



YOUR PLAN OUR FUTURE
TIMARU DISTRICT PLAN REVIEW
LAND USE PLAN

Timaru District Plan Review

Topic 2

Subdivision

Discussion Document, November 2016



Contents

1.0	Introduction	2
	1.1 Purpose	
	1.2 Report Format	
2.0	Issue Identification	3
3.0	Statutory Matters	4
4.0	Timaru District Plan	5
5.0	Options	6



This document outlines
the issues our district faces
in relation to subdivision.

We welcome your feedback
on this topic.

Dave Jack
Timaru Ward Councillor

1.0 Introduction

1.1 Purpose

Timaru District Council has commissioned this report to identify the 'issues' with how the Timaru District Plan 2005 manages subdivision and the creation of legal access to waterways and the coastline. The report subsequently identifies the potential 'options' to address these issues and the strengths and weaknesses of each option.

This report looks at the sorts of matters that Councils typically control as part of the subdivision process and seeks the community's feedback as to whether those matters are relevant for the District. The report also looks at how public access to waterways and the coastline is secured and provided for, and whether such efforts should be prioritised towards specific streams and waterways in the District.

Financial Contributions that developers pay to fund development is not being dealt with within this discussion document.

The report is intended to inform and provide a basis for public consultation on this matter and to some degree stimulate debate. The report forms part of a suite of public consultation measures that may be used to inform a potential change to the District Plan.

1.2 Report Format

The remainder of the report has been set out as follows:

- Section 2** identifies and describes the issue.
- Section 3** summarises the relevant statutory matters.
- Section 4** briefly explains the current Timaru District Plan approach to subdivision and the creation of legal access to waterways and the coastline.
- Section 5** discusses some potential options to deal with subdivision and the creation of legal access to waterways and the coastline issues.

2.0 Issue Identification

Subdivision is the process by which new property titles are created. Typically, subdivision occurs as part of a process for facilitating development and enabling new houses or businesses to establish. As such, having a simple and efficient subdivision process is integral to the District's economic success and social and environmental wellbeing.

The three key issues for the District Plan relating to the subdivision, and the creation of legal access to waterways and the coastline, are as follows:

Issue 1

Subdivision chapter content

- How can the District Plan strike the appropriate balance between enabling a simple subdivision process and concurrently ensuring that new lots are created in safe locations where they can be serviced in a cost-effective and environmentally sound manner, i.e. how extensive should the list of matters be that Council considers at the time of subdivision?
- Should rules relating to the integration of plan provisions with parks, roading, and infrastructure services be more directive and consolidated into a single subdivision chapter for ease of use?
- Should the District Plan provide more direction and regulation in terms of urban design outcomes for infill development, and the use of Outline Development Plans in order to guide the development of large greenfield urban growth areas?
- Does the District Plan adequately meet the Council's obligations in terms of giving effect to higher order National Policy Statement and Standards concerning the need to protect the coastal environment, the functioning of strategic infrastructure within the electricity transmission corridor, and human health from soil contamination when land is subdivided?

Issue 2

Addressing infrastructure design standards

- Should the District Plan include detailed design requirements for infrastructure services and roading, or should such infrastructure design standards be provided in a separate document outside of the District Plan?

Issue 3

Extent of esplanade reserve and strip provisions

- When subdivision occurs adjacent to waterways or the coastline, should the District Plan requirements for esplanade reserves or strips be focussed on specific locations to avoid the creation of costly, underutilised or piecemeal strips? If so, which are the District's waterways where it's important to secure public access, recreation, and conservation values in the future? Linked to this issue, should the District Plan Review remove the need for esplanade reserves or strips around that part of the coastline used by the Port of Timaru for safety and security reasons?

3.0 Statutory Matters

There are a significant number of planning documents of relevance to how the District Plan manages subdivision and the creation of legal access to waterways and the coastline. These planning documents are identified below.

Resource Management Act 1991

The Council as a territorial authority in terms of the Resource Management Act 1991 has specific responsibilities for managing subdivision. This is achieved in the District Plan through objectives, policies and methods (rules). There are also specific provisions in the Act that allow Council to refuse an application for subdivision consent when the land is subject to natural hazards or does not have adequate access (section 106). Sections 218 – 228 set out the processes for assessing subdivision applications, and placing conditions or consent notices on subdivision consents. Sections 229 – 246 and Schedule 10 set out the requirements, process and size of esplanade reserves and strips that are to be taken as part of the subdivision process.

New Zealand Coastal Policy Statement 2010

The New Zealand Coastal Policy Statement 2010 requires the Council to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, its character and natural features and landscape. The District Plan needs to give effect to the policy statement regarding how subdivision will be managed in the coastal environment, noting that the 'coastal environment' can include areas landward of the edge of the ocean.

