

18 Subdivision Activity

Introduction

Although the Resource Management Act 1991 refers to subdivision as the division of parcels of land (section 218), this Plan recognises that subdivision is inevitably linked to the establishment of land use activities. Land use activities have both site-specific and cumulative effects on the environment. It is appropriate to consider the potential cumulative effects of land use activities anticipated by the subdivision of land. The amenity of each zone is fully described in its relevant zone section. Coordination of subdivision of land with the anticipated land use activities will ensure logical and efficient patterns of development through the City and will avoid, remedy or mitigate adverse effects of land use on the environment.

The creation of boundaries influences land use controls, such as separation of activities and site coverage. In some circumstances it is appropriate to consider land use resource consents concurrently with subdivision consents.

A subdivision consent in some instances will require consent to undertake earthworks and/or discharge stormwater (subject to delegated authority from the Otago Regional Council). The Act confers on the Council the duty to control and manage the effects of subdivision and the subsequent development of land. Consequently, the anticipated use of the land following subdivision is an integral component in the consideration of subdivision applications.

The environmental effects arising from the subdivision activity and resulting land use activities are not limited to any particular area within the City. Minimum standards have been set, to which all subdivision and developments must adhere in order to maintain adequate provision of services throughout the City. The City's natural and physical resources must be managed in a sustainable manner. This includes sustaining the potential of the physical resources to meet the reasonably foreseeable needs of future generations. The efficient use and development of the City's resources is in part dependent on the way in which land is subdivided and subsequently developed.

The Council has adopted an approach to the management of the land resource of the City which is aimed at maintaining the different amenity associated with rural and urban developments using the subdivisional standards which have been built up over a period of years.

The Council will treat all subdivision applications equally whether the land is to be held as freehold title, unit title or by cross lease.

Providing adequate information to support the applications is the responsibility of the applicant. Information is essential for certainty in decision making, for the applicants and the Council to meet their statutory deadlines, and to enable the proper consideration of the effects on the environment within the statutory timeframes.

18.1 Significant Resource Management Issues

Issue 18.1.1

Uncoordinated subdivision and development can lead to the inefficient and unsustainable extension of infrastructure and services.

Objectives: 18.2.1, 18.2.7

Policies: 18.3.1, 18.3.2, 18.3.7, 18.3.8

Explanation

Unlike many other activities, subdivision activity and the resulting development of land occurs throughout the City. Similarly, the effects of subdivision and development are not limited to the site on which the activity is taking place. The City's existing infrastructure and services are directly affected by the increased scale and intensity of land use caused by subdivision and the resulting development of land.

As infrastructure is a physical resource it is the Council's duty to ensure that it is used or developed in a sustainable manner. Subdividers and developers will be required to extend infrastructure and services in a logical and coordinated manner so as to provide for the future development of the City. In some areas of the City the available infrastructure may be limited to connections to existing roading and power and telephone services.

Issue 18.1.2

Subdivision activity that is in conflict with the purpose of the zone in which it is located can lead to inefficiencies and have an adverse effect on the amenity of the zone.

Objectives: 18.2.1, 18.2.3

Policies: 18.3.1, 18.3.2, 18.3.4, 18.3.7

Explanation

It is the Council's responsibility to ensure through the District Plan that subdivision creates sites which are consistent with the activities or uses provided for by the zoning, and that appropriate infrastructure is available for those activities.

Subdivision layout also has a direct effect on the amenity of an area. It is desirable that the amenity value of an area is maintained or enhanced through the innovative design of subdivisions and the resulting development of land.

Issue 18.1.3

Some land has physical limitations which may be worsened by inappropriate subdivision.

Objective: 18.2.2

Policies: 18.3.5, 18.3.6

Explanation

In some cases land is unsuitable for conventional subdivision and development. When land is subject to physical limitations, management plans may be required to ensure that any existing physical limitations such as instability will not be made worse.

Issue 18.1.4

The Coast and some water bodies have important values which require protection from the adverse effects of inappropriate subdivision. Access along these margins can be lost if not provided for.

Objectives: 18.2.4, 18.2.5

Policies: 18.3.9 - 18.3.11

Explanation

The Act identifies the protection of lakes and rivers and their margins from inappropriate subdivision, use and development as a matter of national importance. So too is the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers. The means of achieving this access is to require esplanade reserves or esplanade strips to be set aside at the time the land abutting the water bodies is subdivided.

Issue 18.1.5

Subdivision activity can give rise to adverse effects on the natural, physical and heritage resources within the City, and the effects may in some instances be beyond the City boundaries.

Objectives: 18.2.2, 18.2.6

*Policies: 18.3.5, 18.3.6, 18.3.8,
18.3.12 - 18.3.14*

Explanation

The effects of subdivision and development on the environment may be temporary, such as those during construction, or permanent, such as the effect on infrastructure, services, archaeological sites and neighbourhood amenity.

The construction phase of a subdivision can adversely affect the natural environment by disturbing the ecosystems of flora and fauna or by contaminating nearby watercourses with sediment runoff. The layout of a subdivision may result in the contamination of watercourses on a more permanent basis by draining the stormwater from paved roads and driveways into natural watercourses. Subdivision can modify flood characteristics which can lead to decreased water retention and lower flows and levels downstream in dry weather. This can lead to a lowering in the capacity for assimilation of contaminants. Freshwater bodies, coastal waters and enclosed inlets can be affected. While some effects of construction can be temporary, others such as effects on archaeological sites are permanent. The environmental stress and degradation arising from development may impact on the environment beyond the urban area, and even beyond the District's boundaries. Both the short term and long term adverse effects of subdivision, and the resulting development of land, must be avoided, remedied or mitigated. The requirements of any Regional Plan relating to those effects must also be met.

