

8.0 SUBDIVISION

8.1 Introduction

Subdivision and subsequent land development often involves land disturbance, vegetation removal, and changes to the natural and physical environment. Subdivision is a process that enables future land use activities to establish that may not otherwise be allowed in some areas, such as additional dwellings in urban or rural areas. Once subdivision has occurred, certain expectations for the use and development of that land often become apparent.

The effects of subdivision include:

- Changing ground levels that alter run-off patterns and natural hazards
- Effects on existing natural hazards
- Additional demands on capacity of essential infrastructure (network infrastructure), existing private services and physical construction
- Effects on natural character, natural resources, water quality
- Effects on cultural and heritage sites, Tangata Whenua values
- Effects on existing character and amenity values
- Loss of productive land
- Effects on the safe and efficient functioning of the roading network, including additional vehicle accesses, traffic flows and patterns, road safety and the efficient movement of traffic.

Section 11 of the Act was amended in 2017 so that subdivision is now permitted unless expressly restricted by rules in the District Plan or a national environmental standard. This is consistent with the presumption that land use is permitted, unless restricted under Section 9 of the Act.

This chapter should be read along with the provisions in Chapter 3 – District Wide Rules and the relevant zoning provisions in the District Plan, including Chapter 15 – Residential Zone. The Council’s Engineering Standards for Land Development should also be referred to when considering subdivision of land within the District.

The key focus of this chapter is the subdivision and land development provisions for Growth Precinct 4. As the Sectional District Plan Review progresses, provisions for other zones, including the remaining Residential Zone provisions will be inserted into the Chapter through other Plan Changes.

8.2 Resource Management Issues

The following resource management issues have been identified in relation to subdivision:

1. Limitations on growth in Feilding and other centres in the District due to natural hazards, topography and natural and physical features, effluent disposal and infrastructure provisions.
2. Recognition of natural hazards in the design and implementation of subdivisions, including subsequent land use.
3. The need to restrict unplanned urban expansion into rural areas which affects rural productivity, amenity, character, the natural environment and resulting land uses.
4. The need to control Feilding's growth, while providing for a variety of lot sizes for residential.
5. Uncoordinated and inefficient provision of infrastructure and the effects on urban form when development is unplanned.
6. The need to provide sufficient residentially zoned land to provide for future growth projections.
7. The need for new developments within Growth Precinct 4 to be in accordance with any relevant structure plan to ensure the integrated provision of infrastructure at the earliest stage of development.
8. The need for connectivity between staged developments and surrounding residentially zoned land.
9. The transition of land between existing rural use and future residential use following changes in zoning and creation of new reverse sensitivity issues while the area is developed in the future.

8.3 Objectives and policies

Objective 1

To ensure subdivision and land development within Growth Precinct 4 achieves the following overall urban design outcomes:

- a. A well-integrated and coordinated development that creates strong connectivity between new and existing development.

- b. Connectivity with existing infrastructure and transportation networks is achieved taking into account infrastructure capacity and requirements to upgrade capacity to meet future demands.
- c. Subdivision design that recognises and responds to the topographical and physical features of the land, including waterbodies.
- d. A range of residential densities.
- e. Efficient utility services are provided including reticulated wastewater, water supply, stormwater networks and power and telecommunication networks
- f. Neighbourhood focal points which provide meeting points within the precinct.
- g. Open space networks that comprise stormwater attenuation networks, a range of recreation opportunities, and stream side esplanade reserves.
- h. Areas identified as high risk for flooding and stormwater overland flow paths and ponding hazards are avoided or managed to minimise the risk of damage to property or human life.

Policies

- 1.1 Subdivision and development within Growth Precinct 4 is guided by a structure plan that identifies:
 - a. Key transportation connections.
 - b. Open Space and recreational opportunities.
 - c. Shared pathways, including cycleways and walkways.
 - d. Hazard areas are identified, including overland flow paths.
- 1.2 To ensure all proposed new lots are designed to allow development and land use while achieving good urban design with connected outdoor living spaces, sunlight to habitable rooms, and onsite privacy.
- 1.3 To control intensive residential subdivision and development of land through the use of average lot sizing.
- 1.4 To avoid fragmented patterns of subdivision and development that is inconsistent with the integrated planned development shown in Growth Precinct 4 Structure Plan in Appendix 8.1.
- 1.5 To ensure that any staged subdivision and development enables overall connectivity within Growth Precinct 4 in accordance with the Growth Precinct 4 Structure Plan in Appendix 8.1.

