

# 27 SUBDIVISION

## 27.1 ISSUES

- 27.1.1 Subdivision may lead to a pattern or intensity of development that is unsustainable in the long term, such as:
- i) The visual character of an environment may change through inappropriate scale or intensity of development;
  - ii) Demands for services may be unsustainable by the community in the long term;
  - iii) Levels of effluent or stormwater may be above the capacity of the soils to absorb without impact on adjoining properties and waterways or wetlands; and
  - iv) The volume of traffic on roads and the demand for access to arterial routes may adversely affect the safe and efficient function of these roads and the quality and amenity of the environment.
- 27.1.2 Subsequent development may compromise the amenity values and the quality of the environment in which the subdivision takes place.
- 27.1.3 Adverse effects on adjacent natural areas and outstanding natural landscapes, especially in relation to the introduction of pests (including domestic pets) and removal of indigenous vegetation.

## 27.2 DESCRIPTION OF ENVIRONMENTAL EFFECT

- 27.2.1 Council is responsible for the control of subdivision of land. Subdivision is recognised as an activity under the Act and provision has been made for a separate consent process.
- 27.2.2 Subdivision is a legal process to create legally identifiable parcels of land. Subdivision is defined in the Act to include the sale or lease of land or buildings for twenty years or longer.
- 27.2.3 Part 10 of the Act outlines these provisions.
- 27.2.4 Subdivision consent does not necessarily allow the establishment of an activity or the erection of a building on a newly created allotment. The establishment of such activities is dependent on compliance with the provisions of the Plan or resource consent for a land use being obtained from the Council.
- 27.2.5 Subdivision will be provided for as a permitted activity in limited circumstances. Unless otherwise specified, subdivision shall be considered as a controlled activity. When the performance standards and conditions cannot be met, the subdivision proposal will be treated as a discretionary activity.
- 27.2.6 This means that in most cases each subdivision proposal is considered on a case-by-case basis so Council can place conditions on the subdivision proposal. These conditions of consent are generally outlined under Section 220 of the Act to ensure compliance with the Resource Management Act 1991.

## 27.3 OBJECTIVES

- 27.3.1 To ensure that the process of subdivision promotes the integrated management of the effects of the use, development and protection of natural and physical resources.

- 27.3.2 To ensure subdivision of land occurs in a manner that does not adversely affect the function or capacity of roads and infrastructure services within the district.
- 27.3.3 To promote a pattern of land ownership which enhances opportunities for the sustainable management of natural and physical resources.
- 27.3.4 To ensure that subdivision does not adversely affect indigenous biodiversity or habitats of indigenous fauna.

## **27.4 POLICIES**

- 27.4.1 Require that subdivisions be designed and developed in a manner that will ensure the sustainable management of the land resource.
- 27.4.2 Promote the use of alternative roads, which are not State Highways, for access.
- 27.4.3 Require that each allotment created is suitable for a permitted activity or an activity that has been provided for through a resource consent process.
- 27.4.4 Require potential adverse effects of a subdivision to be avoided, remedied or mitigated.
- 27.4.5 Require all subdivisions to avoid, remedy or mitigate known natural hazards.
- 27.4.6 Subdivision to set aside areas containing resources of significance as listed in [Schedule 1](#), where this is for their long-term protection, conservation lots, and subdivision of land involving utilities, minerals exploration or energy developments, will be assessed as controlled activities.
- 27.4.7 Provide within the subdivision process, consideration of the protection of significant natural resources and heritage resources, and public access to the coast, rivers and lakes.
- 27.4.8 Ensure the provision of roads and utility services (water supply, waste disposal, stormwater runoff facilities, power and telecommunications facilities) do not generate adverse effects on the environment resulting in the costs of such services being met by the wider community.
- 27.4.9 Promote access to significant waterways contained in Schedule 5 (Significant Rivers, Lakes and Wetlands) where useful linkages can be achieved or further developed.