Issue 18.1.6

Subdivision activity gives rise to effects which may impact on the economic wellbeing of the community.

Objective: 18.2.7

Policy: 18.3.7

Explanation

While it is appropriate for the community to fund those extensions that will have benefits for the wider community, those extensions that benefit only some sites or groups of sites should be funded by the developer.

18.2 Objectives

Objective 18.2.1

Ensure that subdivision activity takes place in a coordinated and sustainable manner throughout the City.

Issues: 18.1.1, 18.1.2

Policies: 18.3.1 - 18.3.3, 18.3.5,
18.3.7, 18.3.8

Explanation

Subdivision activity must sustain the potential of the City's resources and provide for the reasonably foreseeable needs of land use activities of future generations in an efficient manner. Subdivision which jeopardises the potential for future development is contrary to the principles of sustainable management. Adverse effects of subdivision, particularly those which extend beyond the site, must be avoided, remedied or mitigated if sustainable management is to be achieved.

Objective 18.2.2

Ensure that the physical limitations of land and water are taken into account at the time of the subdivision activity.

Issues: 18.1.3, 18.1.5

Policies: 18.3.5, 18.3.6

Explanation

The design of a subdivision shall take into account the physical limitations of an area, including areas of instability, watercourses, vegetation and other topographical features.

Objective 18.2.3

Ensure that the potential uses of land and water are recognised at the time of the subdivision activity.

Issues: 18.1.2

Policies: 18.3.1, 18.3.2, 18.3.4

Explanation

The reasonably foreseeable uses of the land and water, the natural and physical attributes of these resources, and the constraints which they impose on the reasonably foreseeable uses, have been recognised by the zoning. It is essential that the design of a subdivision recognises these constraints and potential uses.

Objective 18.2.4

Maintain and enhance public access along selected water bodies and the coast.

Issue: 18.1.4

Policies: 18.3.9, 18.3.11

Explanation

Provision is made for access to the margins of selected water bodies and the coast.

Objective 18.2.5

Preserve the natural character, heritage and cultural values and protect the intrinsic values of ecosystems along the margins of water bodies and the coast.

Issue: 18.1.4

Policy: 18.3.10

Explanation

Provision is made for the preservation of natural character, heritage and cultural values and ecosystems. The inappropriate subdivision of land along the margins of those selected water bodies would compromise these matters of national importance.

Objective 18.2.6

Ensure that the adverse effects of subdivision activities and subsequent land use activities on the City's natural, physical and heritage resources are avoided, remedied or mitigated.

Issue: 18.1.5

Policies: 18.3.5, 18.3.6, 18.3.8,
18.3.12 - 18.3.14

Explanation

Subdivision activities affect the City's natural, physical and heritage resources, as well as its communities. It is desirable that the adverse effects of subdivision activity and subsequent development are identified at the earliest stage (prior to subdivision consent) to enable appropriate measures to be taken to avoid, remedy or mitigate the adverse effects.

Objective 18.2.7

Ensure that subdividers provide the necessary infrastructure to and within subdivisions to avoid, remedy or mitigate all adverse effects of the land use at no cost to the community while ensuring that the future potential of the infrastructure is sustained.

Issues: 18.1.1, 18.1.6

Policies: 18.3.7, 18.3.8

Explanation

The Council's role is to coordinate subdivision activities and land use activities in a manner that is sustainable for the City as a whole. The community will not be expected to fund the provision of infrastructure and management of adverse effects associated with subdivision and development. In certain circumstances however, the Council may, at its discretion, contribute to proposed infrastructure where it ensures the potential capacity is realised for the benefit of future generations and efficient expansion of infrastructure for future subdivision activities and development beyond proposed subdivision activities. In all other circumstances the subdivider will provide the infrastructure.

Principal Reasons for Adopting Objectives

Subdivision activity is recognised as coordinating the process of modification of the environment in preparation for land use activities. As modification of the environment can have adverse effects on it, the management of the subdivision process ensures that those adverse effects are avoided, remedied or mitigated.

To this end, the objectives recognise the need to integrate the subdivision activity and any subsequent land use activities. Where necessary, or when it is efficient to do so, cumulative effects of subsequent land use activities are avoided, remedied or mitigated at time of subdivision.

18.3 Policies

Policy 18.3.1

Avoid subdivisions that inhibit further subdivision activity and development.

Objectives: 18.2.1, 18.2.3

Methods: 18.4.1, 18.4.3, 18.4.4

[Amended by C17/2008, 12/02/08]

Explanation

Some large allotment interim subdivisions can inhibit the efficient and coordinated extension of urban areas. The Council will require subdividers to make proper provision for orderly future development of land within the same Certificate of Title.

On the other hand, the design of any subdivision must consider and allow for the potential subdivision, use or development of the adjoining land. This will meet the reasonably foreseeable needs of future generations, and assist the development of the urban areas in a coordinated and efficient manner.

Policy 18.3.2

Require any application for subdivision consent for land with the potential for 20 allotments or more to be accompanied by a concept plan.

Objectives: 18.2.1, 18.2.3

Method: 18.4.1

(Refer to Section 2.2 - Information Requirements)

Explanation

The concept plan will provide an opportunity to consider the full effects of a proposed subdivision rather than on a piecemeal or staged basis. It is possible that developers of adjoining properties may collaborate to produce concept plans which link in a rational and beneficial manner.

Such requirements will ensure that any proposed subdivision makes efficient use of the whole of the land being subdivided.

Policy 18.3.3

Allow the creation of special allotments that do not comply with the subdivision standards for special purposes.

Objectives: 18.2.1, 22.2.1

Method: 18.4.1

Explanation

It is often desirable or necessary for 'special allotments' (as defined in Section 3 of the District Plan) to be created. These allotments should have dimensions and shape compatible with the intended special purpose of the allotment.

