



YOUR PLAN OUR FUTURE
TIMARU DISTRICT PLAN REVIEW

Subdivision S.32

June 2022



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LAND USE PLAN

TIMARU DISTRICT COUNCIL
Section 32 Report
Subdivision Chapter

June 2022

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1 Introduction

1.1 Purpose

This topic covers subdivision and considers options for how subdivision and its associated activities should be managed to ensure that land resources are used efficiently and effectively, while taking into account the potential adverse effects of subdivision activities.

Subdivision is the process of dividing a site or building into one or more additional sites¹ or units or changing the location of an existing boundary (boundary adjustment). The subdivision itself, arguably, does not cause any effects, as it does not itself alter the way that land is used. However, subdivision can enable a change in land use, and an intensification of development. The creation of new land parcels is generally accompanied by expectations for associated land use and development.

The impacts of land use changes and future development can often be efficiently managed through conditions and consent notices imposed at the time of subdivision. The subdivision of an area may include constructing roads and access, forming sites and building platforms, and installing infrastructure services. Such development, which can include large scale earthworks, can result in short term on the surrounding environment.

The resulting change in land use patterns and activities also results in permanent effects, which can have much wider impacts. 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. This impacts on how people and communities provide for their social, economic and cultural well-being. Subdivision can also affect the natural and physical environment and introduce long-term development patterns that cannot be changed easily. The subsequent development of subdivided land, particularly for urban activities, increases the demand for infrastructure services, including water supply, wastewater and stormwater, and the road network. The creation of new allotments is generally accompanied by expectations for associated land use and development.

The partitioning of Māori land held under Te Ture Whenua Māori Act is exempt from the subdivision provisions of the Resource Management Act and must be undertaken through the Māori Land Court.

1.2 Community / Stakeholder / Iwi Engagement

Discussion Document (November 2016)

The issues associated with subdivision identified in the discussion document (and accompanying summary page) were:

- **Subdivision Chapter content**

The discussion document noted that:

The subdivision provisions of the current District Plan set out the ‘nuts and bolts’ of how the process of subdivision and the creation of new lots is to occur, how these lots are to be integrated with network infrastructure and services, and includes provisions to ensure that subdivision only occurs in locations where natural hazard risk and potential effects on high environmental and cultural values and strategic infrastructure are able to be appropriately managed. The current District Plan structure makes it challenging for residents wanting to undertake a subdivision to be confident that they have considered all the relevant provisions. The provisions relating to the need to connect to network infrastructure, and the method for equitably funding such connections, are woven through the Financial Contributions rules and/or through the zone chapter. The options for addressing this issue are to (i) retain the current District Plan provisions; or (ii) amend the current approach to provide clear

¹ Usually referred to as lots or allotments through the subdivision process.

direction within one stand-alone chapter, clarifying urban design outcomes for infill development, clarifying content of Outline Development Plans for large greenfield growth areas, and giving effect to National Policy Statements and National Environmental Standards by facilitating strategic infrastructure within the electricity transmission corridors, protecting human health from soil contamination and protecting coastal environments.

- **Addressing infrastructure design standards**

The discussion document noted that:

The developers of new subdivisions are typically responsible for the design and construction of the network infrastructure within the subdivision site. This infrastructure is then vested in the Council, with the Council responsible for its long-term maintenance. As this infrastructure will become a public asset, it is important that it is designed and constructed to a suitable standard, so that it integrates seamlessly into the wider network, and to ensure that the long-term maintenance costs to the community are appropriate to the role and function of the asset. The majority of other District Plans do not include design standards for detailed aspects of network infrastructure and instead address them through an infrastructure design standard as a document that sits outside the District Plan. The options for addressing this issue are to (i) retain the current District Plan provisions; (ii) incorporate infrastructure design standards into the District Plan; (iii) incorporate infrastructure design standards that sit outside of the District Plan; or (iv) negotiate the infrastructure design standard on a case-by-case basis with Council staff.

- **Extent of esplanade reserve and strip provisions**

The Council has the ability to secure esplanade reserves or strips when subdivision occurs on lots with frontage to waterways or the coastline. Currently, the District Plan requires a consent as a non-complying activity if a reserve or strip is not taken, even in situations where the Council does not want or see a functional need for such strips, or where the creation of such access to the Port of Timaru operational area would create security or safety issues. The options for addressing this issue are to (i) retain the current District Plan provisions; (ii) not require any reserve or strips; or (iii) focus on taking reserves or strips only along specifically identified waterways and coastlines as necessary for conservation, access, or recreational purposes, including explicit exclusion from the Port of Timaru operational area for safety and security reasons.

Summary of community feedback from discussion document:

Subdivision Chapter content:

- General support for consolidating the subdivision controls into one stand-alone chapter.
- Support for the implementation of National Policy Statements and National Environmental Standards to facilitate strategic infrastructure within the electricity transmission corridors, protect human health from soil contamination and protect coastal environments.
- General support for ensuring provisions are consistent and certain for the contents of greenfield Outline Development Plans, and the urban design outcomes to be achieved for infill development.
- Some respondents requested provisions to remove existing loopholes with the extent of Right of Ways, service connections, and dispersed 'rural living approach'.
- Some respondents requested flexibility for smaller subdivisions within the rural environment.
- One respondent requested provisions requiring the developer to connect each lot to the electricity network prior to the completion of their subdivision.
- Another respondent requested natural hazards to be considered for subdivisions and developments.
- General support for provisions to consider water sensitive design to assist in managing stormwater discharge.

- One respondent requested links between the District Plan and the Land and Water Regional Plan to provide better direction and consistency for managing stormwater within the District.

Infrastructure design standards:

- Both support for and opposition to incorporating infrastructure design standards into the District Plan as rules to be met as part of the subdivision consent process. There was also both support for and opposition to negotiating and agreeing infrastructure design standards on a case-by-case basis with Council's Subdivision and Asset Officers. Some respondents considered rules to control subdivision necessary to provide certainty of standards while other respondents requested flexibility in the standards to reflect the nature and scale of the activity being undertaken.
- General support for the inclusion of infrastructure design standards that sit outside of the District Plan. One respondent seeks a formal consultation and approval process to determine the infrastructure design standards to be met.
- One respondent seeks development to adequately provide for firefighting water supply in accordance with the New Zealand Fire Fighting Code of Practice.

Esplanade reserves and strips

- Both support for and opposition to the removal of the esplanade reserve or strip requirements in the District Plan. Those that supported the requirements were split between requiring esplanade reserves or strips along all waterways and the coastline, and focusing the taking of esplanade reserves and strips only along identified waterways and coastlines.
- Respondents requested the reason for taking an esplanade reserve or strip to be clear, and that only required areas (i.e. utilised and of value) be taken.
- Another respondent seeks the esplanade reserve or strip requirement be restricted to land titles that have a permanent waterway running through them (e.g. Burke Street, Pleasant Point).
- Concern was raised over access when rural streams are fenced off and the esplanade strip is covered with gorse and broom. Landowners raised concerns over public safety and access through farm land.
- One respondent requested compensation to be paid for esplanade reserves and strips.

Environmental Services Committee Initial Direction

- It is important to have a concise and certain suite of subdivision provisions in a stand-alone chapter. The chapter needs to give effect to the requirements of the National Policy Statements and National Environmental Standards to facilitate strategic infrastructure within the electricity transmission corridors, protect human health from soil contamination and protect coastal environments. Consistency and certainty will be provided for Outline Development Plans, infill development and urban design outcomes. Provisions will also include consideration of water sensitive design to assist in managing stormwater discharge.
- Infrastructure Design Standards will be developed and will sit outside of the District Plan in order to both provide certainty as to the necessary design standards and to allow amendments to reflect current best practice.
- A targeted approach to acquiring esplanade reserves and strips will be taken to secure: public access to waterways with high values; areas of important recreational value; and protecting recognised conservation values in an effective and efficient manner. To implement this approach the Esplanade Reserves and Strips Guidelines will need to be reviewed and, if necessary, amended.

1.3 Feedback on Draft District Plan (DDP)

Subsequent to Council providing their initial direction on the discussion documents, work on the drafting of the DDP commenced. This work started with a draft evaluation report (under s.32 RMA) being provided to Council’s Technical Working Group.

The role of Council’s Technical Working Group in respect of the DDP was to agree the provisions that were to be workshopped with Council. Membership of the group was expanded and included staff members from AECL, Ecan and Timaru District Council’s planning Unit and Infrastructure Group.

The DDP was released for public comment in October 2020. A number of submissions were received in relation to the Subdivision Chapter of the DDP. These submissions are summarised below.

Topic	Feedback
Medium Density Zone	<ul style="list-style-type: none"> The Medium Density Zone should be more enabling for development led subdivision, including non-notification where there is an approved land use consent.
Port	<ul style="list-style-type: none"> Fully discretionary subdivision is not necessary at the Port, it should be excluded given the completely unique nature of the Port and the activities that happen there.
Rural land protection	<ul style="list-style-type: none"> Support for provisions that protect farmland from reverse sensitivity and the loss of productive land that occurs when lifestyle block development occurs.
More subdivision should be allowed	<ul style="list-style-type: none"> More subdivision in rural areas and to a smaller allotment size should be allowed.
Access and transport	<ul style="list-style-type: none"> All vehicle crossings on to the State Highway should comply with NZTA requirements. Support the requirement for integration with transport network, including cycling, roading and walking.
Heritage	<ul style="list-style-type: none"> Support for heritage overlays.
Rural Residential development	<ul style="list-style-type: none"> Provisions to limit rural residential development to defined areas and which will be connected to reticulated waters infrastructure are supported by some, and opposed by others.. The strategic directions state that the lifestyle areas have to be reticulated, but the provisions allow for on-site provision of water, stormwater and wastewater. There should be a requirement that all rural residential be reticulated. Large Lot Residential allotments are needed on the city fringe, not Rural Lifestyle.
Reverse sensitivity	<ul style="list-style-type: none"> Reserve sensitivity should be more greatly considered. There should be buffers between rural and urban areas, including setbacks and reserves.
Infrastructure	<ul style="list-style-type: none"> Support for the requirements to have integrated, efficient and co-ordinated infrastructure. Subdivision for the National Grid should be permitted.

	<ul style="list-style-type: none"> • Water for firefighting purposes should be a requirement at subdivision stage. • The requirement for 8m wide access is excessive and sealing for entire length should not be necessary. • Requiring all allotments to have energy supply and telecommunications is unnecessary with technology having moved on.
Esplanade strips and public access	<ul style="list-style-type: none"> • Esplanade strips should be surrendered if not practical. • Provisions supported.
Subdivision density/allotment size	<ul style="list-style-type: none"> • The density of subdivision allowed is unclear. • The 2ha and 10ha control areas are not clear. • The 40ha requirement in the rural zone is supported. • The 40ha requirement is opposed as it is arbitrary.
Development area plans	<ul style="list-style-type: none"> • Should be a requirement for all subdivisions/developments of a certain scale to have a DAP. • Development in accordance with the DAP should not need notification or limited notification.
Assessment criteria	<ul style="list-style-type: none"> • The need to have an assessment criteria for building to be at lock-up stage is not supported. • A building site/square should be identified for all allotments at subdivision stage even in the rural zone where effects would vary across an allotment.
Boundary adjustments	<ul style="list-style-type: none"> • The controlled activity status is supported.

1.4 Strategic Directions

Subdivision enables land use and development activities that occur throughout Timaru District. The potential adverse effects associated with subdivision include those on visual and amenity values, rural and urban character, transport, infrastructure and natural hazards risk, and reverse sensitivity effects.

Given the above context, the Plan's Strategic Directions relevant to subdivision are:

Objectives

SD-O1 Residential Areas and Activities

- i. There is sufficient residential development capacity in existing and proposed urban areas to meet demand and household choice, provided through:
 - a. the use of existing zoned greenfield areas;
 - b. a range of densities in existing urban areas; and
 - c. higher residential densities in close proximity to the Timaru and Geraldine town centres, and Highfield Village Mall;
 - d. new General Residential Zone.
- ii. limited rural residential development opportunities are provided where they concentrate and are attached to existing urban areas, achieve a coordinated pattern of development and are capable of efficiently connecting to reticulated sewer and water infrastructure; and

- iii. limited residential opportunities are maintained in existing rural settlements, subject to adequate servicing.