Objective 2

To ensure subdivision and development within Growth Precinct 4 achieves an attractive and sustainable urban neighbourhood.

Policies

- 2.1 To require subdivision design and layouts to implement the Growth Precinct 4 Structure Plan in Appendix 8.1.
- 2.2 To require the integration of new development with the surrounding environment, whereby lots are positioned to create a logical extension of existing urban areas.
- 2.3 To require that all development is undertaken in a comprehensive manner consistent with a Comprehensive Development Plan where stages are clearly identified and connectivity is shown.
- 2.4 To ensure block layouts within the subdivision proposal have road frontage and rear lots are discouraged.
- 2.5 To avoid the use of cul-de-sacs to enable a high level of accessibility and connectivity in the local street network.
- 2.6 To encourage subdivision designs which create a neighbourhood identity using positive characteristics of established areas reflecting cultural, heritage and natural values of the site and surrounding areas.
- 2.7 To require all power and telecommunication infrastructure to be underground.

Objective 3

To ensure development of Growth Precinct 4 manages the potential risk to future buildings from natural hazards.

Policies

- 3.1 To restrict subdivision in hazard areas.
- 3.2 To require the mitigation of residual risk of inundation outside of flood hazard areas through subdivision design layout.
- 3.3 To ensure development within overland flow paths shown in Appendix 8.2 are managed in an integrated manner recognising the wider development context of Growth Precinct 4 development.
- 3.4 To encourage low impact stormwater design by ensuring adequate pervious surface is available for every lot in the subdivision, taking into consideration built surfaces.

- 3.5 To ensure that any stormwater management measures and earthworks are in place and approved to Council’s engineering standards at the time of subdivision, with ongoing controls to protect the integrity of stormwater management measures of adjoining landowners.
- 3.6 To ensure that the water supply within Growth Precinct 4 has sufficient capacity and pressure to meet the needs of all development including New Zealand Fire Service requirements

Guidance Note: Refer also to the New Zealand Fire Service firefighting water supplied code of practice SNZ PAS 4509:2008. This Code identifies what is required for the Fire Service to have access to sufficient water during emergencies.

- 3.7 To ensure stormwater risk is mitigated by requiring minimum floor levels for buildings.
- 3.8 To require an integrated approach to stormwater management that recognises the capacity of existing systems and overland flow paths within Growth Precinct 4.

Guidance Note: Any development must also consider the requirements of the Council Engineering Standards for Land Development when preparing the Comprehensive Development Plan.

Objective 4

To enable the development of Growth Precinct 4 in accordance with the Growth Precinct 4 Structure Plan in Appendix 8.1 only where development delivers an integrated infrastructure network for the entire site.

Policies

- 4.1 To ensure the integration of essential infrastructure¹ into the existing Feilding network and its effect on the efficient and orderly development within urban areas.
- 4.2 To ensure that infrastructure and services to Growth Precinct 4 are provided in a way that enables or facilitates future development opportunities and capacity requirements in the area, while recognising the capacity of existing systems.

¹ New definition – Essential Infrastructure means the Manawatu District Council reticulated sewage and reticulated water supply systems, stormwater systems, and electrical power and telecommunication (including fibre) networks.

- 4.3 To ensure applications for subdivision and development contribute to and do not undermine the integrated and comprehensive spatial layout for Growth Precinct 4.
- 4.4 To restrict subdivision and development within Growth Precinct 4 until essential infrastructure is in place and of sufficient capacity to service the subdivision.
- 4.5 To ensure all road design is consistent with form, function and amenity of roads, including provision for vehicles, walking and cycling, consistent with requirements in Chapter 3B – Transport.

Guidance Note: Any development must also consider the requirements of the Council Engineering Standards for Land Development when preparing the Comprehensive Development Plan.

8.4 Rules

Rules in this chapter need to be read in conjunction with the District Wide Rules in Chapter 3 and the relevant zone provisions.

8.4.1 Restricted Discretionary Activities

The following activity is a Restricted Discretionary Activity in respect to subdivision:

- a. Any subdivision of land within the area shown within the Growth Precinct 4 Structure Plan in Appendix 8.1.