Policy 18.3.4

Subdivision activity consents should be considered together with appropriate land use consents and be heard jointly.

Objective: 18.2.3

Method: 18.4.3

Explanation

Subdivision can result in new boundaries which jeopardise the compliance of existing dwellings or other land uses. It is appropriate to manage subdivision in this situation by considering the subdivision consent alongside the land use consent.

Policy 18.3.5

Require subdividers to provide information to satisfy the Council that the land to be subdivided is suitable for subdivision and that the physical limitations are identified and will be managed in a sustainable manner.

Objectives: 18.2.1, 18.2.2, 18.2.6

Methods: 18.4.1, 18.4.3

Explanation

Council has a duty to control the subdivision of land. It is the developer's responsibility to demonstrate that the land is suitable for subdivision.

Land that is subject to physical limitations such as instability can be difficult to manage on a sustainable basis. If the physical limitations are identified and provided for at the time of subdivision, provision can be made to ensure that they are managed effectively.

It is the subdivider's responsibility to provide the Council with information as to the suitability of the land for subdivision. Prior to making a decision on the application, the Council will assess this information against its records and any other information it has available to it.

Policy 18.3.6

Refuse consent to the subdivision of unsuitable land.

Objectives: 18.2.2, 18.2.6

Methods: 18.4.1, 18.4.3

Explanation

Notwithstanding section 106 of the Act, should the Council be of the opinion that the land is unsuitable for subsequent use because of natural and/or technological hazards, the subdivision will be refused.

Policy 18.3.7

Require the provision of all necessary access, infrastructure and services to every allotment to meet the reasonably foreseeable needs of both current and future development.

Objectives: 18.2.1, 18.2.7

Methods: 18.4.1, 18.4.3

Explanation

Services are provided in some areas to maintain or enhance the amenities of the vicinity. There is an expectation by subsequent purchasers that every allotment created by subdivision in each zone is suitable for its reasonably foreseeable uses and in keeping with the amenity of that zone.

Providing services that are limited to cope only with current development could result in the ad hoc development of access, infrastructure and services. This is not sustainable management of the natural and physical resources and makes their efficient use unattainable.

The liability of the subdivider shall be limited to the extent to which the works serve or are intended to serve the subdivider's land.

The Council will require that vehicle access to the allotments is provided to a standard which ensures that the amenity and safety values of the sites are enhanced and protected.

Council, at its discretion, may contribute to the provision of services to ensure that future development is not compromised. The financial effects of this on the community must be considered.

Policy 18.3.8

Control foul effluent disposal and adequately dispose of stormwater to avoid adversely affecting adjoining land.

Objectives: 18.2.1, 18.2.6, 18.2.7

Method: 18.4.1

Explanation

Stormwater runoff and foul effluent discharge can adversely affect neighbouring land causing flooding, erosion and contamination of groundwater on adjacent properties. The subdivider is required to plan development so as to minimise and mitigate these adverse effects.

Policy 18.3.9

Maintain public access by the creation of esplanade reserves or esplanade strips at the time of subdivision of land adjacent to selected water bodies and the coast.

Objective: 18.2.4

Explanation

The Council will acquire land for esplanade reserves and/or require an interest in esplanade strips along selected water bodies and the coast.

Policy 18.3.10

Maintain and enhance conservation values along the coastal marine area, lakes and rivers, in accordance with the Act and the Regional Policy Statement for Otago.

Objective: 18.2.5

Explanation

Where the intention is to preserve natural character and/or intrinsic values associated with water bodies and their margins, the esplanade reserve (owned and maintained by Council) is the preferred mechanism. Alternatively, esplanade strips (easement over privately owned land) in conjunction with covenants, land purchase, land use controls or other mechanisms may be used.

Policy 18.3.11

Encourage access strips to be created when public access to esplanade reserves or esplanade strips is required.

Objective: 18.2.4

Method: 18.4.2

Explanation

As it is a matter of national importance to maintain and enhance public access to and along water bodies, Council will encourage access to esplanade reserves and strips at the time of subdivision.

Policy 18.3.12

Require plans of subdivision to be in accordance with safe traffic engineering principles.

Objective: 18.2.6

Method: 18.4.1

Explanation

Subdivisions need to be designed to ensure safe vehicle access to properties.

Policy 18.3.13

Recognise the relationship that a heritage resource may have with the land surrounding that resource.

Objective: 18.2.6

Method: 18.4.1

Explanation

A heritage resource may gain value and context from the land surrounding that resource. This land should be considered to be an integral part of the historic resource when considering subdivision proposals.

Policy 18.3.14

Require reticulation services to be underground in urban subdivisions.

Objective: 18.2.6

Method: 18.4.1

Explanation

Requiring services to be installed underground in urban subdivisions will maintain or enhance amenity.

Principal Reasons for Adopting Policies

Subdivision is often the precursor to development. The subdivision policies will seek to integrate subdivision with land use activities.

These policies will seek to ensure amenity values are maintained or enhanced in the existing developed environment as well as creating appropriate amenity values in new developments.

The subdivision activity process is to be coordinated throughout the City and at no cost to the community. The Council's role is to require sustainable management of resources.

The Council can, at its discretion, contribute to additional infrastructure should it be demonstrated that it will achieve an efficient extension for future generations.

The Council will require esplanade reserves and strips along selected water bodies and the coast as subdivision activities give the opportunity. This will result in an accumulation of reserves and strips where access, natural and/or intrinsic values, ecosystems and cultural/heritage values are to be preserved.