SD-O2 The Natural and Historic Environment

The District's natural and historic environment is managed so that:

- i. the health and well-being of the community are recognised as being linked to the natural environment;
- ii. an integrated management approach is adopted that recognises that all parts of the environment are interdependent;
- iii. the natural character of the coastal environment, wetlands and waterbodies is preserved;
- iv. important landscapes and features, and significant indigenous vegetation and significant habitats of indigenous fauna are identified and their values recognised, protected and where appropriate, enhanced;
- v. the life-supporting capacity of ecosystems and resources is safeguarded for future generations; and
- vi. the important contribution of historic heritage to the District's character and identity is recognised, and significant heritage is protected from inappropriate subdivision, use, and development.

SD-O3 Climate Change

The effects of climate change are recognised and an integrated management approach is adopted, including through:

- i. taking climate change into account in natural hazards management;
- ii. enabling the community to adapt to climate change; and
- iii. encouraging efficiency in urban form and settlement patterns.

SD-O4 Natural Hazards

Natural hazards risks are addressed so that:

- i. areas subject to natural hazards and risk are identified;
- ii. development is avoided in areas where the risks of natural hazards to people, property and infrastructure are assessed as being unacceptable; and
- iii. for other areas, natural hazards risks are appropriately mitigated.

SD-05 Mana Whenua

The mana whenua status of Kāti Huirapa is recognised and their historic and contemporary relationship with the District's land, water bodies and wetlands, coastal environment, and indigenous species is recognised and provided for by ensuring:

- i. mahika kai resources and habitats of indigenous species are sustained and opportunities for their enhancement or restoration are encouraged;
- ii. the health of water body and wetland environments is protected from adverse effects of land use and development;
- iii. the values of identified sites and areas of significance to Kāti Huirapa are recognised and protected;
- iv. Kāti Huirapa retains, and where appropriate is able to enhance, access to
- v. Māori reserve lands are able to be used by Kāti Huirapa for their intended purposes;
- vi. Kāti Huirapa are able to carry out customary activities in accordance with tikanga; and
- vii. Kāti Huirapa are actively involved in decision making that affects their values and interests in these matters and are able to exercise their kaitiakitaka responsibilities.

SD-06 Business Areas and Activities

Business and economic prosperity in the District is enabled in appropriate locations, including by:

- i. providing sufficient land for a range of business activities to cater for projected growth; and
- ii. providing opportunities for a range of business activities to establish and prosper, provided that commercial activities outside of commercial areas are limited so they do not detract from the role and function of the City Centre and Town Centre zones.

SD-07 Centres

The District's city and town centres:

- i. are maintained and enhanced as vibrant, attractive community focal points, providing a high level of amenity and opportunities for social interaction;
- ii. are the primary focus for retail, office and other commercial activity; and
- iii. provide for the highest density of business, residential and visitor accommodation, and for intensification opportunities

SD-08 Infrastructure

Across the District:

- i. improved accessibility and multimodal connectivity is provided through a safe and efficient transportation network that is able to adapt to technological changes;
- ii. the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development;
- iii. drinking water supplies are protected from the adverse effects of subdivision, use and development; and
- iv. the benefits of regionally significant infrastructure are recognised and its safe, efficient and effective operation, maintenance, renewal and upgrading is enabled while managing adverse effects appropriately.

SD-O9 Rural Areas

- i. A range of primarily rural productive opportunities are enabled in the rural environment to recognise and sustain the significant contribution the rural economy makes to the District, protect versatile soils and avoid the establishment of new incompatible sensitive activities; and
- ii. the character, qualities and amenity values of rural areas are identified and maintained.

SD-O10 Community and Open Spaces

A range of recreational, social and community facilities and open spaces that meet the long-term needs of the community are enabled, including:

- i. the provision of public access to and along the coastal marine area and margins of identified rivers; and
- ii. the provision of a network of facilities and open spaces to support densification and new growth areas, including co-location

UFD-O1 Settlement Patterns

A consolidated and integrated settlement pattern that:

- i. efficiently accommodates future growth and capacity for commercial, industrial, community and residential activities, primarily within the urban areas of Timaru township, and the existing townships of Temuka, Geraldine, and Pleasant Point;
- ii. is integrated with the efficient use of infrastructure;
- iii. reduces adverse effects on the environment, including energy consumption, carbon emissions and water use;
- iv. protects drinking water supplies from the adverse effects of subdivision, use and development;
- v. is well-designed, of a good quality, recognises existing character and amenity, and is attractive and functional to residents, business and visitors;
- vi. avoids areas with important natural, cultural and character values;
- vii. enables kaika nohoaka to occur on ancestral lands;
- viii. avoids locating new growth in areas where the impacts from natural hazards are unacceptable or which would require additional hazard mitigation; and
- ix. controls the location of activities, primarily by zoning, to minimise conflicts between incompatible activities and avoid these where there may be significant adverse effects

All of the Strategic Directions are relevant to the Subdivision Chapter. Subdivision determines urban development patterns and enables greenfield land to be developed for urban activities, including residential and business activities, and public open spaces (SD-O1, SD-O6, SD-O7, SD-O10, UFD-O1). It also provides for the creation of esplanade reserves, enabling access along the coast and river margins (SD-O2, SD-O10 and UFD-O1). Subdivision shall integrate areas of development with existing infrastructure (SD-O8). Subdivision can increase the risk of damage to people or property from natural hazards (SD-O3 and SD-O4), and has the potential to adversely affect mana whenua values (SD-O5) and natural landscapes (SD-O2). Subdivision can also have a significant impact on rural character and amenity, and on the ability for land to be used for productive activities (SD-O9). The control of subdivision in the District, will ensure the expectations of many of the Strategic Directions can be met.

1.5 Problem definition

In identifying the ‘problems’ or ‘issues’ associated with the operative Timaru District Plan provisions and the future management of subdivision in the Plan, as outlined below in this section, the following matters have been considered:

- The potential effects of these activities, as outlined in section 1.1 above;
- The issues identified through community consultation as outlined in section 1.2 and 1.3 above;
- The requirements of the Plan’s relevant Strategic Directions as outlined in section 1.4 above;
- The need to give effect to and/or not be inconsistent and/or take into account with the relevant provisions of Part 2 of the RMA, statutory planning documents under the RMA and Ngāi Tahu policies and management plans, as overviewed in Section 1.6 below;
- The approaches adopted in second generation district plans within the Canterbury region, as these plans have been developed under the same national and regional planning framework as will apply to the Plan’s subdivision activities. An overview of these approaches is provided below;
- The approach taken in other district plans prepared under the National Planning Standards, namely Porirua City Proposed District Plan, and Selwyn Proposed District Plan.

District Plan review reports relevant to defining the problems or issues associated with the Plan’s subdivision provisions are listed in the following table:

Title	Author	Date	Brief Synopsis	Link
Timaru District Plan Review Topic 2 subdivision Discussion Document, November 2016	Timaru District Council	Nov 2016	This discussion document outlines the issues identified with the District Plan subdivision provisions. It identifies options to address these issues, and discusses the strengths and weaknesses of each option.	https://www.timaru.govt.nz/_data/assets/pdf_file/0010/95842/1019470-Discussion-Document-Topic-2-Subdivision-Discussion-Document-Work-District-Plan-Review-November-2016.pdf
Timaru District Plan Review Topic 2 subdivision Discussion Document Summary	Timaru District Council	Nov 2016	This document provides a summary of the issues and options set out in the discussion document.	https://www.timaru.govt.nz/_data/assets/pdf_file/0009/95841/1019471-Summary-Topic-2-Subdivision-Discussion-Document-Work-District-Plan-Review-November-2016.pdf
Timaru District Plan Review Topic 1 Takata whenua Discussion Document, November 2016	Timaru District Council	Nov 2016	This discussion document outlines the issues identified with the District Plan provisions as they relate to Takata Whenua, some of which	https://www.timaru.govt.nz/_data/assets/pdf_file/0013/101533/1022348-Discussion-Document-Topic-1-Takata-Whenua-Discussion-

			are relevant to the Subdivision Chapter.	Document-Work-District-Plan-Review-December-2016.pdf
Timaru District Plan Review Topic 3 Ecosystems and indigenous biodiversity Discussion Document, November 2016	Timaru District Council	Nov 2016	This discussion document outlines the issues identified with the District Plan provisions relating to ecosystems and indigenous biodiversity, some of which are relevant to the Subdivision Chapter.	https://www.timaru.govt.nz/_data/assets/pdf_file/0003/95844/1019346-Discussion-Document-Topic-3-Ecosystems-and-Indigenous-Biodiversity-Discussion-Document-Work-District-Plan-Review-November-2016.pdf
Timaru District Plan Review Topic 4 Natural hazards Discussion Document, November 2016	Timaru District Council	Nov 2016	This discussion document outlines the issues identified with the District Plan natural hazards provisions, some of which are relevant to the Subdivision Chapter.	https://www.timaru.govt.nz/_data/assets/pdf_file/0005/95846/1015619-Discussion-Document-Topic-4-Natural-Hazards-Discussion-Document-Work-District-Plan-Review-November-2016.pdf
Timaru District Plan Review Topic 5 landscapes and natural character Discussion Document, November 2016	Timaru District Council	Nov 2016	This discussion document outlines the issues identified with the District Plan landscapes and natural character provisions, some of which are relevant to the Subdivision Chapter.	https://www.timaru.govt.nz/_data/assets/pdf_file/0007/95848/1019350-Discussion-Document-Topic-5-Landscapes-and-Natural-Character-Discussion-Document-Work-District-Plan-Review-November-2016.pdf
Timaru District Plan Review Topic 6 heritage Discussion Document, November 2016	Timaru District Council	Nov 2016	This discussion document outlines the issues identified with the District Plan heritage provisions, some of which are relevant to the Subdivision Chapter.	https://www.timaru.govt.nz/_data/assets/pdf_file/0010/95851/1011540-Discussion-Document-Topic-6-Heritage-Values-Discussion-Document-Work-District-Plan-Review-November-2016.pdf
Timaru District Plan Review Topic 9 Infrastructure Discussion Document, November 2016	Timaru District Council	Nov 2016	This discussion document outlines the issues identified with the District Plan infrastructure provisions, some of which are relevant to the Subdivision Chapter.	https://www.timaru.govt.nz/_data/assets/pdf_file/0007/95857/1016051-Discussion-Document-Topic-9-Utilities-and-Infrastructure-Discussion-Document-Work-District-Plan-Review-November-2016.pdf

Timaru District Plan Review Topic 14 Residential zones Discussion Document, November 2016	Timaru District Council	Nov 2016	This discussion document outlines the issues identified with the District Plan provisions relating to residential zones, some of which are relevant to the Subdivision Chapter.	https://www.timaru.govt.nz/data/assets/pdf_file/0011/99470/1027797-Discussion-Document-Topic-14-Residential-Zones-Discussion-Document-Work-District-Plan-Review-November-2016.pdf
Timaru District Plan Review Community Feedback and Initial Committee Direction on Discussion Documents	Timaru District Council	April 2018	This document provides a summary of community feedback received on the discussion documents and outlines the Council's Environmental Services Committee's initial direction for the drafting phase of the review.	https://www.timaru.govt.nz/data/assets/pdf_file/0005/144194/1070351-Booklet-District-Plan-Review-Discussion-Document-Community-Feedback-Summary-and-Initial-Committee-Direction-Web.pdf

An overview of the approaches to subdivision adopted in operative second generation district plans within the Canterbury region is provided in the following table. As a recent example of a Proposed District Plan notified after the National Planning Standards, the Porirua Proposed District Plan is also included on this list.

