

DISTRICT WIDE MATTERS

SUB – Subdivision

This draft chapter has been prepared as part of Council’s District Plan Review Project. The structure and layout of this chapter reflects the intended reformatting of the existing District Plan in accordance with the National Planning Standards. Council is intending to publish the District Plan in the new structure prior to PCA being publicly notified.

As a draft plan change we expect to be making changes to the provisions as we respond to matters raised in feedback, new technical advice received, and any change in national or regional direction. These changes will be made before public notification of the plan change documents under the Resource Management Act 1991 takes place. Public notification of the plan change will enable formal submissions to be lodged which can then be considered as part of a hearing process.

These new Subdivisions provisions will replace the existing subdivision rules for the Rural and Flood Channel Zone.

Other consequential changes are required throughout the remainder of the District Plan as a result of PCA. The substantive changes can be found in the Consequential Changes Chapter. Details of all consequential changes will be identified when PCA is publicly notified.

Document status: Working Draft

Plan Change: Draft Plan Change A: Rural and Flood Channel Review

Date: October 2023

Introduction

Subdivision is the process of dividing a site or changing an existing boundary location. The way a site is subdivided, including its size and shape, is important as it can be a factor on the future use and development of the land, its character and quality and any impacts on adjacent sites. Subdivision can also affect the natural and physical environment and introduce long-term development patterns that cannot be easily changed.

The partitioning of Māori land is exempt from the subdivision provisions of the Act and is primarily controlled by the Te Ture Whenua Māori Act 1993 and administered by the Māori Land Court.

Objectives

Objectives – General Rural Zone

SUB-O16	Land in the General Rural Zone is protected for farming and land based primary production.
SUB-O17	Subdivision creates allotments and patterns of land development that are compatible with the objectives of the General Rural Zone, recognizing characteristics, features and natural areas of the rural environment.
SUB-O18	Subdivision in the General Rural Zone manages the risks from natural hazards.

Policies

Policies – General Rural Zone

SUB-P58	To restrict the fragmentation of land through subdivision to ensure the productive potential for farming is maintained in the District.						
SUB-P59	Avoid the fragmentation of highly productive land unless one of the following applies to the subdivision, and the measures in SUB-P60 are applied: <table> <tr> <td>SUB-P59.1</td><td>The applicant demonstrates that the proposed lots retain the overall productive capacity of the land over the long term</td></tr> <tr> <td>SUB-P59.2</td><td>Subdivision is on specified Māori Land</td></tr> <tr> <td>SUB-P59.3</td><td>Subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.</td></tr> </table>	SUB-P59.1	The applicant demonstrates that the proposed lots retain the overall productive capacity of the land over the long term	SUB-P59.2	Subdivision is on specified Māori Land	SUB-P59.3	Subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.
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SUB-P60	Within highly productive land, avoid if possible or otherwise mitigate						

	SUB-P60.1	Any potential cumulative loss of the availability and productive capacity of highly productive land, and
	SUB-P60.2	Any actual or potential reverse sensitivity effects on surrounding farming activities.
SUB-P61	Only allow subdivision of highly productive land that does not meet the requirements of SUB-P59 and SUB-P60 where the applicant demonstrates:	
	SUB-P61.1	There are permanent or long term constraints that mean the use of the highly productive land for farming is not able to be economically viable for at least 30 years
	SUB-P61.2	The subdivision avoids the significant loss (either individually or collectively) of productive capacity of highly productive land; and
	SUB-P61.3	Avoids the fragmentation of large and geographically cohesive areas of highly productive land; and
	SUB-P61.4	Avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding farming activities from the subdivision.
	SUB-P61.5	The environmental, social, cultural and economic benefits of the subdivision outweigh the long term environmental, social, cultural and economic costs associate with the loss of highly productive land for farming, taking into account both tangible and intangible values.
	For the purpose of SUB-P61 the size of the landholding is not a determinant of a permanent or long term constraint.	
SUB-P62	In order to satisfy SUB-P61 an applicant must demonstrate that the permanent or long term constraints on economic viability cannot be addressed through any reasonable practicable options that would retain the productive capacity of the highly productive land by evaluating options such as (without limitation)	
	SUB-P62.1	alternate forms of farming
	SUB-P62.2	improved land management strategies