18.4 Methods of Implementation

In addition to the rules, the methods to be used to achieve the objectives and policies identified in this section are the following:

Method 18.4.1 Code of Subdivision and Development

The Code of Subdivision and Development is not part of the District Plan. The Code is a guide as to the Council's preferred standards for any physical works associated with subdivision activity. *[Amended by Plan Change 12, 20/01/2012]*

Policies: 18.3.1 - 18.3.3, 18.3.5 - 18.3.8, 18.3.12 - 18.3.14

Method 18.4.2 Access Strips

When assessing an application for subdivision consent, the Council will encourage the establishment of an access strip by the creation of an appropriate easement to give public access to an esplanade reserve or strip which otherwise would be land-locked.

Policy: 18.3.11

Method 18.4.3 Section 226 Certification

Allotments are able to be divided by certification pursuant to section 226 of the Resource Management Act 1991.

Policies: 18.3.1, 18.3.4 - 18.3.7

Method 18.4.4 Structure Plans *[Inserted by C17/2008, 12/02/08]*

Structure plans will be used to guide the development or redevelopment of a particular area and may include defining the future development and land use patterns, areas of open space, the layout and nature of infrastructure (including transportation networks), and other key features for managing the effects of development.

Policy: 18.3.1

Principal Reasons for Adopting Methods

Rules provide a measure of certainty for both the public and the Council.

Subdivision activity can have potential adverse effects on the environment.

The amenity values of sites within a subdivision need to be enhanced and protected. Council will require as conditions of consent that works be completed to a standard which ensures this. The Code of Subdivision and Development provides a guideline as to those standards. *[Amended by Plan Change 12, 20/01/2012]*

Assessment matters on resource consents will ensure identification and consideration of potential adverse effects, and assist applicants in making applications as well as assisting the Council in considering applications.

18.5 Rules

Rule 18.5.1 Discretionary Activities (Restricted)

The following are discretionary activities (restricted):

- (i) Subdivision applications in the Rural Zone where the application complies with Rules 18.5.3 – 18.5.5, 18.5.9 and 18.5.10, and each resulting site is 15 ha or greater. *[Amended by Decision No. C58/2005 and Variation 9A, 2/3/04]*
- (ii) Subdivision applications in the Rural Residential Zone where the application complies with Rules 18.5.3 – 18.5.6, 18.5.9 and 18.5.10, and each resulting site is 2 ha or greater. *[Amended by Variation 9A, 2/3/04 and Consent Order 18/9/03]*
- (iii) Subdivision applications in the Residential and Special Development Zones where the application complies with Rules 18.5.3 - 18.5.6 and 18.5.9 - 18.5.12 and:
 - (a) each resulting site complies with the minimum area and frontage required by the conditions attaching to permitted activities for the zone in which the activity is located, or
 - (b) an associated established or proposed multi-unit residential activity complies with the requirements of permitted activities within the original site (including the overall density).*[Amended by C17/2008, 12/02/08, and Consent Orders 23/7/03 and C68/2002]*
- (iv) Subdivision applications in the following zones where the application complies with Rules 18.5.3 - 18.5.6, 18.5.9, 18.5.10 and 18.5.12:
 - Central Activity, Local Activity and Large Scale Retail
 - Industry
 - Ports
 - Campus *[Amended by Plan Change 4, 3/03/08 and C15/2001]*
 - Stadium *[Inserted by Plan Change 8, 30/3/09]*
 - Harbourside *[Inserted by Plan Change 7, 29/05/2012]*

Council's discretion is restricted to those matters contained in the assessment matters in Section 18.6.1.

Except within the Airport Outer Control Boundary, for any application for subdivision consent involving a discretionary activity (restricted), the written approval of affected persons need not be obtained. *[Amended by Consent Order 2/5/02]*

Rule 18.5.1(A) Discretionary Activities (Unrestricted) *[Inserted by Decision No. C58/2005]*

The following are discretionary activities (unrestricted) where the parent site contains one or more of the following features which make meeting the minimum site size listed in Rules 18.5.1(i) and (ii) impractical:

- Significant topographical features including cliffs, gullies and ridgelines;
 - Historic heritage features;
 - Waterways, and road and rail corridors;
 - Indigenous vegetation that will be protected from development;
 - Natural hazards;
 - Landscape Management Area boundaries;
 - 'High class soils' as shown on District Plan Maps 75, 76 and 77.
- (i) Subdivision applications in the Rural Zone where the application complies with Rules 18.5.3 – 18.5.5, 18.5.9 and 18.5.10, and:

- each resulting site is not less than 11.25 ha; and
 - a minimum of 50% of the sites created by the subdivision are not less than 15 ha; and
 - the average area of the sites created by the subdivision is not less than 15ha.
- (ii) Subdivision applications in the Rural Residential Zone where the application complies with Rules 18.5.3 – 18.5.6, 18.5.9 and 18.5.10, and:
- each resulting site is not less than 1.5 ha; and
 - a minimum of 50% of the sites created by the subdivision are not less than 2 ha; and
 - the average area of the sites created by the subdivision is not less than 2 ha.

In assessing an application for discretionary activities (unrestricted) Council shall have regard to, but not be limited to, the matters identified in Section 18.6 and the objectives and policies of the Rural Section.

Rule 18.5.2 Non-Complying Subdivision Activity

Any subdivision that does not comply with Rules 18.5.1 or 18.5.1(A) or that is within the Major Facilities (Mercy Hospital) Zone shall be considered as a non-complying subdivision activity. *[Amended by Plan Change 17, 2 September 2013]*

Rule 18.5.3 Access

Every allotment shall have both legal access and vehicle access to a formed road, except in the Activity Zones where every allotment shall have legal access. The standards for access are identified in Rule 20.5.7(iv) and (v) 'Vehicle Access Performance Standards' of the Transportation Section.