Plan	Description of Approach
Christchurch District Plan (operative since December 2017)	<p>Subdivision provisions are contained in a separate chapter.</p> <p>Subdivision activity standards control the following:</p> <ul style="list-style-type: none"> • minimum net site areas and dimensions • allotments with existing or proposed buildings • access • roads • service lane • cycle and pedestrian ways, • esplanade strips • water supply, wastewater and stormwater <p>Controlled activities include:</p> <ul style="list-style-type: none"> • boundary adjustments • tenure conversion • altering cross leases, company leases and unit titles • allotments for access, utilities, emergency service facilities, roads and reserves • subdivision in accordance with an Outline Development Plan • subdivision that complies with all activity standards <p>Restricted discretionary activities:</p> <ul style="list-style-type: none"> • boundary adjustments not meeting activity standards • subdivision not in accordance with an ODP

	<ul style="list-style-type: none"> • subdivision in a flood management area or site of ecological significance • subdivision within specified distance of national grid transmission lines • subdivision of land containing significant trees, heritage items, Site of Cultural Significance or Outstanding Natural Areas <p>Discretionary activities:</p> <ul style="list-style-type: none"> • undersized rural allotments • subdivision in coastal zones • activities not meeting activity standards for RD activities <p>Non-complying activities</p> <ul style="list-style-type: none"> • undersized residential allotments or rural port hills allotments • subdivision creating undersized lots within air noise contours • subdivision within Lyttleton Port overlay unless sensitive activities prohibited by consent notice <p>The Plan contains Outline Development Plans for greenfield zones in appendices to the Subdivision Chapter.</p> <p>An appendix to the chapter contains a Schedule of Waterways in table format that lists whether an esplanade strip or reserve is required, it's location (true left or right bank, or both), and the width required.</p> <p>Applications to reduce or waive an esplanade reserve or strip requirement are restricted discretionary.</p> <p>Standards for vehicle accesses and new road widths are contained in an appendix.</p> <p>Infrastructure design requirements are contained in separate documents, (Infrastructure Design Standard and Construction Standards Specification), that do not form part of the District Plan.</p> <p>The Plan does not require reserve contributions. Development contributions are covered by a separate Development Contributions Policy under the Local Government Act.</p>
<p>Ashburton District Plan (Operative since August 2014)</p>	<p>Subdivision provisions are contained in a separate chapter.</p> <p>Subdivision general activity standards control:</p> <ul style="list-style-type: none"> • esplanade provision • property numbering • allotment dimensions • water supply, stormwater and sewerage • energy supply and telecommunications • roads • earthworks • outline development plans in specified areas <p>Critical standards control:</p> <ul style="list-style-type: none"> • allotment size • boundary adjustments • areas at risk of flooding • water supply and sewage disposal • energy supply and telecommunications • allotments near high voltage transmission lines

	<ul style="list-style-type: none"> • roads • reserve contributions • outline development plans in specified areas • areas with servicing constraints <p>Controlled activities:</p> <ul style="list-style-type: none"> • subdivision in open space and business zones, or for utilities <p>Restricted discretionary activities:</p> <ul style="list-style-type: none"> • subdivision in Residential, Rural A and B zones and aquatic park zones <p>Discretionary activities:</p> <ul style="list-style-type: none"> • controlled or RD activities not meeting general activity standards • subdivision in Rural C zone • subdivision on land within high flood risk areas, or Rural B land within 500m of mean high water springs line • subdivision on land containing a heritage item <p>Non-complying activities:</p> <ul style="list-style-type: none"> • Subdivision not in accordance with an Outline Development Plan • Subdivision not meeting critical standards <p>The Plan rules specify required esplanade reserve widths, generally 20m unless otherwise specified.</p> <p>Within rural zones, esplanade reserves are only taken along specified rivers. The Plan assessment matters enable the Council to require financial contributions towards upgrading reticulated water, sewer and stormwater systems to accommodate the additional demand of the additional lots created by a subdivision.</p> <p>The Plan does not set out infrastructure design requirements, but the assessment matters refer to the Code of Practice.</p> <p>Development contributions for water supplies, wastewater and community infrastructure are taken under the Council’s Development Contributions Policy.</p>
<p>Hurunui Operative District Plan 2003</p>	<p>Subdivision provisions are contained in a separate chapter</p> <p>Subdivision activity standards control:</p> <ul style="list-style-type: none"> • allotment area and dimensions • water supply and water for firefighting • stormwater and sewer • rural subdivision near national grid transmission lines • access • outline development plans • esplanade strips <p>Controlled activities:</p> <ul style="list-style-type: none"> • any activity meeting controlled activity standards, unless specified as another activity standard • development in accordance with an ODP • boundary adjustments meeting minimum allotment size standards • allotments for unstaffed utility structures • allotments for heritage items, or indigenous vegetation, or natural features meeting minimum allotment size standards

	<p>Restricted discretionary activities:</p> <ul style="list-style-type: none"> • subdivision of 3 or more lots • subdivision of rural coastal land that meets minimum allotment size standards • non-rural subdivision near national grid transmission lines • subdivision not meeting access standards <p>Discretionary activities:</p> <ul style="list-style-type: none"> • subdivision of outstanding natural landscape areas • subdivision within natural hazard areas, or on contaminated land • rural subdivision with allotments between 5000m² – 4ha • subdivision in settlements without reticulated sewage systems • subdivision for multi-unit senior living developments <p>Discretionary activities must also comply with controlled activity standards.</p> <p>Non-complying activities</p> <ul style="list-style-type: none"> • subdivision not meeting activity standards for RD or D activities • allotments without access to legal road • any activity not specified as another activity status • rural coastal subdivision less than 20ha • subdivision of rural outstanding natural areas in the coastal environment less than 40ha • subdivision not complying with standards relating to national grid transmission lines • subdivision not in accordance with Outline Development Plans <p>The Plan contains Outline Development Plans for specific greenfield areas. Esplanade reserves and strips are required to be 20m wide, and are taken along specific rivers listed in a schedule within the Plan.</p> <p>The Plan does not include infrastructure design requirements or road widths. These are contained in the Councils Development Engineering Standard document, which is separate to the District Plan.</p> <p>A separate Financial Contributions Chapter enables the Council to take financial contributions towards roading, sewer, stormwater, water supply, street lighting, coastal access and natural hazard mitigation to offset the effects of a particular development.</p> <p>Development contributions are taken under the Council’s Development Contributions Policy for growth-related reserves, network infrastructure, and community infrastructure for growth related projects.</p>
<p>Proposed Selwyn District Plan (publicly notified on 5 October 2020) Hearings currently underway</p>	<p>As per the National Planning Standards, Subdivision provisions are contained within a separate District Wide Chapter:</p> <ul style="list-style-type: none"> - Three broad objectives focused on the amenity of the zones; that subdivision has the infrastructure to support it; and it of a size to reflect outcomes of the zone. - 10 relatively detailed policies, including the requirements for infrastructure, open space, public access and the need for development to be in accordance with the zone. A policy requires that subdivision lot sizes should only result in a permitted or controlled land uses.

	<ul style="list-style-type: none"> - The rules for subdivision vary greatly across the District, but for the most part in all zones excluding the General Rural Zone, subdivision is an RDIS activity. Lot sizes vary from 500 sq.m. in the General Residential Zone to 5000 sq.m for the Large Lot Residential Zone. - In the General Rural Zone, subdivision is generally a controlled activity if meets a range of rules including lot size. There are large variety of Specific Control Areas, which have minimum lot sizes of between 4 and 120ha. - Subdivision in almost all zones requires a 15m x 15m building square. - The Plan lists all the different 'sensitive' areas separately and has a separate rule for each, i.e. Subdivision in Coastal Environment; and Subdivision and Biodiversity and Indigenous Biodiversity. The activity status varies from RDIS to Discretionary.
<p>Porirua City Council Proposed Plan</p> <p>Notified August 2020</p>	<ul style="list-style-type: none"> - There are four broad policies regarding creating a design which is compatible with the surrounding land; being supported by the three waters network or onsite solutions; creating esplanade reserves and strips; not fragmenting land within the Future Urban Zone. - There are numerous specific policies, which are full of detailed matters. These are too numerous to summarise but include: <ul style="list-style-type: none"> • integration with settlement patterns and infrastructure; • are compatible with surrounding zone; • provide public access and esplanade opportunities; • have legal and physical access; • maintains the safety and efficiency of the transport network. - The rules allow for: <ul style="list-style-type: none"> • Boundary adjustments as controlled activities in all zones. • Subdivision that creates a vacant allotment is controlled, with 8 matters of control. The matters of control are detailed including the size of the allotments; • Subdivision of land around existing lawfully established buildings or approved as part of a resource consent application and no vacant allotments is controlled; • Subdivision is RDIS when in the likes of an SNA or ONF; • DIS within Coastal Environment • There are standards regarding subdivision in Industrial Areas.

1.6 Issues with the Operative District Plan approach to subdivision

The problems or issues identified with the Operative District Plan are summarized below, and are sought to be addressed in the Proposed District Plan. These are:

Issue 1 -Subdivision Chapter content. The Subdivision Chapter of most district plans sets out the ‘nuts and bolts’ of how the subdivision process occurs, including the creation of new lots and their integration with new network infrastructure and services. The chapter would also include provisions to ensure subdivision only occurs where adverse effects can be appropriately managed. There are several areas where the Operative Plan provisions are either deficient, or are likely to need updating:

- The Operative District Plan’s subdivision provisions are located in various Plan chapters without any references and can be difficult to navigate;
- There are no specific objectives and policies for subdivision, and the relevant policies are found in several Plan chapters;
- The provisions do not encourage better design and better outcome of development but a ‘tick box’ exercise to get a resource consent;
- There is inconsistency between the general subdivision provisions, and those applying to specific zones that were introduced through Plan changes;
- The current provisions do not give the Council the ability to consider overall subdivision design and layout when assessing an application for subdivision;
- The Council has limited ability to consider whether a proposal provides safe and efficient connections to network infrastructure including roading, telecommunications, energy, water, sewer, stormwater servicing and local parks;
- Natural hazards and geotechnical hazard provisions need to be updated;
- Provisions need to be updated to give effect to National Environmental Standards such as those relating to contaminated soils, and various National Policy Statements;
- The current provisions do not give effect to the Canterbury Regional Policy Statement;
- The current provisions do not reflect the Council’s Growth Management Strategy, particularly in Rural residential allotments being provided for throughout the Rural 1 zone;
- The subdivision standards are not consistent with or supported by the zone standards. In particular, the minimum allotment sizes in the residential 1 and 2 zones are not supported by the minimum site size required for a permitted residential dwelling in the zone rules.

Issue 2 Infrastructure design requirements. The Operative District Plan includes infrastructure design requirements as plan rules. Including these in the Plan, adds significant volume and complexity to the Plan, and requires a Plan Change for any amendments to be made.

Issue 3 Esplanade reserve and strip provisions. The Plan does not set out clear requirements for the width of esplanade strips and reserves that are required, and the notification provisions are considered to be inappropriate. The Plan rules require any application to waive or reduce the required width of an esplanade reserve to be publicly notified, which would add significant time and cost to these applications. The Plan notes that increased public awareness of natural areas present may encourage a more sensitive approach to development proposals. In practice, the Council does not have the funds to acquire and maintain all required esplanade reserves, and many required esplanade reserves have been waived on a non-notified basis.

Issue 4 National Planning Standards. The Proposed Plan must use the specified format and relevant definitions listed in the National Planning Standards. Terms related to subdivision include ‘allotment,’ ‘site’, and ‘subdivision’.

1.7 Statutory and Planning Context

Part 2 of the RMA sets out the purpose and principles of the Act, being “to promote the sustainable management of natural and physical resources”. Section 5(2) of the RMA then defines sustainable management. The Plan’s subdivision provisions must give effect to this purpose.

Section 6 lists the matters of national importance that must be recognised and provided for. The following matters are relevant to subdivision:

- Section 6(a) and (b). The natural character of the coastal environment, waterbodies and outstanding natural landscapes and features are to be protected from inappropriate subdivision.
- 6(c) – significant indigenous vegetation and habitats of fauna.
- Section 6(d). Subdivisions are to provide for public access to and along the coastal marine area, lakes and rivers.
- Section 6(d) and (f). Subdivision shall provide for the relationship of Māori with ancestral lands and significant sites, amongst other matters, and protected customary rights.
- Section 6(e). Historic heritage is to be protected from inappropriate subdivision.
- Section 6(g) Subdivision is to be managed to avoid increasing significant risk or damage from natural hazards.