	SUB-P62.3	alternative production strategies
	SUB-P62.4	water efficiency or storage methods
	SUB-P62.5	reallocation or transfer for water and nutrient allocations
	SUB-P62.6	boundary adjustments (including amalgamations)
	SUB-P62.7	lease arrangements.
For the purpose of SUB-P62 the size of the landholding is not a determinant of a permanent or long term constraint.		
SUB-P63	In evaluating the provisions in SUB-P62, reasonably practicable options:	
	SUB-P63.1	Must not take into account the potential economic benefit of using the highly productive land for purposes other than farming; and
	SUB-P63.2	Must consider the impact that the loss of the highly productive land would have on the landholding in which the highly productive land occurs; and
	SUB-P63.3	Must consider the future productive potential of farming, not limited by past or present uses.
SUB-P64	Discourage the fragmentation of rural land where the layout of new lots creates a linear pattern along existing roads.	
SUB-P65	Ensure that all subdivisions identify building platforms for residential units that:	
	SUB-P65.1	Avoid risks from natural hazards, including land instability risk, overland flow paths, fault lines
	SUB-P65.2	Have sufficient space for onsite wastewater and stormwater disposal and management.
SUB-P66	To impose consent notices on titles to restrict building platforms to those areas free from natural hazards, including land instability risk, overland flow paths, fault lines, and onsite wastewater and stormwater disposal and management.	

SUB-P67	Ensure subdivision does not alter existing overland flow paths and provision is made to manage stormwater.	
SUB-P68	Manage the creation of allotments to ensure that:	
	SUB-P68.1	All allotments are of a sufficient design and layout to accommodate its required use including wastewater and stormwater disposal areas, including the balance rural lot
	SUB-P68.2	There is adequate access to any proposed allotments
SUB-P69	When considering subdivision within the General Rural Zone, allotments must retain the productive capability through site design, location of buildings and potential amalgamation that enables the farming or land based primary production use to continue.	
SUB-P70	Enable the amalgamation of sites and boundary adjustments the retain or improve the overall productive capacity of the land.	
SUB-P71	To ensure subdivision of land with waterbodies and natural areas does not impact on the management and use of those areas.	

Rules

Rules in this chapter need to be read in conjunction with chapters EI, TR, NOISE, EW, SIGN, TEMP, REL, KEN, and the relevant *zone* provisions.

SUB-GRUZ-R1 – Boundary Adjustment

SUB-GRUZ-R1.1

Activity Status: Controlled

Where: Subdivision is to adjust the position of titles or boundaries where there is no increase in the number of titles or the number of permitted residential units on a site.

Where: compliance with:

SUB-GRUZ-S2 – Access

SUB-GRUZ-S3 – Water supply

SUB-GRUZ-S4 – Wastewater

SUB-GRUZ-S5 – Stormwater

SUB-S6 – Firefighting

Matters of Control

SUB-GRUZ-MC.1

Size and shape of the lot

SUB-GRUZ-MC.2

Provision of services – water, wastewater and stormwater

SUB-GRUZ-MC.3

Avoidance of natural hazards

SUB-GRUZ-R1.2

Activity Status: Discretionary

Where: Compliance is not achieved with SUB-GRUZ-R1.1

SUB-GRUZ-R2 – Subdivision of land for infrastructure of regional or national significance or specified infrastructure

SUB-GRUZ-R2.1

Activity Status: Restricted Discretionary

Where: Subdivision is for Specified Infrastructure

Where: Compliance is achieved with

SUB-GRUZ-S1 – Suitable building site

SUB-GRUZ-S2 – Access

SUB-GRUZ-S3 – Water supply

SUB-GRUZ-S4 – Wastewater

SUB-GRUZ-S5 – Stormwater

SUB-GRUZ-S6 – Firefighting

Matters of Discretion

SUB-GRUZ-MD.1

Size and shape of the lot

SUB-GRUZ-MD.2

Disposal of wastewater and stormwater

SUB-GRUZ-MD.3

Avoidance of natural hazards

SUB-GRUZ-MD.4

The functional and operational need for the subdivision

SUB-GRUZ-R2.2

Activity Status: Discretionary

Where: Compliance is not achieved with SUB-GRUZ-R2.1

SUB-GRUZ-R3 – Subdivision of highly productive land

SUB-GRUZ-R3.1

Activity Status: Non-Complying

Where: Subdivision of highly productive land

SUB-GRUZ-R4 – Subdivision of land that is not highly productive land

SUB-GRUZ-R4.1

Activity Status: Restricted Discretionary

Where: Up to two lots can be created, provided each lot is a minimum of 8000m², and