Note: Approval for any work in a road, including the establishment of access to properties, must be obtained from the relevant road controlling authority. Under section 317 of the Local Government Act 1974, the Dunedin City Council is the road controlling authority for all roads in the city, with the following exceptions:

- a. State Highways are under the control of the NZ Transport Agency (NZTA), unless the NZTA has delegated control to the council.
- b. Government roads are under the control of the Minister of Transport.

In addition, under section 51(2) of the Government Rounding Powers Act 1989, the written permission of the NZTA must be obtained prior to the commencement of any work on any State Highway. Early consultation with the NZTA should be undertaken for subdivision or development proposals adjacent to, or seeking access to, State Highways. See Note 2 in Rule 20.5.7 for more details. *[Amended by Consent Order, 21/12/01, and by Plan Change 10, 18/1/11]*

Rule 18.5.4 Water bodies where Esplanade Reserves or Strips will be required

- (i) An esplanade reserve shall be created on the subdivision of any land into lots of less than 4 ha, abutting the:
- Coastal Marine Area, including Blueskin Bay, Hawksbury Lagoon, Hooper's Inlet & Orokonui Estuary
 - Lower Taieri River (being the Taieri River below the Outram Bridge)
 - Water of Leith (except within the Stadium Zone, where no esplanade reserve will be required) *[Amended by Plan Change 8, 30/3/09]*
 - Kaikorai Stream
 - Silverstream

[Amended by Plan Change 7, 29/05/2012]

- (ii) The esplanade reserve required under Rule 18.5.4(i) shall be of a minimum width of 20 m measured in a landward direction from the line of mean high water springs of the sea, tidal rivers or estuaries, or the bank of any stream or river, except as provided for in Rule 18.5.4(iii). *[Amended by Plan Change 7, 29/05/2012]*
- (iii) An esplanade reserve of variable width, including less than 20 metres, shall apply in the Harbourside Zone, provided that the public open space areas shown on the Structure Plan in Appendix 26.1.2 and specified in Rule 26.6.2 or Rule 26.6.6(ii) are vested in Council. The esplanade reserve shall include any wharf structure located in a landward direction from the line of mean high water springs. Esplanade reserves can be developed progressively in accordance with the development segments shown on the Structure Plan in Appendix 26.1.4. *[Inserted by Plan Change 7, 29/05/2012]*
- (iv) Subject to Assessment Matter 18.6.1(s), where an allotment of 4 ha or more is to be created, an esplanade strip shall be created where the land abuts the water bodies identified in Rule 18.5.4(i). *[Amended by Consent Order 2/5/02], [Amended by Plan Change 7, 29/05/2012]*

Rule 18.5.5 Water bodies where Esplanade Strips will be the minimum requirement

An esplanade strip of not more than 20 m in width shall be provided in the case of subdivision of any land into lots of less than 4 ha and abutting:

- Waikouaiti River
- Tomahawk Lagoon
- Andersons Bay Stream
- Carey's Creek
- Deep Creek
- Deep Stream
- Fern Stream
- Foote Stream
- Latham Bay Stream
- Lee Stream
- Macandrew Bay Stream
- Mihiwaka Stream
- Orokonui Stream
- Otakou Stream
- Otokia Creek
- Post Office Stream (Lake Mahinerangi)
- Portobello Stream
- Sawyers Bay Stream
- Smugglers Creek
- Stoney Creek
- Sutton Stream

- Taieri River (above the Outram Bridge)
- Tolbar Creek
- Verter Burn (Lake Mahinerangi)
- Waitati River
- Whare Creek.

The esplanade strip shall be measured in a landward direction from the line of mean high water springs of tidal rivers or estuaries, or the bank of the river.

Where an allotment of 4 ha or more is to be created on land that abuts these water bodies Assessment Matter 18.6.1(t) applies. *[Amended by Consent Order 2/5/02]*

Rule 18.5.6 Service Connections

(a) Every allotment in the:

- Residential 1 - 4 Zones
- Residential 6 Zones at Abbotsford, Braeside, East Taieri, Cove Extension, Mission Cove and Wakari *[Amended by Plan Change 4, 3/03/08, C174/2001, C24/2002 and C68/2002]*
- Industrial Zone
- Port Zones
- Campus Zone
- Activity Zones
- Stadium Zone *[Inserted by Plan Change 8, 30/3/09]*
- Harbourside Zone *[Inserted by Plan Change 7, 29/05/2012]*

shall have reticulated sewerage infrastructure available within the road providing access or within the allotment.

(b) Every allotment in the:

- Residential 1 - 6 Zones
- Industrial Zone
- Port Zones
- Campus Zone
- Rural Residential Zone
- Activity Zones
- Stadium Zone *[Inserted by Plan Change 8, 30/3/09]*
- Harbourside Zone *[Inserted by Plan Change 7, 29/05/2012]*

shall have reticulated power and telephone services available within the road providing access or within the allotment.

(c) Every allotment in the:

- Residential 1 - 4 Zones
- Residential 5 Zone at Outram
- Residential 6 Zone at Abbotsford, Braeside, East Taieri, Cove Extension, Mission Cove and Wakari *[Amended by Plan Change 4, 3/03/08, C174/2001, C24/2002 and C68/2002]*
- Industrial Zone
- Port Zones

- Campus Zone
- Activity Zones
- Stadium Zone *[Inserted by Plan Change 8, 30/3/09]*
- Harbourside Zone *[Inserted by Plan Change 7, 29/05/2012]*

shall have reticulated stormwater within the allotment, or reticulated stormwater or kerb and channel or watertables available within the road providing access.

(d) Every allotment in the:

- Residential 1 Zone (excluding Middlemarch)
- Residential 2 - 4 Zones
- Residential 5 Zone at Outram and Waitati
- Residential 6 Zone (excluding Momona Airport Village)
- Industrial Zone
- Port Zones
- Campus Zone
- Activity Zones
- Stadium Zone *[Inserted by Plan Change 8, 30/3/09]*
- Harbourside Zone *[Inserted by Plan Change 7, 29/05/2012]*

shall have a reticulated water supply available within the road providing access or within the allotment.