National Policy Statement on Electricity Transmission 2008

The National Policy Statement on Electricity Transmission 2008 recognises the national significance of the electricity transmission network by facilitating its operation, maintenance, upgrading and development, while managing the adverse effects of the network and the adverse effects of other activities on the network. It only applies to the 'national grid', which is the electricity transmission network operated by Transpower NZ Limited that conveys electricity from major generation sources to the local electricity transmission network. The National Policy Statement does not apply to the local electricity network operated in the District by Alpine Energy Limited. The District Plan needs to give effect to the National Policy Statement, which has implications for how subdivision is managed beneath and adjacent to the transmission corridor.

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2012

The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2012 is focussed on managing soil contamination in order to protect human health, both during construction and for the final end-use of the land. It contains its own set of rules that are implemented through resource consents administered by the Council. The District Plan nonetheless should include provisions that enable consideration to be given to subdivision applications (or rezoning plan changes) for sites that may be contaminated, especially when that subdivision is likely to result in a change of use e.g. from intensive horticulture (with the risk of spray residue) to residential activities.

Canterbury Regional Policy Statement 2013 and Regional Plans

The Canterbury Regional Policy Statement 2013 requires the District Plan to focus on enabling urban growth provided that it is adjacent to or within existing urban areas, does not compromise the use and development of regionally significant infrastructure, is able to be efficiently serviced, and is not located in areas that are subject to high natural hazards, or have significant landscape, natural, or cultural values. Further direction on management of subdivision, development, and urban growth in areas that are subject to high risk from natural hazards exist.

The importance of the various Regional Plans to subdivision is generally focussed on the appropriate management of water quality, erosion and sediment discharge (typically during the construction phase of new urban areas), and the treatment and discharge of stormwater and sewage. The detailed design of these infrastructure systems as part of the subdivision process will require resource consents under the applicable Regional Plans, to ensure that the Regional Plan outcomes in terms of water quality and quantity are achieved.

4.0 Timaru District Plan

Canterbury Regional Land Transport Plan 2015 – 2025

The Canterbury Regional Land Transport Plan 2015 – 2025 sets the strategic direction for land transport within the Canterbury Region over a 10 year period. The Plan is a matter that the Council needs to have regard to in developing the District Plan provisions that guide where urban growth areas are located and how access to the regional transport network is managed through the subdivision and land use consent process. The Canterbury Regional Land Transport Strategy 2012 – 2042 sits behind this Plan and will be superseded in the near future.

Iwi Management Plans

Te Rūnanga o Ngāi Tahu represents Ngāi Tahu as an iwi authority for the purposes of the Resource Management Act 1991, and Te Rūnanga o Arowhenua are the kaitiaki Rūnanga for the subject area. No specific iwi management plan has been prepared for the District. Ngāi Tahu have prepared the Mahaanui Iwi Management Plan 2013. Whilst this document relates to the area north of the Hakatere River and therefore does not necessarily reflect Arowhenua Rūnanga values or concerns, the Management Plan nonetheless provides a useful values-based policy framework for the protection and enhancement of Ngāi Tahu values, and for achieving outcomes that provide for the relationship of Ngāi Tahu with natural resources. In terms of subdivision provisions, it is important that the District Plan recognise the need to appropriately manage subdivision proposals where they affect identified statutory acknowledgement areas, silent file areas, or waahi taonga, waahi tapu, or mahinga kai areas.

The current District Plan addresses a wide range of subdivision matters, albeit that the provisions are scattered across a series of 'general rules' sections and zone-specific chapters rather than being located in a dedicated subdivision chapter.

The District Plan is relatively weak on providing direction or control over urban design and subdivision layout matters. The use of Outline Development Plans to guide the location of core infrastructure and features in large greenfield areas is limited to a couple of residential sites in Temuka and Gleniti, and a business area in Washdyke.

The District Plan includes a number of site-specific matters of relevance to the subdivision process, with these rules potentially having entered the Plan in an incremental manner as part of private plan changes over the life of the Plan. These site-specific matters include design standards for some aspects of network infrastructure.

The District Plan currently requires esplanade reserves or strips to be taken as part of subdivision applications. Consent is required as a non-complying activity if such reserve or strips are 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.

5.0 Options

In this section options for addressing the issues identified in Section 2.0 are briefly described below, followed by a brief assessment of their strengths and weaknesses. Please note other options exist for the identified issues that have not been reflected here to keep the document concise.

Issue 1

Subdivision chapter content

The starting point for the District Plan assessment of subdivision provisions is consideration of what matters the subdivision chapter / District Plan should reasonably control. The subdivision chapters of most District Plans 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 include provisions to ensure that subdivision only occurs in locations where natural hazard risk and potential effects on environmental and cultural values and strategic infrastructure are able to be appropriately managed.