For this activity, the Council has restricted its discretion to considering the following matters:

- Those matters described in Sections 106, 108 and 220 of the Resource Management Act 1991
- The size, shape and arrangement of lots in relation to road frontages, and location of proposed boundaries.
- Provision of water supply and disposal of water, wastewater and stormwater where the design and capacity of any reticulated systems reflect the new and anticipated future demand and requirements.
- The number, location and formation of vehicle crossings.
- The provision of connected street network, with appropriate use of street hierarchy and design type, including the width, length, drainage and formation of access.
- Suitability of proposed lots for subsequent buildings and future use.

- Design and layout of the subdivision, as outlined in the Comprehensive Development Plan submitted as part of the application.
- Provision of a network of cycleways and walkways to the extent that these service the subdivision and wider Growth Precinct 4 and wider Feilding Residential Area.
- Avoidance or mitigation of flood and stormwater hazards, including the assessment of the level of flood hazard risk and what mitigation measures are required such as setback distances, minimum floor levels or specified building platforms.
- The provision of open space networks.
- How the subdivision provides for a building platform and land free from hazard risks while also achieving a permeable surface for all lots.
- Effects on the capacity of Council infrastructure.
- Staging and timing of subdivision development including the provision of infrastructure.
- Positive effects of subdivision.

Performance Standards

- a. Lot Size
 - i. Any subdivision must comply with an average lot size of 600m² for Growth Precinct 4.
 - ii. Any subdivision must ensure lot sizes are sufficient in size to achieve site coverage, outdoor space and permeable surface area requirements for the Residential Zone in Rule 15.4.2.
- b. Access and Road Design
 - i. Access and Road Design and construction must comply with Council Engineering Standards for Land Development. Where common access to eight or more allotments is to be provided, this access must be a new legal road, to be formed to Council standards.
 - ii. Access must comply with the provisions in Rule 3B.4.2 and 3B.4.3.

iii. Roads must comply with the design requirements of Appendix 3B.2 Road Cross Sections.

c. Shape Factor

Each site must be capable of containing an 18m diameter circle.

d. Comprehensive Development Plan

Any development and subdivision must have a Comprehensive Development Plan that demonstrates how the proposal has been designed in general accordance with the Growth Precinct 4 Structure Plan in Appendix 8.1. The Comprehensive Development Plan must demonstrate how the proposal:

i. addresses and ensures that design, layout and servicing is in accordance with the Structure Plan in Appendix 8.1 and does not restrict future development opportunities within the area.

ii. demonstrates a connected internal roading network that facilitates movement demands within the area while also providing a block structure that supports a high quality urban environment.

iii. shows the location, width and design of publicly accessible roads, laneways and accessways having regard to vehicles, public transport, pedestrians and cyclists that are intended to use them.

iv. outlines the servicing required for the development, and ensures suitable sizing of infrastructure to service the wider Growth Precinct.

v. includes a spatial layout plan showing how the development achieves connectivity and integration to the surrounding area.

vi. identifies the location and shape of publicly accessible open space areas, and provides indicative landscape concepts recognising the historical values of the area.

vii. Identifies the location of natural watercourses and overland flow path and how these will be managed.

viii. provides clear reference to:

a. The objectives and policies of the Zone

b. Current and anticipated future built form and uses

c. Anticipated future capacity of the activity area

d. Relationships and connections within Growth Precinct 4.

e. Earthworks

- i. All subdivisions must comply with the provisions in Rules 3D.4.1 and 3D.4.2.
- ii. Existing overland flow paths are maintained and not filled in, dammed or diverted.

Guidance Note: Earthworks, damming and diversion are also regulated by the Manawatu-Wanganui Regional Council and a resource consent maybe required under the rules of the One Plan.

f. Minimum Floor Levels

Any subdivision must identify building platforms that achieve effective protection from the effects of a 0.5% annual exceedance probability flood event (1 in 200 year flood) plus 500mm freeboard.