Rule 18.5.7 Subdivision for Special Allotments

Notwithstanding the subdivision standards for each respective zone, there shall be no specified allotment sizes in any zone for 'Special Allotments' as defined in Section 3 of the District Plan.

Rule 18.5.8 Section 226(1)(e)(ii) Certification

Applications for certification of allotments on an existing Survey Plan pursuant to section 226(1)(e)(ii) of the Resource Management Act 1991 are to be in accordance with the requirements of the District Plan. Allotments for certification are required to have all services available within the road providing access or within the allotment and to have legal and vehicle access. All title boundaries to be created by certification that are within proximity to structures, must not create a non-complying structure in accordance with this District Plan. *[Amended by Consent Order 2/5/02]*

Rule 18.5.9 Private Ways

[Deleted by Plan Change 10, 18/1/11]

Rule 18.5.10 Unserved Areas

Allotments within unserved areas are to be sufficient in size and shape and of suitable contour for:

- On-site disposal of stormwater to the ground or a watercourse.
- On-site disposal of foul effluent to mitigate on-site adverse effects and to avoid off-site adverse effects.

Advice Note: Otago Regional Plan: Water

On-site effluent disposal systems are required to comply with the requirements of the Otago Regional Plan: Water. [Inserted by Variation 9A, notified 8/5/02]

Rule 18.5.11 Concept Plan

For subdivision of land contained in the Concept Plan in Appendix 8.1 (Residential 6 Wakari) including the land zoned Rural, wherever covenants are identified on the Concept Plan, covenants or similar legal instruments to protect established bush or planted landscape strips shall be provided. *[Inserted by C68/2002]*

Rule 18.5.12 Structure Plans

Subdivision of land subject to a structure plan shall be in accordance with the relevant Structure Plan as follows:

- (a) Mosgiel East – Appendix 8.2
- (b) Abbotsford – Appendix 8.3 *[Amended by Plan Change 4, 3/03/08]*
[Inserted by C17/2008, 12/02/08]
- (c) East Taieri Structure Plan Area – Appendix 8.5
- (d) Harbourside – Appendix 26.1 *[Inserted by Plan Change 7, 29/05/2012]*
- (e) Formby Street Structure Plan – Appendix 8.6 *[Inserted by Plan Change 16, 01/09/2014]*
- (f) Holyhead Street, Outram, Structure Plan – Appendix 8.7 *[Inserted by Plan Change 14, Consent Order, ENV-2013-CHC-84, 21/01/2015]*

Rule 18.5.13 East Taieri Structure Plan Residential 6 Zone

Any new title issued for a property containing land within the 'Specified Floor Level' as identified on the East Taieri Structure Plan, shall have registered on it, by way of consent notice, the finished floor levels required for dwellings which must be above the 1:50 year flood level in accordance with the New Zealand Building Code. *[Inserted by Plan Change 15, 1/02/2010]*

18.6 Assessment of Resource Consent Applications

18.6.1 Assessment Matters for all Subdivision Activities

In assessing any applications, in addition to the matters contained in the Fourth Schedule of the Act, the Council will have regard to, but not be restricted by the following matters: *[Amended by C17/2008, 12/02/08]*

- (a) When considering subdivision applications:
- in the Townscape and Heritage Precincts, Urban Landscape Conservation Areas, Landscape Management Areas or Areas of Significant Conservation Value (Schedule 25.4), the Council will have regard to the objectives, policies and rules of those areas and precincts.
 - which affect an item listed on Schedule 25.1 (Townscape and Heritage Buildings and Structures) or Schedule 25.3 (Significant Trees), the Council will have regard to the effect of the subdivision on the item listed in the schedule.
 - within the Airport Outer Control Boundary, the Council will have regard to the effects of the subdivision on Dunedin Airport and aircraft operations.
- [Amended by Consent Order 2/5/02]*
- (b) The objectives, policies, rules and assessment matters of the following sections of the District Plan: *[Amended by Plan Change 11, 11/10/10]*
- Sustainability
 - Manawhenua
 - Hazards, Hazardous Substances and Earthworks
 - Trees
- (c) The objectives, policies and assessment matters of the Transportation Section.
- (d) Whether any extension of services will be rational and orderly and contribute towards the sustainable management of the environment.
- (e) The integration of new infrastructure with existing or possible expansions of infrastructure networks. Where appropriate, this should include the consideration of the relationship with adjoining areas subject to structure plans, to enhance connectivity by providing vehicle or pedestrian/cycle links between areas. *[Amended by C17/2008, 12/02/08]*
- (f) The cumulative effect of the incremental loss or modification of areas of indigenous vegetation and habitats of indigenous fauna.
- (g) The appropriateness of retaining amenity planting or planting trees and other vegetation on the site to maintain or enhance the amenity of the area and the need for conditions relating to landscape planting and maintenance. *[Inserted by Consent Order 10/12/03]*
- (h) The appropriateness of any building platform, including its location in relation to any vehicle access or service connection to it. In Landscape Management Areas, the appropriateness of identifying a “Landscape Building Platform”, which may include:
- restrictions on floor area and height of buildings and associated site development; and
 - requirements for landscaping the site. *[Amended by Consent Order 1/5/02]*
- (i) Any easements that may be required on or off the site, including those for vehicle or pedestrian access, stormwater or sewage treatment, party walls, or whether any easements require cancellation.