## **27.5 METHODS TO MANAGE ADVERSE EFFECTS**

- 27.5.1 There is a statutory duty on the District Council to administer the process of subdivision consent. Plan rules and standards are therefore necessary to ensure compliance with the Resource Management Act 1991.
- 27.5.2 The rules provide for subdivision as a permitted activity in very limited circumstances and unless otherwise specified subdivision will be a controlled activity except where the performance standards prescribed for the activity cannot be met when a subdivision proposal will be a discretionary activity.

## 27.6 RULES OTHER THAN RESIDENTIAL (MAHIA) AND COASTAL (MAHIA) ZONES

### Permitted Activities

- 27.6.1 The following are permitted activities provided they meet the performance standards for subdivision, and are not located in the Conservation & Reserves or Coastal zones.
- 27.6.2 Subdivision for boundary adjustment purposes.
- 27.6.3 Subdivision of units existing at the date of notification of this plan.

### Controlled Activities

- 27.6.4 All subdivisions that are not a permitted activity but which meet all the performance standards for subdivision, and are not located in the Conservation & Reserves or Coastal Zones.
- 27.6.5 The subdivision of lots for utility purposes. Sites less than 200m<sup>2</sup> in area shall be exempt from the performance standards for subdivision in respect of ‘site suitability’, ‘site services’ and ‘esplanades.’
- 27.6.6 The subdivision of areas containing resources of significance as listed in [Schedule 1](#), where this is for their long-term protection, and of conservation lots (as defined in [Chapter 31](#)).

### Discretionary Activities

- 27.6.7 All subdivisions that are not permitted or controlled activities, or are not able to meet all the performance standards for subdivision.
- 27.6.8 All subdivision in the Coastal Zone and Conservation & Reserves Zone.
- 27.6.9 All subdivision on land identified on Council records as being subject to natural hazards.
- 27.6.10 Subdivision that contains any of the heritage resources listed in Schedules 1, or ‘significant indigenous vegetation and/or significant habitats of indigenous fauna’ as defined in [Chapter 31](#).

## 27.7 PERFORMANCE STANDARDS/CONDITIONS FOR CONTROLLED ACTIVITIES OTHER THAN RESIDENTIAL (MAHIA) AND COASTAL (MAHIA) ZONES

### SITE SUITABILITY

- 27.7.1 Each new lot created shall have noted on the subdivision plans an identified suitable building platform with dimensions of not less than 15 metres by 10 metres unless the proposed lot is being created for a specific purpose for which a building platform is not required.

Explanation:

Each new lot created shall be capable of containing a building, for example a dwelling in the case of land zoned Residential, and/or shall be suitable and appropriate for the activities provided for in the District Plan.

## NATURAL HAZARDS (FLOODING, EROSION, SUBSIDENCE, SLIPPAGE)

- 27.7.2 Each new lot shall have identified whether the land is subject to known natural hazards and if the development is likely to make worse the danger arising from the occurrence of natural hazards, as defined on the planning maps.

Explanation:

Where building development may occur on the lot, then Council reserves the discretion to set minimum floor levels as a condition of subdivision consent. This is to meet the obligation placed on Council under Section 106 of the Act.

- 27.7.3 Each new lot created and the proposed building platform(s) identified will not be subject to material damage, and that subsequent use of the property following subdivision will not be likely to cause, accelerate, worsen or result in material damage to the land, or adjoining land.

Explanation:

Council must ensure that any lot created is not likely to be subject to material damage due to fill previously being placed on the site, by erosion, falling debris, subsidence, or slippage. This is to meet the obligation placed on Council under Section 106 of the Act. Council may require a report from a registered engineer advising on these matters.

## ACCESS

- 27.7.4 All lots shall be provided with legal vehicle access to a public road to standards noted in the district-wide rules for access ([Chapter 24](#)) and [Appendix I](#).

- 27.7.5 Where frontage is available to a State Highway and another road, access shall be provided from the other road, where practicable.