Section 7 lists other matters to which particular regard must be had. The following matters are relevant to subdivision:

- Section 7(a) and (b). Kaitiakitanga and the ethic of stewardship in relation to the District’s land resource are to be reflected in the subdivision provisions.
- Section 7(b) and (ba). Subdivision provisions are to provide for the efficient use and development of land resources, and efficient use of energy.
- Section 7(c) and (f). Subdivision provisions are to maintain and enhance amenity values and the quality of the environment Section 7(i). The effects of climate change.

Section 8 of the RMA requires the principles of the Treaty of Waitangi to be taken into account. Principles relevant to subdivision include the ethic of partnership, and ensuring that areas of value and interest to Ngāi Tahu are protected from inappropriate subdivision activities.

There are several other sections of the Act specifically relevant to subdivision, including:

Section 11 lists restrictions on the subdivision of land, and states that a person may subdivide land if it is allowed by resource consent, or permitted by a National Environmental Standard or District Plan, and the subdivision is shown on a deposited or approved survey plan.

Section 11 also sets out other methods by which subdivision can be effected, which include provisions of the Public Works Act, Te ture Whenua Maori Act, State-Owned Enterprises Act, or the Property Law Act.

Section 31 sets out functions of Territorial Authorities for the purposes of giving effect to the Act and includes:

- The establishment, implementation, and review of objectives, policies, and methods to manage land use and development, ensure there is sufficient development capacity for housing and business land, and protect natural and physical resources.
- The control of actual and potential effects of the use, development and protection of land, including for the purpose of avoiding or mitigating natural hazards, preventing or mitigating effects of the subdivision of contaminated land, and maintaining indigenous biodiversity.

Section 106 sets out circumstances when a subdivision consent can be refused or granted subject to conditions, being:

- There is significant risk from natural hazards.
- Sufficient provision has not been made for legal and physical access to each allotment created.

Part 10 of the RMA, (sections 218-246) include the information that must be provided, and the process that must be followed for subdivision consents, including:

- Approval and deposit of survey plans (S223-228)
- Esplanade reserves (S229-237H)
- Vesting of roads and reserves (s238-239)
- Conditions as to amalgamation of land (s.240-242)
- Conditions as to easements (s.243)
- Company leases and cross leases (s.244)

One of the principal mechanisms by which public access to and along the coastal marine area, lakes and rivers is provided is through esplanade reserves and strips, and access strips. Sections 229 – 237H of the RMA set out the purpose of these mechanisms, and the way in which esplanade reserves and strips, and access strips can be created. Of particular note:

- Esplanade reserves and strips have a range of purposes, including to enable public access to or along any sea, river or lake;²
- An esplanade reserve 20m in width shall be set aside where any allotment of less than 4ha is created (unless a rule in a plan provides otherwise).³
- Esplanade reserves or strips can only be set aside where any allotment of greater than 4ha is created if a rule in the District Plan requires it.⁴
- The territorial authority shall compensate owners for esplanade reserves or strips in their entirety when taken from land that is being subdivided and is greater than 4 hectares in area unless the registered owner agrees otherwise.⁵

National and regional planning instruments potentially relevant to the subdivision provisions of the Plan are as listed in the tables below.

National Policy Statements/National Planning Standards	Relevance
National Policy Statement on Urban Development Capacity 2016	<p>This NPS provides direction on planning for urban environments, to ensure that development of residential and business land is sufficient to meet demand. It is relevant to subdivision because subdivision enables development and intensification of land uses.</p> <p>Key requirements include:</p> <p>Objective OA1: Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental well-being.</p> <p>Objective OA2: Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses.</p> <p>OA3: Urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations.</p> <p>Objective OC1: Planning decisions, practices and methods that enable urban development which provides for the social, economic, cultural and</p>

² RMA section 229(b)

³ RMA section 230(3)

⁴ RMA section 230(5)

⁵ RMA section 237F

	<p>environmental well-being of people and communities and future generations in the short, medium and long-term</p> <p>Objective OD1: Urban environments where land use, development, development infrastructure and other infrastructure are integrated with each other.</p> <p>Objective OD2: Coordinated and aligned planning decisions within and across local authority boundaries.</p>
<p>National Policy Statement on Electricity Transmission 2008</p>	<p>This NPS seeks to facilitate the operation, maintenance and upgrade of the existing transmission network, and the establishment of new transmission resources. Key requirements include:</p> <p>Objective: To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:</p> <ul style="list-style-type: none"> • managing the adverse environmental effects of the network; and • managing the adverse effects of other activities on the network. <p>Policy 10- In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.</p> <p>Policy 11- Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).</p>
<p>New Zealand Coastal Policy Statement 2010</p>	<p>The NZCPS recognises the coastal environment’s unique characteristics and issues and seeks to protect its natural character. Key requirements include:</p> <p>Objective 2 is to preserve the natural character of the coastal environment, including identifying areas where various forms of subdivision would be inappropriate.</p> <p>Objective 3 takes account of the Treaty of Waitangi</p> <p>Objective 5 seeks to ensure that coastal hazard risks, taking account of climate change, are managed</p> <p>Objective 6 seeks to enable people and communities to provide for their social, economic, and cultural well-being and their health and safety, through appropriate subdivision, use, and development.</p> <p>Key provisions of the relevant policies include:</p> <p>Policy 13: Preservation of natural character from inappropriate subdivision, use and development.</p> <p>Policy 15: To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development.</p> <p>Policy 17: Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development.</p> <p>Policy 22: Require that subdivision, use, or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water.</p> <p>Policy 25: Avoid increasing the risk of social, environmental and economic harm from coastal hazards; avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards.</p>

National Planning Standard 2019 (NPS)	<p>The Plan structure and provisions must comply with the NPS.</p> <p>Subdivision provisions are to be located in one or more chapters under the subdivisions heading.</p> <p>Provisions may include technical subdivision requirements from Part 10 RMA and material incorporated by reference under Part 3 Schedule 1.</p> <p>Chapters must cross reference relevant provisions in the energy, infrastructure and transport heading.</p>
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National Environment Standard	Relevance
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011	This NES regulations control subdivision activities on land that contains, or is likely to contain, contaminated soils. The Plan cannot contain standards that are more lenient than the NES.

Regional Policy/ Plans/Iwi Management Plans	Relevance
Canterbury Regional Policy Statement 2013	<p>The District Plan must give effect to the RPS. Chapter 5 – Land use and infrastructure is of particular importance to subdivision.</p> <p>Objectives 5.2.1 seeks development that achieves consolidated, well designed and sustainable growth in and around existing urban areas.</p> <p>Objective 5.2.2 seeks that land use and regionally significant infrastructure are integrated.</p> <p>Policy 5.3.1 seeks development patterns that ensure any urban growth and limited rural residential development occurs in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development.</p> <p>Policy 5.3.2 is to enable development that ensures adverse effects are avoided, remedied or mitigated, including effects on regionally significant infrastructure, the consolidated growth and development of existing urban areas, the productivity of soil resources, fragmentation of rural land, community water supply sources and significant natural and physical resources. Reverse sensitivity effects are to be avoided, and development is to be integrated with efficient and effective infrastructure and transport networks.</p> <p>Policy 5.3.3 seeks that substantial developments are designed and built to be of high quality, robust and resilient.</p> <p>Policy 5.3.5 seeks to ensure development is appropriately and efficiently serviced by avoiding development that will not be served in a timely manner, and requiring infrastructure services to be designed, built and upgraded to ensure their on-going effectiveness.</p> <p>Policy 5.3.6 seeks to avoid development that constrains the ongoing ability for infrastructure to be developed and used.</p> <p>Policy 5.3.7 seeks to avoid development that adversely affects the safe functioning of the strategic land transport network and arterial roads, or forecloses the opportunity for development to meet future requirements.</p> <p>Policy 5.3.8 seeks to integrate land use and transport planning.</p> <p>Policy 5.3.9 and 5.3.10 seek to avoid development that constrains the use or development of regionally significant and telecommunication infrastructure, and provide for the expansion and development of regionally significant infrastructure.</p>

	<p>Policy 5.3.12 is to maintain and enhance resources contributing to Canterbury’s rural productive economy in areas valued for primary production by avoiding development or fragmentation that forecloses the ability to make appropriate use of that land for primary production, or results in reverse sensitivity effects that limit or preclude primary production.</p> <p>The following objectives and policies are also relevant:</p> <p>Chapter 7 Freshwater</p> <p>Objective 7.2.1 and policy 7.3.1 seek to protect the natural character values of wetlands, lakes and rivers, including from inappropriate subdivision.</p> <p>Under Policy 7.3.4 Water Quantity, the Council must consider access to and availability of fresh water in catchments for individual domestic or stockwater supply, when setting provisions for subdivision in rural areas in district plans.</p> <p>Chapter 8 The Coastal Environment</p> <p>Objective 8.2.2 is to provide for appropriate subdivision of the coastal environment, while managing adverse effects.</p> <p>Objective 8.2.3 seeks that subdivision in the coastal environment does not adversely affect the efficient development and use of Regionally Significant Infrastructure, which includes Timaru Port.</p> <p>Objective 8.2.4 is to preserve and protect the natural character of the coastal environment from inappropriate subdivision, use or development, and restore or enhance natural, ecological, cultural, amenity, recreational and heritage values.</p> <p>Policy 8.3.4 is to preserve the natural character of the coastal environment, and protect it from inappropriate subdivision.</p> <p>Policy 8.3.5 is to maintain and enhance public and Ngāi Tahu access to the coastal marine area.</p> <p>Policy 8.3.6 provides for the operation and development of Regionally Significant Infrastructure, including the Port of Timaru. This policy recognises that public access to operational port areas is not always appropriate.</p> <p>Chapter 9 Ecosystems and Indigenous Biodiversity</p> <p>Objectives 9.2.1 and 9.2.2 seek to halt the decline of, and restore or enhance ecosystems and indigenous biodiversity, policy 9.3.1 directs that the Council should consider use of incentives for protection of significant indigenous vegetation and significant habitats of indigenous fauna in relation to subdivision.</p> <p>Chapter 10 Beds of Lakes and Rivers</p> <p>Objective 10.2.1 is to enable subdivision of river and lake beds and their margins, while protecting significant values, and enhancing values in appropriate locations.</p> <p>Policy 10.3.1 requires the Council to set out objectives and policies to control effects of inappropriate subdivision to avoid, remedy or mitigate adverse effects on riparian zones.</p> <p>10.3.2, is to preserve the natural character of rivers and their margins and protect them from inappropriate subdivision. riparian zones should be a priority for enhancement or environmental mitigation where development, subdivision or changes in use occur.</p> <p>10.3.3 is to manage activities in river beds, banks and margins, including subdivision, to avoid exacerbating flood risk or causing adverse effects to infrastructure.</p> <p>10.3.5 seeks that subdivision does not result in inappropriate loss of public or Ngāi Tahu access to and along beds or rivers and lakes.</p> <p>Chapter 11 Natural Hazards</p> <p>Objective 11.2.1 seeks to avoid subdivision of land that increases risks associated with natural hazards.</p> <p>Policy 11.3.1 - avoid inappropriate subdivision and development in high hazard areas;</p>
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	<p>Policy 11.3.2 - avoid development in areas subject to inundation unless there is no increased risk to life, the development will not suffer material damage, or the risks are mitigated;</p> <p>Policy 11.3.3 - manage subdivision of land on or close to active earthquake fault traces, or in areas subject to liquefaction or lateral spread to mitigate effects; and</p> <p>Policy 11.3.5 - generally avoid subdivision where the risk from natural hazards is unacceptable, considering the likelihood of an event and its potential consequences.</p> <p>Chapter 12 Landscape</p> <p>Objective 12.2.1 seeks to identify and protect outstanding natural features and landscapes.</p> <p>Policy 12.3.2 seeks to manage subdivision, to protect outstanding natural features and landscapes from inappropriate subdivision. This may include provisions that provide for covenanting, pest management or revegetation.</p> <p>Policy 12.3.3 seeks to manage other landscapes for natural character, historic cultural, historic heritage and amenity purposes.</p> <p>Chapter 13 Historic Heritage</p> <p>Objective 13.2.1 and 13.2.2, and policies 13.3.1 and 13.3.2 seek to protect significant heritage items, places and areas and landscapes from inappropriate subdivision.</p>
<p>Regional Coastal Environmental Plan (2005)</p>	<p>The District Plan may not be inconsistent with a regional plan. The RCEP covers the Coastal Marine Area and areas immediately landward.</p> <p>Key requirements include:</p> <p>Objective 6.1 - To protect, and where appropriate enhance, areas, sites and habitats of high natural, physical, heritage or cultural value.</p> <p>Policy 6.1 - Control activities and development to remedy or mitigate adverse effects on areas of significant or high natural value, and natural character in areas of the coastal environment where natural character dominates.</p> <p>Objective 6.2 - Control activities and development to avoid significant effects on natural character in the coastal environment unless there are special, extraordinary or unique reasons why those effects cannot be avoided.</p> <p>Policy 6.2 - Environment Canterbury and Territorial Local Authorities will seek to ensure that the adverse effects of subdivision, use and development of land in the coastal environment landward of the Coastal Marine Area, on the identified values of Areas of Significant Natural Value and on the identified values of areas of high natural, physical, heritage, or cultural value, are avoided, remedied or mitigated.</p>
<p>Land and Water Regional Plan</p>	<p>The LWRP contains several policies relevant to subdivision:</p> <p>Policy 4.15 seeks that in urban areas adverse effects on water quality, aquatic ecosystems, existing land uses and public health are avoided by requiring all sewage to be discharged into a reticulated system where available. Stormwater is to be discharged into land or a reticulated system where available.</p> <p>Policy 4.17 seeks that stormwater run-off volumes and peak flows are managed so that they do not cause or exacerbate the risk of inundation, erosion or damage to property or infrastructure downstream or risks to human safety.</p> <p>Policy 4.22 – Sedimentation of water bodies as a result of land clearance, earthworks and cultivation is avoided or minimised by the adoption of control methods and technologies, such as maintaining continuous vegetation cover adjacent to water bodies, or capturing surface run-off to remove sediment and other contaminants or by methods such as direct drilling crops and cultivation that follows the contours of a paddock.</p>

