) To ensure that developers pay all reasonable costs associated with the subdivision and subsequent development of land.
- (4) To provide public access to the Maitara River and access for licensed sports fishers to the Waikaka Stream.
- (5) To ensure land development and servicing is undertaken to Council's standards.
- (6) To avoid adverse effects on the Council's reticulated infrastructure services.
- (7) To ensure that land subdivision results in allotments that are suitable for activities anticipated by the zone in which they are located.
- (8) Avoid adverse effects on water quality, including groundwater, from the development of subdivided land.

### 8.4 Policies

- (1) Control the subdivision of all land.
- (2) Avoid adverse effects of subdivision on the functioning of existing services, infrastructure and roading.
- (3) Require works associated with subdivision to be carried out in conformity with Council's standards.
- (4) Encourage, where practical, the undergrounding of all services associated with the development of subdivided land.
- (5) Avoid any off-site effects of development of subdivided land.
- (6) Provide public access to and along the Maitara River by way of esplanade strips.
- (7) Provide, subject to appropriate conditions, licensed sports fisher access along the Waikaka Stream by way of esplanade strips at the time of subdivision.
- (8) Within areas shown as "Subject to Actual or Potential Inundation" on Figures 3.1 – 3.2:
  - (a) the Gore District Council will, with the exception of the urban area of Gore shown as lime green on Figure 3.1, refer all subdivision consents to Environment Southland for comment prior to determining whether to approve that consent.
  - (b) in respect of rural subdivision, the Gore District Council will encourage the inclusion of high ground in each lot for stock to be moved to in the event of a flood.

- (c) for any site likely to have a building erected on it for the accommodation of people, that an area suitable for such a building is located on the site.
- (9) Require land development to be undertaken in compliance with the Gore District Council Subdivision and Land Development Bylaw 2011
- (10) Have regard to the potential for the land subject to any subdivision consent, and other land in the locality to be further subdivided in the future.
- (11) Have regard to potential reverse sensitivity effects from the use of subdivided land and the means by which any such effects can be avoided, remedied or mitigated.
- (12) Encourage the adoption of practices that will minimise the extent of off-site effects on the Council's infrastructure services.
- (13) Have regard to the potential impacts arising from the subdivision and future use of land on water quality, including groundwater.
- (14) Have regard to, and implement, the provisions of the National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health where subdivision occurs on any contaminated site.

## 8.5 Methods of implementation

- (1) Rules to control the subdivision of land.
- (2) Rules for the provision of public access to the Mataura River and licensed sports fisher access to the Waikaka Stream by the creation of esplanade strips at the time of subdivision of land.
- (3) Non-regulatory methods to encourage land owners to facilitate public access to and along the margins of rivers and streams.
- (4) Consultation with Environment Southland.
- (5) Information and education.
- (6) Conditions on subdivision consents.
- (7) Development and adoption of a protocol with the Southland Fish & Game Council providing for notification/education of licensed sports fishers. Notification/education of licensed sports fishers shall take the form of written information to be provided to fishers by the Southland Fish & Game Council in its publications to fishers, and by the erection of signs at esplanade strips on the Waikaka Stream include information regarding the following:
  - (i) Biosecurity risks and procedures;
  - (ii) Trespass;
  - (iii) Landowner notification;
  - (iv) Site behaviour/protocol;
  - (v) Site specific conditions e.g. closure periods.

- (8) Notification of adjoining landowners and Southland Fish & Game Council, as potentially affected parties, of subdivision application for allotments less than 4 hectares adjacent to the Mataura River and Waikaka Stream.

## 8.6 Principal reasons

- (1) Subdivision and subsequent development can give rise to adverse effects directly on the land and off-site.
- (2) The design of subdivisions and the provision of services needs to be at an appropriate standard.
- (3) The need to provide public access to the Mataura River and licensed sports fisher access to the Waikaka Stream.
- (4) The need for land development to be undertaken, and services constructed, to a standard appropriate to the area.

## 8.7 Anticipated environmental results

- (1) Public access to and along the Mataura River and licensed sports fisher access to and along the Waikaka Stream.
- (2) Subdivision of land undertaken without adverse environmental effects.
- (3) Land development and construction of associated services to Council's requirements and standards.

## 8.8 Monitoring

- (1) The number of subdivision consents applied for, including:
  - (a) the location of the property.
  - (b) if approved, the conditions imposed.
- (2) The sufficiency of public access to the Mataura River and licensed sports fisher access to and along the Waikaka Stream.