Explanation:

The location, construction and design of entranceways should not create a hazard to users of the road. Compliance with the Council's relevant "Engineering Code of Practice" for access design and construction will be considered a means of compliance with this rule.

All subdivisions involving new or relocated entranceways onto a state highway will be sent to Transit New Zealand. Their assessment will assist the Council in its decision-making.

## SITE SERVICES

- 27.7.6 All lots shall be provided with adequate supply of potable water and water for fire fighting purposes, power and telephone, provision for the disposal of sewage, effluent and waste, and provision for the disposal and control of stormwater.

Explanation:

Site services should be able to be provided to a lot to enable a range of land uses to be carried out. An adequate supply of water is necessary for domestic and/or stock use. This may be provided through a reticulated system or evidence shall be provided that each lot is capable of being provided with water supply.

Council would expect to receive written confirmation that power and telephone services can be supplied from the relevant agencies.

Where there is no reticulated system, the disposal of sewage into the ground can have adverse effects. The Council will determine the area of land that is adequate for each allotment created for the disposal of sewage effluent after treatment, based on the assessment of effects and evidence provided by the applicant, and the Council's separate assessment of the land. Compliance with Hawke's Bay Regional Council rules for new

domestic sewage systems, including greywater disposal, will be considered a means of compliance with this rule in this respect.

## RESOURCES OF SIGNIFICANCE

- 27.7.7 Where any land to be subdivided includes areas or values of known significance provision should be made for protection. These areas and values include those listed in [Schedule 1](#) and also areas defined as 'significant indigenous vegetation and/or significant habitats of indigenous fauna' (as defined in [Chapter 31](#)).

Explanation:

Council wishes to ensure resources of significance are recognised and suitably protected at the time of subdivision. Where new titles are created a consent condition could be placed on the title. Other conditions could also be imposed.

## ESPLANADES

- 27.7.8 Where land being subdivided has a common boundary with the sea, estuary, lake, river or stream with a bank to bank width equal to or greater than 3 metres, and any of the lots in the subdivision will be equal to or less than 4 hectares in area, then an esplanade reserve or esplanade strip of up to 20 metres may be created to vest with the District Council (particularly those listed in [Schedule 5 – Significant Rivers and Lakes](#)).

Explanation:

The preservation of the natural character of the coastal environment including the coastal marine area, wetlands, and lakes and rivers and their margins, and their protection from inappropriate subdivision, use and development together with the maintenance and enhancement of public access to and along coastal marine areas, lakes and rivers are matters of national importance, for which the Council is responsible.

An esplanade reserve or an esplanade strip has one or more of the following purposes:

- (a) to contribute to the protection of conservation values;
- (b) to enable public access to or along any sea, river or lake; and
- (c) to enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river or lake, where the use is compatible with conservation values.

## ROADS

- 27.7.9 The design and formation of roads shall be to a certified standard where the roads are proposed to be vested in Council before Council will accept ownership.

Explanation:

New roads created to a subdivision should be of a similar standard and design to other public roads. Compliance with Council's relevant 'Engineering Code of Practice' for road design and construction will be considered a means of compliance with this rule.

## HIGH VOLTAGE TRANSMISSION LINES

- 27.7.10 Where the subdivision of land creates new allotments within an area measured 20 metres either side of the centre point of an electrical transmission line designed to operate at or above 66kV, provision shall be made for the continued protection of the line.

Explanation:

Because of the potential adverse effect that utility structures may have on visual amenity, the potential adverse effects that residential encroachment may have on the integrity of the utility structure, and the reasonable protection of the public from live transmission lines in the

event of an emergency resulting in line failure, Council will consider imposing conditions to address the following matters:

- i) the separation distance between the trees and conductors, with particular reference to the location and mature size of trees planted near transmission lines;
- ii) subdivision design and building platform orientation, making allowance for the location and visual impacts of transmission lines; and
- iii) measures necessary to ensure that health and safety risks can be avoided, remedied or mitigated.