	This provisions remain unchanged under Plan Change 7, March 2022.
Kāti Huirapa Iwi Management Plan (1992)	<p>The Kati Huirapa IMP, dated July 1992, contains land, water and air policies for the area between the Raikaia to Waitaki.</p> <p>The following provisions are relevant to subdivision, particularly in relation to esplanades and access:</p> <ul style="list-style-type: none"> - Wildlife corridors: Corridors of undisturbed vegetation be maintained along all rivers, and between rivers and forests, any areas of indigenous flora and habitats of indigenous fauna to maintain the seasonal migration and movements of birds, all creatures - Encourage protection and restoration of natural habitats - No scarring of the mountains with tracks and roads; - Access to Mahika Kai adjacent to Māori Reserves to be maintained, recognising the purpose of these reserves when land was taken by the Crown for European settlement;
Te Whakatau Kaupapa Ngāi Tahu Resource Management Strategy for the Canterbury Region. (1990)	<p>Te Whakatau Kaupapa, initially published in 1990 and reprinted in 1992, was developed to assisting planning authorities by identifying attitudes, beliefs and policies which Māori have in relation to natural resources.</p> <p>The following provisions are relevant to subdivision:</p> <p>Forest Policy 7 – A concerted effort should be made to conserve, protect and enhance existing indigenous vegetation, for their own sake, as a habitat for native bird life, and as a mechanism in assisting in erosion control and the absorption of fertilizer runoff.</p> <p>Forest Policy 9 - That the formation of any reserves be done with the full involvement and with the assent of the appropriate Runanga.</p> <p>Water Policy 10 - That wetland areas be created and expanded, all existing wetlands should be maintained at their present area at least, in recognition of their value as ‘buffers’ in times of high rainfall and also their crucial importance to fish and plant communities.</p> <p>Archaeological and Rock Art sites Policy 10 - That all archaeological sites which reasonably may be expected to be affected by any development activities are investigated.</p>

The Timaru Growth Management Strategy is a non-statutory document that is also relevant to the Subdivision Chapter.

Timaru Growth Management Strategy 2016	<p>Strategic Direction 1 - District Character</p> <ul style="list-style-type: none"> • Consolidate existing settlements with growth provided for through residential intensification and limited greenfield areas. • Provide for low density rural residential housing (0.5ha – 2ha) in limited locations attached to existing urban boundaries. • Protect the character of rural and undeveloped areas and maintain their capacity to function as predominantly productive, recreational and natural environments. <p>Strategic Direction 2 - Landscapes and Amenity</p>
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- Landscape and Amenity 1: Recognise and identify outstanding landscapes and natural areas within the District, and protect them from inappropriate use and development.
- Landscape and Amenity 2: Promote access to public open space, and provide appropriate and efficient esplanade reserves and strips along the coastline, wetlands and the major rivers where these provide substantial conservation, public access or recreational values.
- Landscape and Amenity 3: Maintain the rural character and amenity of open space values on the Canterbury Plains.
- Landscape and Amenity 4: Protect, maintain, restore and enhance as appropriate, the biodiversity values and natural character of: indigenous vegetation; habitats of indigenous fauna; and the coast.
- Landscape and Amenity 5: Maintain and enhance an integrated pattern of development, and a high quality urban environment that is attractive to residents, business and visitors.
- Landscape and Amenity 8: To the extent appropriate in the circumstances, promote...requirements for Outline Development Plans for substantial greenfield development; and Council led initiatives associated with residential intensification priority areas

Strategic Direction 3 - Settlement Patterns and Urban Form

- Settlement Patterns and Urban Form 1: Set clear limits to the outward development of all urban areas, and limit rural residential development to those identified areas adjoining Timaru, Geraldine and Temuka, and to a lesser extent Pleasant Point.
- Settlement Patterns and Urban Form 2: Residential development in the smaller villages of Winchester, Acacia Drive, Orari, Woodbury, Cave, Peel Forest and Pareora remains within the existing boundaries and at current densities.
- Settlement Patterns and Urban Form 4: Ensure that infrastructure costs arising from development are appropriately targeted to development.
- Settlement Patterns and Urban Form 5: Ensure the provision for, and protection of, significant infrastructure to service new growth areas, including roading, electricity transmission and stormwater management.

Strategic Direction 4 – Building Resilient Communities

- Building Resilient Communities 3: Avoid new subdivision, use and development where risks from natural hazards and the effects of climate change to people, property and infrastructure (excluding strategic infrastructure where there is no reasonable alternative) are assessed as unacceptable.

Strategic Direction 7 - Infrastructure

- Transport 2: Manage land use and transport infrastructure to promote an integrated and consolidated urban form, and an effective, efficient and safe transport system.
- Transport 4: Recognise and provide for the benefits of strategic transport infrastructure, being the State Highway, Rail, Timaru Airport and the Port of Timaru.
- Transport 5: Encourage, as appropriate, settlement patterns and infrastructure that promote transport choice options, recognising that where access to activities cannot be made effectively, efficiently or safely by other transport modes, trips will continue to be made by private vehicle.

Strategic Direction 8 - Infrastructure

- Infrastructure 1: Achieve a well-integrated pattern of development and infrastructure to promote highly liveable communities that consolidates urban growth and promotes a co-ordinated pattern of development as provided in this Growth Management Strategy.
- Infrastructure 2: Promote the safe, efficient and effective provision and use of infrastructure, including the optimization of the use of existing infrastructure.
- Infrastructure 3: Co-ordinate and integrate planned infrastructure which supports the preferred settlement pattern and support areas of economic strength.
- Infrastructure 4: Recognise and provide for the safe, efficient, and effective development, upgrade, maintenance and operation of infrastructure to meet future needs, including: – the provision of resilient infrastructure and support for necessary infrastructure renewal; and – undertaking opportunities as appropriate to improve the quality of the environment where infrastructure renewal is undertaken.
- Infrastructure 5: Protect strategic infrastructure from incompatible and sensitive activities, including from reverse sensitivity effects.

Strategic Direction 9 - Rural

- Rural 1: Provide for greater definition between rural and urban environments, with increased protection for rural productive purposes, character and amenity.
- Rural 2: Limit opportunities for rural living opportunities, except as provided for through rural residential areas or as related to productive rural uses (farm residents and workers dwellings).
- Rural 3: Recognise and provide for values associated with: productive rural land; outstanding natural landscapes, features, wetlands and rivers; sites of ecological significance; and rural character and amenity.

- Rural 5: Recognise and provide for the working nature of rural environments, and avoid reverse sensitivity effects on productive rural uses.
- Rural 6: Recognise and provide infrastructure networks that are dependent on a rural location or route.

Strategic Direction 10 - Residential

- Residential 1: Provide for housing development necessary to meet the future housing demand of the District and reinforce compact urban forms through:
 - consolidating the existing urban settlements of Timaru, Temuka, Geraldine and Pleasant Point;
 - limiting rural residential developments to identified locations; and
 - in a way and at a rate that is subservient to consolidating existing settlements through intensification and greenfield residential opportunities; and
 - providing opportunities for intensification in areas in close proximity to the Timaru and Geraldine Town Centres.
- Residential 2: Ensure a range of housing opportunities to meet the diverse housing needs and changing population of the District's residents, including:
 - a diversity of different housing types and scales, including social and papakāinga housing;
 - opportunities for housing locations where these consolidate existing urban areas; and
 - Opportunities for housing at different price points, including affordable housing.
- Residential 4: Ensure any new residential development or subdivision is well connected and integrated with existing neighbourhoods and infrastructure, in terms of:
 - transport connections, including walking and cycling options;
 - avoiding an abundance, or excessive length of cul-de-sacs;
 - shared facilities and open space; and
 - promoting the safe, efficient and effective provision and use of infrastructure, including optimisation of existing infrastructure.
- Residential 5: Ensure that the nature, timing and sequencing of new development is co-ordinated with the funding, implementation and operation of infrastructure required to service that development.

	<ul style="list-style-type: none"> • Residential 7: Promote residential infill within urban areas, and increase residential densities in identified intensification priority areas through: <ul style="list-style-type: none"> – regulatory tools and initiatives under the District Plan promoting higher densities and diverse housing opportunities as primarily focused on identified intensification priority areas; – targeted improvements in adjoining public open space and streetscapes, and traffic calming.
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There are also other pieces of legislation/regulation that are directly relevant to subdivision:

Title	Brief synopsis
NZS 4404:2010 Land development and subdivision infrastructure Standards New Zealand	This provides nationally consistent criteria for design and construction of land development and subdivision infrastructure, addressing a range of topics, including requirements for earthworks, geotechnical needs, roads, stormwater, wastewater, water supply, landscaping and network utilities. It is applicable for greenfield, infill and brownfield redevelopments.
Building Act 2004	The Building Act 2004 has limited applicability to subdivisions. However, section 75 and 76 of the Building Act 2004 does not allow for individual titles to be sold if a building straddles two titles.
Te Ture Whenua Māori Act 1993	<p>This Act sets out the laws relating to Māori land in accordance with its preamble, as summarised below:</p> <ul style="list-style-type: none"> • Recognise land is a taonga to Māori • Promote the retention of that land in the hands of its owners/whānau/hapū • Protect wāhi tapu • Facilitate the occupation, development and utilisation of that land for the benefit of its owners/whānau/hapū <p>This act covers the Partition of Māori land (Part 14) into parcels for various purposes, the equivalent of subdivision of general land. The partitioning of Māori land is exempt from the subdivision process under the RMA and must be undertaken through the Māori Land Court under Te Ture Whenua Māori Act.</p>
Land Transfer Act 2017	<p>This Act maintains the Torrens system of land title in New Zealand, providing a register of land that describes and records the ownership of estates and interests in land, and facilitates the transfer and vesting of dealings with estates and interests in land.</p> <p>It sets out a Registrar that is required to hold records of title in a register for freehold estates, leasehold estates and stratum estates, and provides a unique identifier for the record of title. The register can amalgamate or separate records of title.</p> <p>The Act covers registration of leases of title, as well as registering a mortgage of an estate or interest in land. Easements and covenants created under the Property Law Act and their registration on records of title are also managed in the Land Transfer Act, as well as the merging, variation to or extinguishing easements or covenants already registered. Access strips on titles are also covered under this Act.</p>

Title	Brief synopsis
Unit Titles Act 2010	This Act provides a legal framework for the ownership and management of land and associated buildings/facilities by communities of individual owners. In particular, the Unit Titles Act allows for the subdivision of land and buildings into unit title developments, comprising units that are owned in stratum estate in freehold/stratum estate in leasehold, and common property that is owned by the body corporate on behalf of the unit owners. This Act also creates bodies corporate to operate and manage unit title developments and creates a regime for the governance of unit title developments.
Local Government Act 1974	Section 348 of the LGA (1974) <i>Powers of council with respect to private roads and private ways</i> is relevant to this topic. Under this section the Council may require the owner of land to enter into a bond to comply with any conditions imposed in relation to forming any private road or private way. The bond is considered an instrument that creates an interest in each parcel of land to which the conditions apply and is then registered with the title under section 51 of the Land Transfer Act.