- (j) The orderly connection of services to the site and the appropriateness of requiring such connections at the time of subdivision or of site development by an appropriate consent notice.
- (k) The extent to which any allotment to be created by the subdivision has physical limitations which would render it unsuitable for future use.
- (l) Delegated functions from other consent authorities.
- (m) Property access to and within subdivision including:
 - the effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including their gradient and location
 - the need to provide pedestrian access
 - any impact of roading and access on water bodies, ecosystems, drainage patterns and the amenities of adjoining properties
 - the need to provide for appropriate standards of street lighting or private access lighting having regard to the classification of the road or the access
 - the design and layout of parking, loading, and manoeuvring areas and associated vehicle crossings
 - the appropriateness of having a private way greater than 60 m in length
 - the appropriateness of having a private way in respect of the potential number of residential units that are to be served.
 - the need to provide access for fire fighting in accordance with the fire safety requirements of the New Zealand Building Code. See Acceptable Solution C/AS1 Part 8: Fire Fighting of the New Zealand Building Code Compliance Document C Fire Safety.

[Amended by Plan Change 10, 18/1/11]

- (n) Water Supply to and within Subdivision Activities including:
 - when considering subdivision applications in the area shown as 'Restricted Water Supply Area', the Council will have regard to the potential adverse effect of subdivision on the existing water reticulation network, and the ability of that network to meet actual and expected demand for water following subdivision, together with the extent to which that effect is avoided, remedied or mitigated
 - with respect to Braeside (Residential 6), the use of ceiling header tanks and/or in-line pumps to mitigate low pressure reticulation.
- (o) Stormwater Disposal from and within Subdivision Activities including: *[Amended by C17/2008, 12/02/08]*
 - any adverse effects of the proposed subdivision on drainage on or from adjoining properties, and mitigation measures proposed to control any adverse affects
 - the practicality of retaining open natural water body systems for stormwater disposal in preference to piped or canal systems and any impacts of stormwater disposal on existing water bodies.
 - with respect to Mosgiel East (as shown in Appendix 8.2), stormwater management systems (retention/detention and secondary flowpaths etc.) shall be designed for a 1 in 100 average recurrence interval event. Stormwater retention/detention measures shall be provided on-site as part of the overall subdivision plan approval.
 - with respect to Mosgiel East (as shown in Appendix 8.2), individual discharge of stormwater into the Silverstream or Owhiro Stream will not be permitted.

- With respect to East Taieri Structure Plan Area (as shown in Appendix 8.5), stormwater management systems (retention/detention areas etc.) shall be designed for a 1 in 100 average recurrence interval event. Stormwater retention/detention measures shall be provided on-site as part of the overall subdivision plan approval. *[Amended by Plan Change 15, 1/02/2010]*
- (p) Foul Effluent Disposal from and within Subdivision Activities including:
- the appropriateness of requiring a foul effluent connection at time of subdivision or at time of site development by an appropriate consent notice.
 - the cumulative effects on the environment of on-site disposal systems.
 - any need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for sewage treatment and disposal purposes.
 - when considering subdivision applications in the area identified as “Hillhead Road Extension” the Council will have regard to the potential adverse effect of that subdivision on the existing foul effluent disposal network, and the ability of that network to meet actual and expected disposal following subdivision, together with the extent to which that effect is avoided, remedied or mitigated. *[Amended by C105/2001]*
- (q) Lot Size and Dimension including:
- the siting of each allotment in terms of topography
 - the effects that the layout and access have on the landform
 - the possibility of the further development of the subject land as well as the adjoining land
 - access arrangements
 - the areas and buildings intended for public or common use within a development.
- [Amended by Consent Order 2/5/02]*
- (r) Development in Rural Residential Zones
- In the Rural Residential zones, Council may consider resource consent applications that provide for flexibility of allotment size. The merits of any applications shall be assessed on a case-by-case basis, taking into account, but not limited to, the following:
- the extent to which the subdivision configuration is appropriate to enhance the rural amenity and/or to accommodate the physical constraints of the site.
- [Inserted by Variation 9A, 2/3/04]*
- (s) Natural Character and Heritage Values, including:
- whether subdivision enhances the retention of the character and values of these features
 - any adverse effects on:
 - ecosystems
 - ancestral lands which have cultural and traditional significance to Manawhenua
 - waahi tapu or waahi taoka
 - archaeological sites (including Schedule 25.2).
- [Amended by Consent Order 2/5/02]*

(t) Hazards including:

- hazards identified on Council's Hazards Register
- when considering any subdivision application within an area subject to the potential for sea-level rise, the Council will have regard to the objectives and policies of the Hazards and Hazardous Substances Section
- whether or not the application relates to a site that the Council has good cause to suspect may be prone to a natural or technological hazard
- actual or potential effects of natural or technological hazards on:
 - infrastructure in the subdivision
 - any anticipated use or development of land in allotments
 - other land, where this is a result of the subdivision or anticipated land use activities within the subdivision
- any need for conditions to avoid, remedy or mitigate potential damage or danger from the hazard, such as the provision of works, location and type of services, minimum floor heights and locations for buildings, and location and quantity of filling or earthworks
- in relation to flooding and inundation from any source, Council shall have regard to the following factors:
 - the effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining land
 - any proposed boundary drainage to protect surrounding properties
 - any effect of such filling or boundary drainage on the natural character or hydrological functions of wetlands
 - the adequacy of existing outfalls and any need for upgrading
 - any need for retention basins to regulate the rate and volume of surface runoff
- in relation to erosion, falling debris, slope instability or slippage:
 - the stability of the area
 - the removal, enhancement or establishment of vegetation
 - the need for certification by a registered engineer that each lot is suitable for the erection of buildings designed in accordance with NZS 3604
 - any need for registration of consent notices on the Certificate of Title
 - any need for conditions relating to physical works to limit the instability potential
- in relation to landfill and subsidence, the need for the provision of suitability certificates, such as NZS 4431, or if not appropriate, the setting of ongoing conditions, with consent notices registered on the Certificates of Title of the lots in the subdivision
- in relation to contaminated sites, the need for conditions to avoid, mitigate or remedy the effects of the land contamination, including removal to approved disposal points