## 27.8 ANTICIPATED ENVIRONMENTAL RESULTS

- 27.8.1 Land uses that follow from the grant of subdivision consent that do not compromise the sustainable management of the district's natural and physical resources.

## 27.9 RULES – RESIDENTIAL (MAHIA) AND COASTAL (MAHIA) ZONES

### Controlled Activities

- 27.9.1 All subdivision within the Residential (Mahia) Zone provided it complies with 18A.8 and 27.10 Performance Standards for Residential (Mahia) Zone.
- 27.9.2 All subdivision within the Coastal Mahanga Policy Area that complies with 15A.8 and 27.10. Rule 27A.1.4(c)(i) shall not apply to any such subdivision where every lot created has an area outside of the CERZ that meets the performance standards in 15A.8 and 27.10.
- 27.9.3 Subdivision around land use activities subject to resource consent from the Wairoa District Council.
- 27.9.4 Subdivision for boundary adjustment purposes.

**Advisory Note: The undertaking of some of the activities noted above may require resource consent, or written approval as an affected party, from Hawke's Bay Regional Council.**

### Discretionary Activities

- 27.9.5 All subdivision within the Coastal (Mahia) Zone provided it complies with [Sections 15A.8](#) and 27.10 Performance Standards for the Residential (Mahia) & Coastal (Mahia) Zones.
- 27.9.6 Subdivisions listed in [Section 27A.1.4](#).

### Non-Complying Activities

- 27.9.7 Subdivisions not listed as Controlled, Discretionary or Prohibited or that do not meet 27.10 Performance Standards for Residential (Mahia) & Coastal (Mahia) Zones.

### Prohibited Activities

- 27.9.8 Subdivisions listed in [Section 27A.1.6](#).

## 27.10 PERFORMANCE STANDARDS/CONDITIONS FOR RESIDENTIAL (MAHIA) AND COASTAL (MAHIA) ZONES

The following performance standards are applied to the Residential (Mahia) and Coastal (Mahia) Zones as well as to the Coastal Mahanga Policy Area and are in addition to [Performance Standards 27.7](#).

### MINIMUM LOT SIZE

27.10.1 Coastal (Mahia) Zone (other than the Coastal Mahanga Policy Area): Minimum lot size of 4.0ha.

Coastal Mahanga Policy Area: Minimum lot size of 5,000m<sup>2</sup>.

Residential (Mahia) Zone: Minimum lot size of 800m<sup>2</sup> (where reticulated wastewater services are available), 1,000m<sup>2</sup> (where reticulated wastewater services are not available)<sup>1</sup>.

### SITE SUITABILITY

27.10.2 Council may require a report, including certification from an appropriately qualified person(s), stating that the land is suitable for the development proposed or the activities anticipated in the zone, and may include the conditions under which development will be appropriate.

Conditions or information required may include (but is not necessarily limited to):

- (a) Certification that each building area is free from flooding or inundation, erosion, subsidence and thermal ground;
- (b) Matters related to slope stability, foundations of structures, major earthworks including access tracks and roads;
- (c) Ground water table levels;
- (d) Earthquake fault lines or other seismic hazard;
- (e) For contaminated sites, a report on the extent and likely effect of the contamination on the proposed activity, including any off-site effects that may occur as a result of disturbance or development of the site.

The report shall set out the facts relating to the investigation together with test results and other data on which recommendations are based;

- (f) Council may refuse to approve a subdivision or resource consent or in approving the proposal, impose appropriate conditions to avoid high probabilities of accelerated erosion, land slip, flooding or subsidence, or increased adverse effects resulting from contaminants on the site; and

- (g) An assessment of the suitability of the site for on-site domestic wastewater disposal.

See also [Section 27A Coastal Hazards](#).

Explanation:

Each new lot created shall be capable of containing a building and shall be suitable and appropriate for the activities provided for in the District Plan.