2 Approach to Evaluation

2.1 Scale and significance

Issue: Content of Subdivision Chapter		
Reasons for change in policy	District Plan Review RMA Part 2 NZ Coastal Policy Statement NPS Electricity Transmission NPS Urban Development Capacity Regional policy and plans Timaru Growth Management Strategy Kāti Huirapa IMP Te Whakatau Kaupapa Ngāi Tahu Resource Management Strategy for the Canterbury Region. (1990)	<p>High</p> <p>The operative plan does not provide a consistent approach to managing subdivision and assessing adverse effects.</p> <p>It does not give effect to the regional policy statement requirements for:</p> <ul style="list-style-type: none"> • restricting the rural residential development to limited amounts in locations attached to urban areas; • encouraging high quality urban design; • avoiding, remedying or mitigating adverse effects that would foreclose the productivity of soil resources, or further fragment rural land; • requiring Outline Development Plans or concept plans for substantial developments; <p>The minimum allotment size standards for subdivision in the residential zones are undermined by inconsistencies with the relevant zone standards; The provisions apply an inconsistent approach to protecting electricity transmission lines. The operative provisions do not provide any ability to assess effects of subdivision on cultural values, or include specific provisions for subdivision of Māori land or land containing significant cultural sites.</p>
Relevant Statutory Considerations/Drivers	District Plan Review RMA Part 2 NZ Coastal Policy Statement National Planning Standards NPS Electricity Transmission NPS Urban Development Capacity Regional policy and plans Timaru Growth Management Strategy	<p>High</p> <p>Subdivision needs to be consistently managed to enable development and ensure that land can be used efficiently, and that adverse effects are appropriately avoided, remedied or mitigated.</p>
Degree of shift from status quo required	District Plan Review RMA Part 2 NZ Coastal Policy Statement National Planning Standards	<p>Medium -High</p> <p>The operative subdivision provisions include some inconsistencies the approach to subdivision varying between zones. Taking a consistent approach District wide requires a shift from the status quo. The provisions, including those relating to electricity transmission lines, natural landscapes, biodiversity</p>

	NPS Electricity Transmission NPS Urban Development Capacity Regional policy and plans Timaru Growth Management Strategy	and natural hazards require updating to ensure that higher order documents are given effect to. The operative subdivision provisions enable rural residential allotments to be created throughout the Rural 1 zone. Removing this allowance to give effect to the RPS represents a significant shift in approach.
Who and how many will be affected?	A wide range of people	Medium/High The proposed changes to the subdivision provisions to manage adverse effects on the environment has the potential to affect all parties involved in undertaking development involving subdivision across the district. The general move to subdivision as a RDIS activity may create a perception that subdivision is more difficult than under the operative plan provisions, but in reality the long list of RDIS matters will help guide subdivision applications.
Degree of impact on, or interest from iwi/Māori	RMA Part 2 Kāti Huirapa IMP	Medium The operative subdivision provisions do not address cultural matters or sites of significance. The application of provisions that provide for appropriate subdivision of Māori land (outside of land held under the Te Ture Whenua Māori Act) and sites of significance are considered to be a benefit to iwi/Māori.
When will effects occur?		Medium The effects of subdivision include temporary or one-off effects (e.g. earthworks, the cost of installing infrastructure), that occur during the construction process, and permanent effects that occur post development, including the design and layout of development, access and transport effects, fragmentation of the rural land resource, and impacts on the surrounding environment. These effects are related to the land uses that are enabled by the subdivision.
Geographic scale of impacts/issue	District wide	Medium to High Updating the subdivision provisions to provide a consistent approach to assessing and managing adverse effects across the District.
Type of effect(s)	District wide	Medium The effects of subdivision are well understood, and are strongly related to the land uses that subdivision enables. The application of consistent subdivision provisions across the District can improve the ability to consistently manage adverse effects

Degree of policy risk, implementation risk, or uncertainty		<p>Low The effects of subdivision are well understood, as are the approaches to appropriately managing these activities through planning provisions.</p>
Overall Assessment of Scale and Significance		Medium-High

Issue: Infrastructure design standards		
Reasons for change in policy	District Plan Review	Medium Having infrastructure standards contained in the District Plan adds significant complexity to the Plan. It also requires a plan change to be undertaken in order to update the provisions to keep abreast of changes in best practice. The current standards are outdated and do not reflect best practice.
Relevant Statutory Considerations/Drivers	District Plan Review RMA Part 2 Regional policy and plans	Medium An external Code of Practice reflecting current best practice will enable adverse effects and potential risks associated with infrastructure to be effectively and efficiently managed.
Degree of shift from status quo required		Medium Removing the infrastructure design standards from the Plan and developing an external Code of Practice. Updating the standards to reflect current best practice.
Who and how many will be affected?		Medium Any person undertaking a subdivision.
Degree of impact on, or interest from iwi/Māori		Medium Updating the standards to reflect environmental best practice is considered to result in positive effects for iwi/Māori in terms of improving the ability to manage water quality.
When will effects occur?		Medium The nature of effects associated with infrastructure provision are well understood, and relate to efficiency, economic costs relating to provision, installation and maintenance, and environmental effects. Effects relating to the cost of providing infrastructure occur at the time of subdivision. Effects relating to the efficient use of infrastructure, and environmental effects, are ongoing and occur once development is complete. An external Code of Practice reflecting current best practice will manage adverse effects and potential risks consistently.
Geographic scale of impacts/issue	District wide	Medium The infrastructure standards are applicable District-wide.
Type of effect(s)		Medium The nature of effects associated with infrastructure provision are well understood, and relate to efficiency, economic costs relating to provision, installation and maintenance, and environmental effects. An external Code of Practice reflecting

		current best practice will manage adverse effects and potential risks consistently.
Degree of policy risk, implementation risk, or uncertainty		Medium The nature of effects associated with infrastructure provision are well understood. An external Code of Practice reflecting current best practice will manage adverse effects and potential risks consistently. Most Councils do not have infrastructure rules in their District Plans, and instead reference an external guideline or a New Zealand Standard.
Overall Assessment of Scale and Significance		Medium

Issue: Esplanade Reserves and Strips		
Reasons for change in policy	District Plan Review	Medium The operative District Plan does have an approach taking esplanade reserves and strips along the District's rivers and the coast. The current notification requirements are considered inappropriate and have not been implemented as they were intended.
Relevant Statutory Considerations/Drivers	District Plan Review RMA Part 2, New Zealand Coastal Policy Statement RPS Regional Coastal Environmental Plan	Medium The operative District Plan does have an approach taking esplanade reserves and strips along the District's rivers and the coast. The approach is, however, generically related to recreation use without a more detailed requirement for cultural uses such as mahika kai.
Degree of shift from status quo required	Operative District Plan	Low The operative plan already provides for an approach to taking esplanade reserves and strips. The removal of the requirement to publicly notify applications represents a shift from the status quo but will not significantly change how these applications are dealt with in practice.
Who and how many will be affected?		High Any person undertaking a subdivision adjacent to a river, lake or the coastal marine area where esplanade reserves or strips are required. Although this requirement is broadly already in place.
Degree of impact on, or interest from iwi/Maori		Low
When will effects occur?		Low At the time of subdivision, and ongoing into the future.

Geographic scale of impacts/issue		Low District wide.
Type of effect(s)		Low Costs incurred in reviewing and updating the existing provisions. Reduced costs for any application seeking a reduction or waiver due to public notification no longer being mandatory.
Degree of policy risk, implementation risk, or uncertainty		Low There is little to no risk or uncertainty. The District Plan already provides a targeted approach to taking esplanade reserves or strips, and the effects associated with esplanades are well known and understood.
Overall Assessment of Scale and Significance		Medium

Issue: Definitions and format/layout		
Reasons for change in policy	District Plan Review NPS	Medium The operative plan contains many definitions relevant to subdivision, several of which differ from the NPS definitions. The plan must use NPS definitions and format.
Relevant Statutory Considerations/Drivers	NPS Regional Policy statement	Medium The Plan must use the NPS definitions and format.
Degree of shift from status quo required	NPS	Medium The Plan must use the NPS definitions and format.
Who and how many will be affected?		Medium A wide range of people.
Degree of impact on, or interest from iwi/Maori		Medium
When will effects occur?	N/A	Use of NPS definition and format does not give rise to effects.
Geographic scale of impacts/issue		Medium District wide.
Type of effect(s)	N/A	Use of NPS definitions and format does not give rise to effects.
Degree of policy risk, implementation risk, or uncertainty		Low The Plan must use the NPS definitions and format.
Overall Assessment of Scale and Significance		Medium

Summary

The scale and significance of updating the content of the Subdivision Chapter is assessed as medium – high. The subdivision provisions are required to give effect to higher order documents. The Operative District Plan does not give effect to several provisions in the relevant higher order documents, so a significant shift in approach must be made. The required changes include removing the provisions allowing rural residential allotments to be created throughout the Rural zone, which is a substantial change from the current approach. The change to a restricted discretionary activity status could create concern, but the approach actually allows for a more flexible approach within a clear list of matters that the Council’s discretion will be limited to.

The scale and significance of the proposed changes to the infrastructure provisions, esplanade reserves and strips and definitions is assessed as low. These changes do not represent significant changes compared to the approach taken under the operative plan.

2.2 Quantification of Costs and Benefits

Section 32(2)(b) requires that if practicable, the benefits and costs of a proposal are quantified.

Given the assessment of the scale and significance of the issues in Section 2.1 above, it is considered that quantifying costs and benefits would add significant time and cost to the s32 evaluation processes, therefore exact quantification of the benefits and costs in this report was not considered necessary, beneficial or practicable. Rather, this report identifies below where there may be additional cost(s).

2.3 Choice of Evaluation Method

A simple Multi Criteria Analysis (MCA) method has been chosen to evaluate the options. A MCA will enable the costs and benefits of each option to be ranked against a set of criteria as either High, Medium or Low with an associated explanation, and does not require monetary information. This method will also enable the efficiency and effectiveness of the option to be assessed, and for judgement to be made as to the appropriateness of each option.

2.4 Proposed objectives

SUB-O1 General Subdivision Design

New subdivisions will:

1. accord with the purpose, character and qualities of the zone; and
2. respond positively physical characteristics of the site and its context; and
3. maintain and enhance amenity values and the quality of the environment;
4. be accessible, connected and integrated with surrounding neighbourhoods; and
5. protect significant natural and cultural values; and
6. respond appropriately to hazards, risks and site constraints; and
7. have infrastructure and facilities appropriate for the intended use; and
8. minimal adverse effects on regional significant infrastructure or intensive primary production; and
9. provide for the health, well-being and safety of people;
10. not intentionally prevent, hinder or limit the development of adjoining or adjacent land.

SUB-O2 Infrastructure

Infrastructure required to serve subdivision is provided in an integrated, efficient and co-ordinated manner.

SUB-03 General Rural Zone Subdivision

Subdivision in the rural zones will:

1. minimise the fragmentation of productive land in the General Rural Zone; and
2. maintain the low-density open character of the General Rural Zone; and
3. maintain a contrast between the rural environment and adjoining urban, rural lifestyle and settlement zones; and
4. minimise reverse sensitivity effects on intensive primary production.

SUB-04 Residential Subdivision

Subdivision in residential zones will:

1. respond positively to the site's and areas natural and physical features that provide amenity and contribute to local character and sense of place; and
2. ensure safe, connected, and accessible neighbourhoods; and
3. provide for consolidation of residential zones outside of the Gleniti Low Density Residential Specific Control Areas and PREC1 - Old North General Residential Precinct; and
4. provide appropriate levels of accessible, well-design open space.