Guidance Note: Council has a model for stormwater that can be used to assist in determining minimum floor levels for areas within Growth Precinct 4. Liaison with Council's Land Development Manager is recommended.

g. Infrastructure

- i. All cables, including for power and telecommunications must be placed underground.
- ii. All essential infrastructure must be available for connection within 30 metres of the nearest point of the land being subdivided.
- iii. Any subdivision must be connected to reticulated services and be designed and constructed to comply with Council Engineering Standards for Land Development.
- iv. All new essential infrastructure proposed in a subdivision must be located within the road reserve and vested in Council.
- v. Development must only occur in areas where essential infrastructure is available and of sufficient capacity for the subdivision.

Guidance Note: In situations where development is proposed ahead of Council infrastructure investment, Council may enter into agreements with land owners as outlined in the Council Development Contributions Policy around the provision of essential infrastructure.

In determining whether to grant a resource consent and what conditions to impose, the Council will, in addition to the objectives and policies of the Subdivision Chapter and the Residential Zone, assess any application within Growth Precinct 4 in terms of the following assessment criteria:

- i. Whether the subdivision design and layout compliments the diverse character and amenity values of Feilding’s residential area.
- ii. The extent to which the subdivision is designed to provide for the future development of adjoining sites, in accordance with the Growth Precinct 4 Structure Plan in Appendix 8.1.
- iii. How the proposed development and subdivision relates and connects to adjoining sites and areas and whether it enables future staged development and or subdivision of adjoining lots by giving effect to the Growth Precinct 4 Structure Plan in Appendix 8.1.
- iv. The extent to which deviations from the Growth Precinct 4 structure plan will result in an alternative coordinated, comprehensive outcome that will satisfy the objectives and policies for Growth Precinct 4.
- v. The extent to which the proposed layout takes into consideration the shape, orientation and aspects of sections, to create building sites and outdoor amenity areas which have a northward orientation and ability for passive solar gain.
- vi. The extent to which the lot layout will allow new buildings to retain reasonable visual privacy and daylight from adjacent residential properties.
- vii. The extent to which all lots within the subdivision have safe and adequate vehicle access, taking into account the requirements of the access performance standards of Rules 3B.4.2 and 3B.4.3.
- viii. The extent to which natural hazards are avoided or mitigated.
- ix. The degree to which the subdivision design mitigates any likely increases in peak stormwater run-off and peak stormwater flow.
- x. The consistency of the proposed subdivision with relevant subdivision engineering requirements.
- xi. The extent to which stormwater effects are managed, including overland flow paths.
- xii. The extent to which minimum floor levels are assessed and provided for.

- xiii. The extent to which subdivision design and layout gives effect to the Growth Precinct 4 Structure Plan in Appendix 8.1.
- xiv. The degree to which the subdivision provides for the integration of essential infrastructure into the existing Council network in a manner which is orderly, timely and efficient and that facilitates future development and capacity requirements.
- xv. The extent to which Council has the ability to maintain and access infrastructure and services in the future.

Guidance Notes:

1. Earthworks, damming and diversion are also regulated by the Manawatu-Wanganui Regional Council and a resource consent maybe required under the rules of the One Plan.
2. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011) also applies to subdivision and a consent may be required under those provisions.
3. The provisions of the National Environmental Standard for Telecommunications Facilities (2008) apply and resource consent may be required under those Standards. In the event of a conflict between them the provisions of the National Environmental Standard override the District Plan.

8.4.4 Discretionary Activities

The following activity is a Discretionary Activity within Growth Precinct 4:

- a. Any subdivision that does not comply with an average lot size of 600m² in Rule 8.4.3.
- b. Any subdivision that is not in general accordance with the Growth Precinct 4 Structure Plan in Appendix 8.1.
- c. Any subdivision that proposes earthworks to change the ground level that alters the Overland Flow Path or waterbodies shown in Appendix 8.2.
- d. Any subdivision not specifically provided for in this Plan.

In determining whether to grant a resource consent and what conditions to impose, the Council will, in addition to the objectives and policies of the Subdivision Chapter

and the Residential Zone, assess any application within Growth Precinct 4 in terms of the assessment criteria in Rule 8.4.3.

Guidance Note:

1. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011) also applies to subdivision and a consent may be required under those provisions.

Consultation draft

Appendix 8.1 Precinct 4 Structure Plan

To be inserted here when final

Consultation draft

Appendix 8.2 Precinct 4 Overland Flow Paths

insert here

Consultation draft