The community therefore has the option through the District Plan Review, to consider whether the proposed subdivision chapter should control all or some of the following matters:

- 1) Minimum lot sizes for all zones (with the size driven by the issues / outcomes in the relevant zone).
- 2) Ability to consider overall subdivision layout and urban design outcomes. For large greenfield growth areas, the District Plan could prescribe a consistent approach to the use and content of Outline Development Plans to show the overall form of the development, key environmental features, and location of infrastructure such as core roads, parks, and stormwater management areas. Such Outline Development Plans may also show staging if this is important for a specific area to ensure infrastructure capacity is available. For infill development, the District Plan could prescribe certain urban design outcomes to be achieved.
- 3) The ability for Council to consider whether a proposal provides safe and efficient connections to network infrastructure including roading, telecommunication, energy, water, sewer, stormwater servicing, and local parks.
- 4) The ability for Council to consider geotechnical and natural hazards risk.
- 5) Provisions that enable Council to fulfil its obligations in terms of the National Environmental Standards relating to protecting human health from soil contamination; and the National Policy Statements relating to facilitating the strategic infrastructure within the electricity transmission corridors, and protection the coastal environment.
- 6) Ability to consider retention of significant trees, ecological areas, heritage or cultural sites through the use of consent notices as part of the subdivision process.
- 7) The need for 'one-off' rules in the District Plan to address site-specific subdivision issues, noting that existing site-specific rules in the District Plan may no longer be necessary if these areas have been fully developed i.e. once the rules become redundant they remain in the District Plan even though they are no longer required or utilised.

Option 1 – Status quo

The following strategic approaches in the current District Plan is still relevant and should be included in the next District Plan:

- Controls over site access and infrastructure connections and capacity.
- Controls over subdivision in high hazard areas, subject to any amendments made through Topic 4: Natural Hazards.
- Minimum lot sizes (subject to any amendments made through the Timaru District 2045 Draft Growth Management Strategy).

Strengths	<ul style="list-style-type: none">▪ The community and development industry are familiar with Council's approach.▪ Less process-related costs if the District Plan amendments are minimised to the key issues.
Weaknesses	<ul style="list-style-type: none">▪ Does not give effect to higher order planning documents regarding facilitating strategic infrastructure within the electricity transmission corridors, protecting human health from soil contamination, or protecting the coastal environment.▪ Current subdivision provisions are scattered through the District Plan which makes the Plan hard to use for people wanting to undertake a subdivision.▪ There are no clear expectations as to the content of Outline Development Plans.▪ There are no clear expectations as to certain urban design outcomes for infill development.

Option 2 – Amend

The intent of the strategic approach in the current District Plan is still valid but the approach requires amendment to align it with current best practice and to give effect to national and regional planning documents as follows:

- Consolidate subdivision controls into a stand-alone subdivision chapter (noting some subdivision controls may still be appropriate in other topic-specific chapters such as those addressing natural hazards or significant landscape or ecological areas).
- Add controls to address National Policy Statements or National Environmental Standards requirements regarding facilitating strategic infrastructure within the electricity transmission corridors, protect human health from soil contamination and protect coastal environments.
- Improve consistency and certainty regarding the content of Outline Development Plans for large greenfield growth areas.
- Improve consistency and certainty regarding what urban design outcomes will be achieved for infill development.
- Include provisions to consider water sensitive design to assist in managing stormwater discharge.

Strengths	<ul style="list-style-type: none">▪ A consolidated subdivision chapter enables the District Plan to be clear and easy to use.▪ Enables the District Plan to appropriately respond to national-level direction on development adjacent to transmission lines, areas with potential soil contamination and coastal environments.▪ Clear Outline Development Plans enable the logical development of greenfield areas and the efficient provision and siting of network infrastructure and roading connections.▪ Having clear expectations as to the content of Outline Development Plans provides certainty to both developers and the wider community regarding how greenfield growth areas will be planned.▪ Having certain urban design outcomes provide certainty to both developers and the wider community regarding how infill development will be planned.▪ Provides a linkage to Canterbury Land and Water Regional Plan 2015 (partly operative) that has requirements around managing stormwater discharges.
Weaknesses	<ul style="list-style-type: none">▪ Additional provisions in response to national-level direction will place additional regulation on affected land owners.▪ Process costs associated with developing a Plan Change for new Outline Development Plans.

Issue 2

Addressing infrastructure design standards

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.

There are essentially three options for determining how such infrastructure should be designed as follows:

Option 1 - Include standards in the District Plan

- Standards could be incorporated into the next District Plan as rules to be met as part of the subdivision consent process.