SUB-05 Esplanade Reserves and Strips

Public access and esplanade reserves and strips created through subdivision will:

1. contribute to the protection of conservation values; and
2. provide for public access to and along identified rivers and the sea; and
3. provide public recreational uses along the waterways and coast where the use is compatible with conservation values.

2.5 Evaluation of Objectives

Objective SUB-O1- General Subdivision Design

Category	Criteria	Comments
Relevance	Directed to addressing a resource management issue	Achieves. This overarching objective addresses managing adverse effects that can result from development. A range of resource management issues, in particular managing land use and development patterns; avoiding and mitigating natural hazard risk, efficient and effective infrastructure are addressed in this objective.
	Focused on achieving the purpose of the Act	Achieves. The objective is specifically relevant to section 5, 6 and section 7(c).
	Assists a council to carry out its statutory functions	Achieves. The objective will assist the Council in controlling effects of land use.

	Within scope of higher level documents	Achieves. The objective is within the scope of higher level documents including the Regional Policy Statement and NPS urban development capacity.
Feasibility	Acceptable level of uncertainty and risk	Achieves. The nature of subdivision activities and the effects of subdivision are well understood. The objective is therefore low risk.
	Realistically able to be achieved within council's powers, skills and resources	Achieves. Addressing subdivision in the District Plan falls within the Council's powers under the RMA. There is sufficient skills and resources in the Council to achieve this policy, as subdivision is already addressed in the operative plan.
Acceptability	Consistent with identified iwi/Māori and community outcomes	Achieves. The objective is consistent with community feedback in being enabling, but ensuring adverse effects are addressed.
	Will not result in unjustifiably high costs on the community or parts of the community	Achieves. The objective provides a balanced approach to managing subdivision, whereby subdivision is enabled subject to controls to manage adverse effects on the environment.

Objective SUB O2 -Infrastructure required to serve subdivision is provided in an integrated, efficient and co-ordinated manner

Category	Criteria	Comments
Relevance	Directed to addressing a resource management issue	Achieves. Infrastructure for subdivisions includes transport networks, water supply and wastewater management, which are resource management issues.
	Focused on achieving the purpose of the Act	Achieves. The objective is focussed on achieving Sections 5) of the Act. Providing wastewater and stormwater infrastructure provides for the community's health and safety and overall well-being. It also achieves Sections 7(b),(ba). Planned, integrated and co-ordinated infrastructure aids in enabling efficient land use and use of other resources, including water and energy. Planned, integrated road and other transport networks, also enable efficient energy use in transportation.
	Assists a council to carry out its statutory functions	Achieves. The objective will control the effects of land use, including transport effects.
	Within scope of higher level documents	Achieves. Canterbury Regional Policy Statement Policies 5.3.5 is to ensure that development is appropriately serviced. The proposed objective is within the scope of this policy.
Feasibility	Acceptable level of uncertainty and risk	Achieves. The adverse effects of subdivision relating to infrastructure provision, and the effects on

		infrastructure and transport networks, are well understood and there is little uncertainty.
	Realistically able to be achieved within council's powers, skills and resources	Achieves. Addressing infrastructure requirements in relation to subdivision through the District Plan falls within the Council's powers under the RMA. There is sufficient skills and resources in the Council to achieve this policy, as the operative Plan already includes controls relating to infrastructure.
Acceptability	Consistent with identified iwi/Māori and community outcomes	Achieves. The objective is generally consistent with the communities' desire for certainty and efficiency in the Plan's infrastructure requirements.
	Will not result in unjustifiably high costs on the community or parts of the community	Achieves. There will be costs associated with infrastructure provision, which are generally borne by the developer rather than the wider community. The objective is consistent with an intent to avoid unreasonable or unnecessary costs resulting from inefficient infrastructure use.

Objective Sub O3 - Rural Subdivision

Category	Criteria	Comments
Relevance	Directed to addressing a resource management issue	Achieves. This objective addresses a range of resource management issues, including protection of versatile soils, directing growth into existing urban areas, the efficient provision of infrastructure and managing conflicts between land uses.
	Focused on achieving the purpose of the Act	Achieves. This objective is relevant to the purposes of the Act listed in section 5 and other matters listed in section 7.
	Assists a council to carry out its statutory functions	Achieves. The objective seeks to manage the effects of the use and development of land.
	Within scope of higher level documents	Achieves. The objective is within the scope of the higher level documents listed in section 1.5 of this report.
Feasibility	Acceptable level of uncertainty and risk	Achieves. The adverse effects of subdivision are well understood, there is little associated uncertainty or risk.
	Realistically able to be achieved within council's powers, skills and resources	Achieves. Addressing the adverse effects of subdivision through the District Plan falls within the Council's powers under the RMA. There is sufficient skills and resources in the Council to achieve this objective.

Acceptability	Consistent with identified iwi/Māori and community outcomes	Achieves. The objective is consistent with the community's desire for adverse effects of subdivision to be appropriately managed and to implement the Council's Growth Management Strategy and the Regional Policy Statement, which seek to consolidate rural subdivision to certain locations, to protect rural land from inappropriate development.
	Will not result in unjustifiably high costs on the community or parts of the community	Achieves. Although there are not specific costs involved, there may be some loss of opportunity to subdivide for some rural landowners with aspirations to subdivide. There are not anticipated to be costs borne by the wider community.

Objective SUB-O4 – Residential Subdivision

Category	Criteria	Comments
Relevance	Directed to addressing a resource management issue	Achieves. This objective addresses a range of resource management issues, including affordable housing, direction on intensification of existing urban environment, residential amenity, quality of urban areas, and the efficient provision of infrastructure.
	Focused on achieving the purpose of the Act	Achieves. This objective is relevant to the purpose of the Act listed in section 5 and other matters listed in section 7.
	Assists a council to carry out its statutory functions	Achieves. The objective seeks to manage the effects of the use and development of land.
	Within scope of higher level documents	Achieves. The objective is within the scope of the higher level documents listed in section 1.5 of this report.
Feasibility	Acceptable level of uncertainty and risk	Achieves. The adverse effects of subdivision are well understood, there is little associated uncertainty or risk.
	Realistically able to be achieved within council's powers, skills and resources	Achieves. Addressing the adverse effects of subdivision through the District Plan falls within the Council's powers under the RMA. There is sufficient skills and resources in the Council to achieve this objective.
Acceptability	Consistent with identified iwi/Māori and community outcomes	Achieves. The objective is consistent with the community's desire for adverse effects of subdivision to be appropriately managed and to implement the Council's Growth Management Strategy and the Regional Policy Statement, which seek to consolidate existing urban areas as a priority.
	Will not result in unjustifiably high costs on the community or parts of the community	Achieves. Although there are not specific costs involved, there may be some loss of opportunity to subdivide for some landowners with aspirations to

		subdivide. There are not anticipated to be costs borne by the wider community.
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Objective SUB-O5 - Esplanade provisions

Category	Criteria	Comments
Relevance	Directed to addressing a resource management issue	Achieves. Provision of esplanade strips is a resource management issue, and relates to protection of natural and physical resources, management and mitigation of natural hazards, and provision of public access, including for recreation.
	Focused on achieving the purpose of the Act	Achieves. The objective is relevant to the purpose and principles in Part 5, as esplanades assist in sustaining the potential of rivers as natural and physical resources. It is also relevant to Part 6(a), (d) and (h), as esplanades can assist to protect natural character, provide public access to and along the coastal marine area, lakes and rivers, and can assist in managing natural hazards.
	Assists a council to carry out its statutory functions	Achieves. The objective seeks to manage the use of land, and associated use and protection of natural and physical resources.
	Within scope of higher level documents	Achieves. The objective is within the scope of the higher level documents listed in Section 1.5 of this report.
Feasibility	Acceptable level of uncertainty and risk	Achieves. The effects of requiring esplanade reserves are well understood, there is little uncertainty or risk.
	Realistically able to be achieved within council's powers, skills and resources	Achieves. Esplanade reserves are required under the operative Plan. There is sufficient skills and resources in the Council to achieve this objective.
Acceptability	Consistent with identified iwi/Māori and community outcomes	Achieves. The Kāti Huirapa iwi management plan seeks corridors of vegetation along all rivers. Esplanade reserves are not required along all rivers, but can contribute to achieving this outcome.
	Will not result in unjustifiably high costs on the community or parts of the community	Achieves. Esplanade reserves are intended to be taken only along specified rivers where they will provide value to the wider community. The costs are not considered to be unjustifiably high.

3 Identification of Options

Option 1: Status quo

Retain the existing subdivision provisions, collated into a Subdivision Chapter that contains the subdivision rules only as there are no objectives and policies specific to subdivision. Rely upon the objectives and policies in the zone and other District-wide chapters to provide guidance in assessing subdivision consents. Retain the existing allotment sizes, and the provisions enabling rural living allotments throughout the rural zone. Continue to

address any new greenfield/new urban development or large rural lifestyle areas through individual plan changes.

Option 2: Proposed amendments

Collate the subdivision provisions contained in a Subdivision Chapter, including subdivision specific objectives and policies, and with appropriate cross referencing to other chapters. Update provisions as follows:

- Create a single consistent set of standards for site sizes, infrastructure, roading, access and esplanade reserves.
- Provide consistent matters of discretion across all zones relating to: design and layout of allotments, infrastructure, transport related matters and esplanades.
- Remove the requirement for all applications to waive or reduce the width of a required esplanade reserve or strip to be publicly notified.
- Include a schedule listing the rivers and parts of the coast where esplanade reserves and strips are required.
- Retain the ability for esplanade reserves and strips along other waterways to be considered through the resource consent process.
- Exempt working areas of the Port from any requirement to provide esplanade reserves or strips.
- Change the activity status for most subdivision to Restricted Discretionary.
- Align the minimum allotment size standards with the minimum site size standards for a residential dwelling in the zone provisions.
- Retain the existing minimum allotment size of 450m² in the General Residential Zone for vacant allotment and remove minimum allotment size for allotment that contains a legally established household unit that meets the zone provisions.
- Set a minimum allotment size of 300m² in the Medium Density Residential Zone, and align the activity status for multi-unit developments with the zone provisions.
- Set a non-complying activity status for subdivision creating more than allotment that is greater than 500m², or undersized vacant allotments in the Medium Density Residential Zone, to encourage comprehensively designed multi-unit developments.
- Remove the existing provisions for 10ha allotments and rural living allotments from the Rural 1 Zone and 10ha allotments for the Rural 2 Zone. Retain the existing minimum allotment size of 40ha.
- Introduce additional rural lifestyle zones attached to the existing urban areas.
- Provide for rural lifestyle allotments only within the proposed Rural Lifestyle Zone, and set a minimum allotment size of 5000m² where connection to reticulated wastewater services is achieved. Where reticulated wastewater services cannot be achieved, the minimum size for rural lifestyle allotment is 2ha.
- Specific provisions for land containing listed features such as identified Ecosystems and Biodiversity Values Historic Heritage, Drinking Water Protection areas, Hazards and Risks etc are provided in the relevant district-wide chapters. In areas subject to a development area plan, require subdivision to be developed in accordance with the development area plan. Provide for alternative subdivision layouts as a discretionary activity.
- Remove the infrastructure design standards from the Plan and replace with an external guidance document that provides a means of compliance with the Plan standards.

4 Evaluation of Options

4.1 Scale and significance of proposals

The level of detail undertaken for the evaluation of the proposed provisions has been determined by an assessment of the scale and significance of the environmental, social, economic and cultural effects of implementing the provisions. The scale and significance of the proposed provisions of the Subdivision Chapter is considered below.