Where: Compliance is achieved with:

SUB-GRUZ-S1 – Suitable Building Site

SUB-GRUZ-S2 – Access

SUB-GRUZ-S3 – Water Supply

SUB-GRUZ-S4 – Wastewater

SUB-GRUZ-S5 – Stormwater

SUB-GRUZ-S6 – Firefighting

SUB-GRUZ-S7 – Telecommunications and power supply

SUB-GRUZ-S8 – National Grid Yard

Matters of Discretion

SUB-GRUZ-MD9

Design and layout of subdivision

SUB-GRUZ-MD10

The size, shape and arrangement of lots

SUB-GRUZ-MD11

Safe and efficient operation of the roading network, including access

SUB-GRUZ-MD12

Provision of onsite services, water supply including water for firefighting purposes

SUB-GRUZ-MD13

Suitability of the lots for the onsite disposal of wastewater

SUB-GRUZ-MD14

Avoidance of natural hazards

SUB-GRUZ-MD15

Management of stormwater runoff and overland flow paths.

Activity Status: Discretionary

SUB-GRUZ-R4.2	SUB-GRUZ-R4.2.1	Compliance is not achieved with SUB-GRUZ-R4.1 above
	SUB-GRUZ-R4.2.2	For any subdivision not otherwise provided for on land that is not highly productive land

SUB-GRUZ-R5 – Subdivision within the Floodway Overlay, Flood Hazard Avoidance Overlay or Flood Hazard Mitigation Overlay

SUB-GRUZ-R5.1	Activity Status: Discretionary Where: Within the Flood Hazard Mitigation Overlay
SUB-GRUZ-R5.2	Activity Status: Non-Complying Where: Within the Floodway Overlay or the Flood Hazard Avoidance Overlay

Standards – General Rural Zone

SUB-GRUZ-ST1	Suitable Building Site	
	SUB-GRUZ-ST1.1	All lots must be of a size to accommodate a building platform that is free from known hazards, including land instability risk
	SUB-GRUZ-ST1.2	All lots must have space for dedicated onsite wastewater and stormwater disposal systems
	SUB-GRUZ-ST1.3	All building platforms for a Residential Unit or Minor Residential Unit must also be able to comply with the performance standards in the Rural Zone.
SUB-GRUZ-ST2	Access – compliance with Rule TR-R2 and TR-ST1 to TR-ST9	
SUB-GRUZ-ST3	Water supply – All new lots must have access to a self sufficient potable water supply with a minimum volume of 25,000 litres.	

SUB-GRUZ-ST4	Wastewater – Where sewage is to be disposed to ground, that area must not be subject to land instability or inundation, used for the disposal of stormwater, or down the side of a gully.	
SUB-GRUZ-ST5	Stormwater – Where stormwater is to be disposed to ground, that area must not be subject to land instability or inundation or used for the disposal of wastewater.	
SUB-GRUZ-ST6	Firefighting - All allotments shall be of a size to enable the provision of a firefighting water supply that is:	
	SUB-GRUZ-ST6.1	Accessible to firefighting equipment; and
	SUB-GRUZ-ST6.2	Located between 6 metres and 90 metres of the residential unit, and either
	SUB-GRUZ-ST6.2.1	Stores at least 45,000L or
	SUB-GRUZ-ST6.2.2	Provides a flow of water at least 25L/s for 30 minutes
SUB-GRUZ-ST7	Telecommunications and power supply – All lots must have provision for electricity connections at the lot boundary.	
SUB-GRUZ-ST8	National Grid Yard – All lots must have a building platform that is outside of the National Grid Corridor.	