## 8.9 Section 106

**Note:** Notwithstanding the following rules, section 106 of the RMA provides for Council to decline any subdivision consent where:

- (1) Any land in respect of which consent is sought, or any structure on that land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source; or
- (2) Any subsequent use that is likely to be made of the land may accelerate, worsen or result in material damage to that land, other land, or structure, by erosion, falling debris, subsidence, slippage or inundation from any source – unless the Council is satisfied that the effects of the above are avoided, remedied or mitigated by conditions on a resource consent, or other means including works.

## 8.10 Rules

- (1) Amendments to flat plans is a controlled activity.

Council shall exercise control over the following matters:

- (a) Granting of easements.
- (2) Boundary adjustments, and subdivision to allow the erection on land of any unmanned utility not requiring the services of water and sewage, is a controlled activity, except where:
- (a) New boundaries are created within an area measured 20 metres either side of the centre point of an electrical transmission line designed to operate at or above 110kV.
- (b) Any new boundary adjoins a Limited Access Road.
- (c) New boundaries are created that:
- (i) pass through land notated as "Hokonui Hills Significant Landscape" (Refer to Rule 2.2.9).
- (ii) pass through land containing significant indigenous vegetation or significant habitats of indigenous fauna (Refer to Rule 2.3.9).
- (iii) are located within 100 metres of scheduled archaeological sites of significance to Mana Whenua (Refer to Rule 2.6.9).
- (iv) pass through land containing buffer areas for waste water treatment facilities (Refer to Rule 4.4.1).
- (v) pass through land contained within any floodway or is subject to actual or potential inundation [Refer to Rule 4A.1.1 and Policy 4A.4(4)].
- (d) Boundary adjustments:
- (i) result in the creation of allotments with an area of less than:
- (a) than 2 hectares in the Rural zone
- (b) 400 square metres in the Residential A zone; or
- (c) 300 square metres in the Residential B zone; or
- (ii) reduces the size of any allotment that prior to the adjustment has an area that is less than:
- (a) than 2 hectares in the Rural zone
- (b) 400 square metres in the Residential A zone; or
- (c) 300 square metres in the Residential B zone; or

Council shall exercise control over the following matters:

- (a) The suitability of the allotments for activities permitted within the zone in which they are located.
- (b) Granting of easements;
- (c) The design, location, construction and alignment of any access or road;
- (d) The location, design and construction of infrastructure;
- (e) Ensuring that the minimum environmental standards specified in this Plan can be met on any allotment that contains an existing building.
- (f) The protection of any heritage or archaeological values on the site.
- (g) Any adverse effects on natural features and landscapes, ecological or cultural values.
- (3) Any subdivision of land within areas referred to (2)(a) - (c) above is a discretionary activity.
- (4) Except as provided for in (2) or (3) above, any subdivision of land is a restricted discretionary activity:
- (a) Within Industrial, Mixed Use and Commercial zones subdivision is a restricted discretionary activity.
- (b) Within the Rural zone, provided that any new lot created has a minimum area of 2 hectares.
- (c) Within the Residential A zone, provided that any new lot created has a minimum area of 400 square metres.
- (d) Within the Residential B zone, provided that any new lot created has a minimum area of 300 square metres.

Council shall limit the exercise of its discretion to the following matters:

- (i) suitability of the allotments for activities permitted within the zone in which they are located.
- (ii) suitability of the land for subdivision, including presence of any natural or other hazards, including contaminated land;
- (iii) ability to provide services (water, sewage, storm water, power and telecommunications);
- (iv) impacts on the Council and other infrastructure services;
- (v) future use of the land and the need to consider any associated resource consents;
- (vi) within residential and rural areas lot size, dimensions and potential for future subdivision of the land;
- (vii) within residential and rural areas the desirability of providing building platforms; and

- (viii) provision of easements
  - (ix) impacts on any heritage or archaeological values
  - (x) impacts on natural features and landscapes, ecological or cultural values
  - (xi) impacts water quality, including groundwater
  - (xii) provision of all transport modes, including the movement of pedestrians and cyclists.
- (5) Any subdivision of land not complying with the provisos of 4(b) 4(c) or 4(d) above, or not otherwise provided for above, is a discretionary activity.