4.2 Evaluation table

OPTION 1 <i>Status-quo</i>			
Benefits Environmental	Economic	Social	Cultural
<p>Provides a framework for undertaking subdivision and managing adverse effects on the environment. Low</p> <p>Includes provisions to control adverse effects on natural habitats, archaeological sites and protected trees. Medium</p> <p>Provides for esplanade reserves and strips to be created along rivers and parts of the coast where specified values are present. High</p>	<p>Minimises the costs involved in the District Plan review process. High</p> <p>Plan users and landowners are familiar with current provisions, resulting in reduced costs in understanding and complying with the relevant provisions. Low</p> <p>The dispersed approach to rural residential allotments provides economic benefits to rural landowners throughout the Rural 1 Zone. Medium</p> <p>Avoids incurring costs of reviewing esplanade reserve and strip requirements throughout the District. Medium</p>	<p>Plan users are familiar with the existing provisions. Medium</p> <p>Enables consideration of natural hazards. High</p> <p>Ensures that the public can submit on any application to waive or reduce the width of an esplanade reserve or strip. Medium</p>	<p>Provides for cultural values to be considered in relation to esplanade reserves. Medium</p>
Costs Environmental	Economic	Social	Cultural
<p>Limited policy direction on managing subdivision and its associated effects. High</p> <p>Lack of consistency. Medium</p> <p>Limited ability to consider subdivision design and amenity. Medium</p> <p>The Plan provides a pathway for small vacant residential allotments to be created in the</p>	<p>Amendments to infrastructure rules require a plan change. High</p> <p>There is potential for the fragmentation of rural land and loss of productive potential to result in future economic effects. High</p> <p>Applications for waiving or reducing the width of an</p>	<p>Plan is not easy to navigate for new users. Medium</p> <p>Existing provisions do not encourage best design and development outcome, rather, it is easier and cheaper for developers to take a 'tick-box' exercise. Leaving poorly designed streets and urban areas which do</p>	<p>Lack of provisions and clear directions on how cultural values are considered at time of subdivision. High</p>

<p>Residential 1 and 2 Zones, increasing the likelihood of poor urban design outcomes when the allotments are developed. High</p> <p>Existing infrastructure rules do not reflect best practice and are not consistent with the requirements of environmental standards. High</p> <p>Provisions do not protect strategic infrastructure in many locations. High</p> <p>Provisions do not protect areas of natural character, outstanding natural landscapes. High</p> <p>Dispersed approach to rural residential allotments enables the rural land resource to be fragmented, contributes to the loss of the productive capacity of rural soils and can result in a loss of rural character and amenity. High</p> <p>Lack of clear requirements for Outline Development Plans in greenfield areas. Medium</p>	<p>esplanade strip are required to be publicly notified. The cost is borne by the applicant. Medium</p> <p>The ability for small vacant allotments to be created has economic benefits for landowners. High</p>	<p>not add to people's wellbeing. High</p>	
<p>Efficiency</p>	<p>The lack of policy direction, and the outdated nature of some provisions has led to a lack of control over some aspects of subdivision.</p>		
<p>Effectiveness</p>	<p>The current provisions are not the most appropriate way to achieve the objectives. There is a lack of policy direction, and the provisions do not give effect to higher order documents. The adverse effects of subdivision activities are therefore not always appropriately managed.</p>		
<p>Strategic Direction(s)</p>	<p>The operative provisions do provide for some consideration of natural hazards, (SD-O4) and infrastructure (SD-O8), and provide for residential intensification (SD-O2), but do not give effect to all the relevant strategic objectives.</p> <p>This option would not achieve SD-O1, due to a lack of consistent requirements for outline development plans for greenfield areas.</p> <p>SD-O1 'Residential areas and activities' would not be achieved, as rural residential development would continue to be dispersed and uncoordinated. This is also not consistent with maintaining rural character, as required by SD-O9</p>		

	<p>This option would not achieve SD-O2 The natural and historic environment as the provisions do not protect important natural areas, landscapes or indigenous biodiversity. Strategic infrastructure is only protected in specified Outline Development Plan areas.</p> <p>SD-O5 Mana Whenua is not provided for.</p>
Overall Appropriateness of Option 1	<p>Overall, retaining the current subdivision provisions is not an appropriate option for achieving the objectives. The operative plan lacks clear guidance and direction in the policy framework, and the provisions are difficult to navigate. There are several areas where the provisions are inconsistent or do not adequately address key environmental issues.</p>

OPTION 2

Proposed Amendments

Benefits Environmental	Economic	Social	Cultural
<p>Enables subdivision design and amenity to be addressed. High</p> <p>Enables potential adverse effects to be considered in a consistent manner across all zones, including those relating to amenity, infrastructure, cultural or ecological values or natural hazards. High</p> <p>Requires a consistent and coordinated approach to greenfield development. High</p> <p>Reduces rural land fragmentation and subdivision development that could foreclose the future use of productive soils. High</p> <p>Reduces the risk of reverse sensitivity effects on permitted rural activities. High</p> <p>The proposed minimum allotment size in the rural zone protects existing noisy activities including the airport and raceway from potential reverse sensitivity effects. There are no existing allotments</p>	<p>Lower process costs for Council associated with updating infrastructure design requirements if these are contained in a separate document. High</p> <p>Lower processing costs for subdividing land adjacent to rivers and the coastal marine area where esplanade reserves are required if the requirement does not have to be assessed on a case by case basis. Low</p> <p>Lower processing costs for developers applying to reduce the width or waive a requirement for an esplanade reserve or strip if public notification is not required. Low</p> <p>Provides for infill development in existing residential areas. Medium</p>	<p>Plan provisions will be clearer and easier for plan users to navigate. Medium</p> <p>Provides for a wide range of development in settlement zones. Medium</p> <p>Esplanade provisions are consistent with the health and safety requirements within the working areas of the Timaru Port. High</p> <p>The framework welcomes and encourages good design that focuses on the best outcome for the neighbourhood and the District, other than stick on a set of prescriptive standards across the District. High</p>	<p>Areas with cultural significance can be protected. High</p> <p>Encourages subdivision to reflect cultural values. Medium</p> <p>Enables consultation with iwi/rūnanga to be required. Medium</p>

<p>within the noise contours that are large enough to be subdivided into two or more 40ha allotments. High</p> <p>Enables consistent protection of strategic infrastructure. High</p> <p>Provides for appropriate protection of identified natural and cultural features and landscapes. High</p>	<p>The ‘standard’ restricted discretionary status for subdivision although may be perceived as higher compliance costs, the provisions provide more flexibility for subdivision which is better suited for individual site conditions and circumstances. Medium</p>		
<p>Costs Environmental</p>	<p>Economic</p>	<p>Social</p>	<p>Cultural</p>
<p>Potential for new gaps within the planning provisions which may result in unanticipated adverse effects on the environment. Low</p>	<p>The costs associated with amending the provisions of the proposed Plan in comparison to retaining the existing operative provisions. Medium</p> <p>The cost of assessing the District’s waterways to identify where esplanade reserves and strips are required, and what widths are required could be significant if a comprehensive assessment is required. Medium</p> <p>Although the remaining entitlements for rural residential and 10ha allotments are very limited, there is potential loss of economic benefits for rural landowners who lose the ability to subdivide land to create new rural residential and 10ha allotments. Medium</p> <p>The change to a restricted</p>	<p>Time and effort needed for Plan users to get around with the new provisions and structure. Low</p> <p>Like the wording of many policies in planning documents, the relevant subdivision policy direction is not quantifiable which may be cause confusion and uncertainty especially for non-professionals. Ongoing public education is required to resolve such issue. Medium</p>	<p>Nil</p>

	discretionary status for most subdivision may create concern for those members of the public or development community who are accustomed to a 'controlled' activity status. There may be some additional costs associated with the resource consent process. Medium		
Efficiency	The provisions would be easier for plan users to navigate. The subdivision provisions would be easier to find, and removing infrastructure standards from the Plan would reduce the Plan's size and complexity. It enables infrastructure standards to be updated without undertaking a plan change.		
Effectiveness	This option will achieve the objectives' desired outcomes. It provides for clear policy direction to be created through subdivision specific policies, that complement those in related zone or District-wide Plan chapters. It provides for a consistent approach to enabling subdivision across the District, with appropriate controls to manage environmental effects.		
Strategic Direction(s)	<p>This option achieves the Strategic Directions. It enables SD-O1 to be achieved, by encouraging higher density development in Medium Density zones, providing for subdivision that maintains larger allotment sizes in the General Residential Zone, and limiting the locations where rural lifestyle development is provided for.</p> <p>This option achieves SD-O2 and SD05 through provisions that protect significant natural and cultural features. This option achieves SD-O8 through updated infrastructure design standards that can more easily be updated to reflect best practice, and provisions requiring greenfield development to be in accordance with development area plans, to ensure infrastructure for large scale subdivisions can be constructed in a co-ordinated and efficient manner.</p> <p>SD-O9 will be achieved by removing the allowance for rural residential allotments from the rural zone.</p> <p>The esplanade provisions will achieve Strategic Direction SD-O10.</p>		
Overall Appropriateness of Option 1	Overall, option 2 is an appropriate way to achieve the desired outcomes. Although option 2 involves some additional costs from increased process costs through the district plan review process, and some additional costs for developers due to increased regulation, it offers significantly more benefits than retaining the status quo. Option 2 also achieves the proposed district plan's Strategic Directions.		

4.2 Risk of Acting or Not Acting

There is sufficient information available to provide certainty about the risks of not acting and retaining the status quo.

The risk of not acting and retaining the status quo is that the resource management issues that have been identified in section 1.4 will continue. The inconsistencies in the subdivision provisions would be retained, and the provisions would continue to be difficult to navigate. The provisions would continue

to be inconsistent across zones, and would not always manage the adverse effects of subdivision appropriately. The infrastructure standards would continue to require a plan change for any updates to be made. The Plan would not give effect to higher order documents, including the national planning standards, as required by the RMA under s.75(3), and the Council may not be carrying out its duty and requirements under the RMA.

The Council has sufficient information available to determine the proposed provisions associated with option 2, as they have a good understanding of the effects resulting from subdivision. Overall there is a low risk of acting in the manner proposed, and proceeding with the proposed changes in option 2.

5 Preferred Option

Option 2 is the preferred option. It is the most likely to address the key resource management issues identified in section 1.4 of this report. Option 2 also ensures that the Council is meeting its requirements under the RMA in giving effect to the provisions of relevant higher order statutory documents.

Option 2 proposes a specific chapter for subdivision, in accordance with the requirements of the NPS, which includes rules, policies and objectives and provides a more consistent and accessible format than the operative plan. The provisions seek to enable subdivision, recognising the role it plays in land development, while appropriately managing adverse effects on the environment. This option specifically addresses effects relating to strategic infrastructure, design and amenity, protected landscapes, cultural and heritage features and natural hazards. The infrastructure standards are removed from the Plan, reducing complexity, and enabling the standards to be more easily updated when required. Esplanade provisions are updated to provide for public access, recreation and conservation values in the areas where they will provide the most benefit, while avoiding the cost of maintaining low value reserves or strips.

The current provisions are not the most appropriate way to achieve the objectives, as they are inconsistent across the zone framework, do not adequately or consistently protect cultural values, strategic infrastructure or natural environmental values. The operative provisions also do not give effect to higher order documents, including the Regional Policy Statement.

The operative provisions provide for consideration of natural hazards, and business development, but do not give effect to many other strategic directions. The dispersed approach to rural lifestyle allotments is not consistent with SD-O2 and SD-O9.

The selected option addresses the issues identified in section 1.4, and gives effect to the relevant strategic objectives.

- Objectives that recognise the role subdivision plays in enabling development, and ensure infrastructure is provided and used efficiently, and that subdivision responds to the characteristics and constraints of the locality;
- Policies that enable subdivision, and acknowledge the associated adverse effects that must be managed;
- Rules that:
 - Provide for boundary adjustments as a controlled activity where all standards are complied with and the land being subdivided is not subject to any overlays;
 - Provide for subdivision as a restricted discretionary activity status in most instances, but with a defined list of matters of discretion. This approach is sought in that it will ultimately result in a flexible approach which results in more appropriate subdivision design, not just design to accommodate very specific rules.
 - Apply a non-complying activity status to subdivision activities that are to be actively discouraged such as undersized allotments in the rural zone or undersized residential allotments without a land use consent for the dwellings.
- Standards that:
 - Set minimum allotment sizes for residential and rural zones;

- Require infrastructure, including stormwater, wastewater, water supply, telecommunications and electricity to be installed;
- Require access and roads to be in accordance with the Transport chapter standards;
- Require esplanade reserves and strips to be provided along specified waterways and parts of the coastline, excluding Timaru Port.