Strengths	<ul style="list-style-type: none">Provides all parties with certainty as to the necessary design standard.There is a rule and associated resource consent process available to test proposals that wish to construct infrastructure in a manner that does not align with the District Plan's design standards.Could simply reference an existing New Zealand Standard such as NZS 4404:2010 Land Development and Subdivision Infrastructure, which would remove the need for lengthy District Plan provisions.
Weaknesses	<ul style="list-style-type: none">Cannot be readily updated to reflect changing best practice or new technologies.Standards often need to reference other supporting documents such as urban design guidelines, waterways and wetlands drainage guides, etc that also sit outside of the District Plan.Inclusion of detailed engineering specifications adds considerable volume and complexity to the District Plan, making it a less user-friendly document for all Plan users.Requires considerable time and effort to develop and include such provisions as part of the District Plan Review.Reliance on a simple reference to a New Zealand Standard such as NZS 4404:2010 means that District-specific designs or standards that address local contexts cannot be provided without the need for lengthy exception provisions in the District Plan.Current inclusion of engineering design standards in the District Plan are somewhat ad hoc in both geographic application and content.

Option 2 - Infrastructure design standard outside the District Plan

- Standards could be specified in an infrastructure design standard that sits outside of the next District Plan.

Strengths	<ul style="list-style-type: none">Provides all parties with certainty as to the necessary design standard.Can be readily updated to align with current best practice.Significant reduction in content and complexity of the District Plan.Can be based on NZS 4404:2010 but can still be easily amended to take account of local context and to deal with aspects the standard does not cover.NZS 4404:2010 is well known and understood by the land development and construction industry.
Weaknesses	<ul style="list-style-type: none">There are no identified weaknesses with this option. This approach is the one adopted by all reviewed recent 2nd generation District Plans in other Districts.

Option 3 – Standards negotiated on a case-by-case basis

- Standards could be negotiated and agreed on a case-by-case basis with Council's Subdivision and Asset Officers i.e. the standards would not be specified in the next District Plan or in an Infrastructure Design Standard.

Strengths	<ul style="list-style-type: none">Enables site-specific tailored solutions to be negotiated on a case-by-case basis.Removes any standards from the District Plan which enables the Plan to be kept short and simple.Avoids any process-related costs in establishing standards.
Weaknesses	<ul style="list-style-type: none">Does not provide certainty for the community, developers, or Council staff as to the standards that will need to be achieved for infrastructure that will be vested with Council.Requires negotiations to determine the appropriate design standard for every site, with the potential for inconsistent outcomes.Negotiations takes time and cost.

Issue 3

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.

There are essentially three options for determining how such esplanade reserves and strips should be managed as follows:

Option 1 – Not requiring any esplanade reserves or strips

- The next District Plan could not require any esplanade reserve or strip.

Strengths	<ul style="list-style-type: none">Avoids any process-related costs in establishing esplanade reserve or strip provisions.Does not result in any ongoing maintenance costs to Council by avoiding the acquisition of functionally limited isolated reserves or strips.Provides certainty to landowners that reserves or strips will not be taken, thereby enabling greater use of private land by the owner and avoiding potential conflict between farming, development and access users.
Weaknesses	<ul style="list-style-type: none">Does not provide for public access or conservation benefits from esplanade reserves or strips.

Option 2 – Require esplanade reserves or strips along all waterways and the coastline

- The next District Plan could require esplanade reserves or strips along all waterways and the coastlines.

Strengths	<ul style="list-style-type: none">Is effective in securing public access to a wide range of waterways and coastal areas as and when subdivision occurs.Provides certainty to landowners and the public that reserves and strips will be taken in all circumstances.Avoids the process costs in identifying specific waterways where reserves or strips will be taken.
Weaknesses	<ul style="list-style-type: none">Would result in Council acquiring and having to maintain isolated reserves or strips that are of little functional value.Places a cost on landowners who will have to provide reserves or strips in locations where such access is of little value and potentially affects the operations or development on adjacent land.

Option 3 – Identifying specific waterways and coastal areas where reserves or strips will be taken

- The next District Plan could focus on taking esplanade reserves and 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.

Strengths	<ul style="list-style-type: none">▪ Is effective in securing public access to waterways with high values, whilst avoiding costs associated with maintaining low value reserves or strips. The identification of which waterways to take reserves or strips against will be key in enabling an appropriate balance to be struck between the competing outcomes of public access and cost to Council and limited functionality of any short isolated strips.▪ Provides certainty to landowners and the public that reserves or strips will be taken along specifically identified waterways.▪ Enables subdivision to occur within the Port of Timaru operational area without triggering the need for esplanade reserves or strips which have the potential to give rise to health and safety, and security issues.
Weaknesses	<ul style="list-style-type: none">▪ Places a cost on landowners who will have to provide reserves or strips along identified waterways.▪ Process costs associated with identifying higher value waterways and coastal areas in the District Plan.



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