- in relation to any landfilling or excavation, the following factors:
 - the effects on the infrastructure of surrounding properties
 - the effects on the natural pattern of surface drainage
 - the effects on stormwater drainage systems
 - the type of and placement of fill material
 - mitigation or avoidance of adverse effects caused by dust or siltation affecting neighbouring properties.
- (u) Esplanade Reserves:
- In considering an application for a subdivision creating an allotment of 4 ha or more in area and abutting those areas identified in Rule 18.5.4, the Council may require an esplanade reserve rather than an esplanade strip, having regard to the provisions of section 229 of the Act, the objectives and policies of the Regional Plan: Coast, the Regional Policy Statement of Otago and the New Zealand Coastal Policy Statement.
- (v) Esplanade Strips:
- In considering an application for a subdivision creating an allotment of 4 ha or more in area and abutting those water bodies identified in Rule 18.5.5, the Council may require an esplanade strip, having regard to the provisions of sections 229 and 237F of the Act, the objectives and policies of the Regional Plan: Coast, the Regional Policy Statement for Otago and the New Zealand Coastal Policy Statement.
- (w) Reduction of Esplanade Reserves or Strips:
- (i) In considering an application seeking to reduce the width of an esplanade reserve or strip, the Council shall have regard to:
- the objectives and policies of the Regional Plan: Coast
 - the objectives and policies of this District Plan
 - whether an esplanade reserve or esplanade strip of less than 20 m can reasonably achieve the purposes identified in section 229 of the Act
 - for proposed commercial and industrial activities, whether the esplanade reserve or strip is detrimental to security and public safety
 - Policies 6.5.10 and 8.5.3 of the Regional Policy Statement of Otago, and the New Zealand Coastal Policy Statement.
- (ii) In considering applications in the Harbourside Zone, the Council shall have regard to:
- consistency with the variable widths of the esplanade reserve as provided for through the public open space areas on the Structure Plan in Appendix 26.1.4.
 - the necessity to consider appropriate legal mechanisms to ensure maintenance of public access to and along the waterfront.
 - Progressive development of esplanade reserves in development segments in accordance with Rule 26.6.6.

[Inserted by Plan Change 7, 29/05/2012]

(x) Public or Private Network Utility Services:

Where it is proposed to subdivide land to create new allotments within an area measured 20 m either side of the centre point of an electrical transmission line designed to operate at 110kV or above, particular regard shall be had to the following matters:

- the extent to which the subdivision design mitigates the effects of the lines through the location of the roads and reserves under the route of the line
- the ability for maintenance and inspections of transmission lines and the minimisation of risk of injury and/or property damage from such lines
- the extent to which potential adverse effects, including visual impact and electromagnetic effects, are mitigated through the location of the building platforms
- the outcomes of any consultation with the affected utility operator
- the extent to which the construction of any of subsequent building will comply with the New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP: 34 1993).

(y) *[Deleted by Plan Change 12, 20/01/2012]*

(z) Effects on High Voltage Transmission Lines:

Where it is proposed to carry out earthworks either within 12m of the closest visible edge of the foundation of a high voltage transmission line support structure, or where the earthworks result in an increase in ground level within 12m of the centreline of a high voltage transmission line, as shown on District Plan Maps 4-6, 8-10, 16-19, 29-32, 45-47, 49 & 53, particular regard shall be had to the means by which any adverse effects on the integrity of the transmission line will be minimised. The extent of the effects will be determined by the following matters:

- Scale, extent and location of the works, including temporary activities such as stockpiles.
- Timing of the works.
- Construction management and site remediation.
- Consideration of the risks of using mobile machinery near a transmission line.
- Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).

[Inserted by Plan Change 11, 11/10/10]

18.6.2 Assessment Matters for Subdivision Activities for land identified in Structure Plans *[Inserted by C17/2008, 12/02/08]*

The extent to which the subdivision meets the intent of the structure plan.

(a) Mosgiel East

- Structure Plan and Design Assessment Criteria – Appendix 8.2

(b) Abbotsford *[Amended by Plan Change 4, 3/03/08]*

- Abbotsford Residential 6 Zone (Grandvista) Structure Plan – Appendix 8.3

(c) East Taieri Structure Plan Area

- Structure Plan and Design Assessment Criteria – Appendix 8.5 *[Amended by Plan Change 15, 1/02/2010]*

(d) Harbourside *[Inserted by Plan Change 12, 29/05/2012]*

- Harbourside Structure Plans – Appendices 26.1.1 – 26.1.4

18.7 Anticipated Environmental Results

18.7.1

The physical limitations of land are recognised and provided for during subdivision.

18.7.2

The adverse effects resulting from subdivision on natural resources and cultural conditions are avoided, remedied or mitigated.

18.7.3

The potential use and development of land is provided for in accordance with the zoning at the time of subdivision.

18.7.4

New infrastructure which has no more than minor effects on the existing utility networks and infrastructure are provided in advance to make land suitable for development and to mitigate any adverse effects arising from inadequate services following development.

18.7.5

Applications are processed efficiently both by the Council and by applicants meeting their responsibilities.

18.7.6

The wellbeing of communities is provided for at the time of subdivision, as well as the provision of an appropriate tenure for all activities.

18.7.7

Access to and along water bodies is reserved, the natural character preserved, and the intrinsic values of ecosystems protected in those areas.

18.7.8

The natural character along water bodies and the intrinsic values of ecosystems are preserved and enhanced.