## 8.11 Esplanade reserves and strips

- (1) Esplanade reserves are not required.
- (2) Allotments less than 4 hectares:

### Mataura River

- (a) Where an allotment of less than 4 hectares is created when land is subdivided adjacent to the Mataura River, an esplanade strip of 10 metres in width shall be required within the allotment along the bank of the waterway.
- (b) Subdivision shall be a non-complying activity where any allotment less than 4 hectares in area is created and it does not provide an esplanade strip of 10 metres as required by (a) above.

### Waikaka Stream

- (c) Where an allotment of less than 4 hectares is created when land is subdivided adjacent to the reach of the Waikaka Stream from State Highway 1 (map reference 1 NZMS 260 F45 005510) to Waikaka Road (map reference NZMS 260 F45 995669), an esplanade strip of 10m for licensed sports fisher access only shall be required within any allotment along the bank of the water way.
- (d) When considering conditions of sports fisher access on the esplanade strip regard shall be had to
  - (i) Biosecurity
  - (ii) Trespass
  - (iii) Landowner notification
  - (iv) Site behaviour/protocol
  - (v) Site specific conditions e.g. closure periods
- (e) Subdivision shall be a non-complying activity where any allotment less than 4 hectares in area is created and does not provide an esplanade strip for licensed sports fisher access of 10 metres as required by (c) above.

## 8.12 Information to accompany a subdivision consent

An application for a subdivision consent under this section shall contain a description of the site and locality in accordance with the Fourth Schedule of the Act including, where relevant:

- (1) Location, address and legal description of the site to be subdivided. A copy of relevant Certificates of Title are to be enclosed.
- (2) A site plan on international paper size (A1, A2, A3 or A4) using a common metric scale, showing the area and dimensions of the existing site and all new lots.
- (3) The position of all new boundaries and any areas to be set aside as reserves or esplanade strips.
- (4) Any existing or proposed easements or encumbrances.
- (5) Identification of any designations applying to the land.
- (6) Size, location and use of existing buildings on the site.
- (7) Existing and proposed accesses to the site, including roads, tracks, and walkways.
- (8) General topography including topographical features, and/or spot heights sufficient to establish the grades of roads and services.
- (9) Proposed areas of excavation and fill.
- (10) Any watercourses, wetlands or drainage systems.
- (11) The means of supplying water and disposing of sewage and storm water, and where reticulated services are not utilised the suitability of such supply and disposal on that land.
- (12) An assessment of any hazards such as:
  - (a) Instability or erosion
  - (b) Contamination (including historic location of any farm landfills, sheep dips, chemical storage)
  - (c) Inundation, including:
    - (i) Areas shown on the District Plan maps as floodway or land subject to actual or potential inundation [Refer to Rule 4A.1.1 and Policy 4A.4(4)]
    - (ii) Areas not shown on the District Plan maps as floodway or land subject to actual or potential inundation, especially land that adjoins watercourses that flow through or near the property.
- (13) Location of areas containing significant indigenous vegetation or significant habitats of indigenous fauna (Refer to Rule 2.3.9).
- (14) Location of areas within the "Hokonui Hills Significant Landscape" (Refer to Rule 2.2.9).
- (15) Location of scheduled archaeological sites of significance to Mana Whenua (Refer to Rule 2.6.9).

- (16) Location of areas containing buffer areas for waste water treatment facilities (Refer to Rule 4.4.1).
- (17) Location of sites identified containing scheduled Heritage Structures (Refer to Rule 2.5.9).
- (18) Details of existing and proposed water supply infrastructure for fire fighting purposes.
- (19) The location of any electrical transmission line and details of its voltage, together with an assessment of any non-compliance with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001) (Refer to Appendix 3 for a summary of these provisions and also refer to Policies 7.4{9).
- (20) In the case of land shown on the Planning Maps as “Mataura River Floodway” or “land subject to actual or potential inundation” a record of consultation undertaken with Environment Southland.
- (21) A description of the activity proposed including, where relevant:
  - (a) Whether other resource consents besides a subdivision consent are required;
  - (b) Details of proposed methods of disposal of effluent and stormwater;
  - (c) Details of proposed provision of potable water;
  - (d) Details of proposed electricity and telephone services;
  - (e) Details of land development works;
  - (f) Details of the standard of other associated services not referred to above.
- (22) Location of any tree listed as “significant” (Refer to Rule 4.12.1)

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