Note: In the case of developments within the CHEPA the report produced will be made available to Hawke's Bay Regional Council.

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<sup>1</sup> Note: The maximum dwelling density is one dwelling per 800m<sup>2</sup> of the net site area for serviced lots or one dwelling per 1000m<sup>2</sup> for unserviced lots

## SITE SERVICES

### 27.10.3 General

All lots shall be provided with adequate supply of potable water and water for fire fighting purposes, and power, provision for the disposal of sewage effluent and solid waste, and provision for the disposal and control of stormwater in accordance with NZS 4404:2004 (and any subsequent version) to ensure that:

- Potential future uses in the catchment are able to be served;
- The level of service provided by existing utility services is not compromised; and
- Adverse effects on existing infrastructure are minor.

Council requires that all lots that cannot connect to Council's reticulated services be independently served until a supply becomes available. Once services are made available properties are required to connect.

**Explanation:**

Site services should be able to be provided to a lot to enable a range of land uses to be carried out.

Where reticulated services are provided by agencies other than the Wairoa District Council, the Council would require written confirmation that those services can be supplied.

### 27.10.4 Water Supply

- (a) An adequate reliable safe and efficient supply of potable water including adequate fire protection shall be provided to all new lots or proposed developments;
- (b) In land being subdivided or developed that lies within an area served by a Council water supply, the water reticulation and water supply for fire fighting purposes shall be provided by the developer to the subdivision in such a manner as to enable each lot to be connected to the Council supply system;
- (c) Land being subdivided or developed that lies outside of an area serviced by Council water supply an alternative source shall be utilised until Council supply system is developed. When a council system is developed the subdivision or development are required to connect; and
- (d) In areas not served by a reticulated Council water supply, the water supply installed (including, but not necessarily limited to, roof water and/or bore water shall be to a standard that enables the pressure and quantity required for fire fighting to be maintained.

**Note:** Guidance should be obtained from the New Zealand Fire Service in determining the suitability of the supply.

**Explanation:**

Site services should be able to be provided to a lot to enable a range of land uses. An adequate supply of water is necessary for domestic use and fire fighting purposes. This may be provided through a reticulated system or evidence shall be provided that each lot is capable of being provided with such a supply.

### 27.10.5 Sewage Disposal

- (a) Land being subdivided or developed that lies within an area served by a Council Sewerage Scheme the property shall be reticulated and connected to that scheme by the developer;
- (b) Land being subdivided or developed that is not able to be serviced by a Council Sewerage Scheme shall either be serviced by:

- (i) a decentralised wastewater treatment and disposal system constructed by the developer; or
- (ii) an individual onsite wastewater system; or
- (iii) on-site holding tanks in accordance with the requirements of the Hawke's Bay Regional Council (HBRC).

Should a resource consent from HBRC be required for the discharge it shall be applied for by the developer when lodging subdivision consent and then transferred to the owner of the new lot.

Where relevant, a copy of the resource consent allowing the discharge of contaminants from the proposed no-reticulated wastewater system, shall be provided to the Wairoa District Council prior to approval of subdivision pursuant to Section 224 of the Resource Management Act, 1991; and

- (c) Any disposal or treatment areas located off-site, other than to Councils owned systems, shall be protected by easements.

27.10.6 Stormwater

- (a) Domestic stormwater soakage systems must be able to be located landward of the CERZ; and
- (b) Over land flow paths shown on the stormwater plan shall be protected by easement from building encroachment.

Note: Earthworks and the placement of domestic stormwater soakage systems within the CHEPA are matters for which HBRC is the consent authority and may require resource consent from that authority.

27.10.7 Works & Network Utilities

Utility services shall be provided in accordance with Council's standards.

Services located within a State highway require the written permission of Transit New Zealand.

Services located within railway premises require the written permission of the New Zealand Railways Corporation.

27.10.8 Roads

The design and formation of new roads created by subdivision or development shall be to a standard not less than that specified by Council's Engineering Code of Practice. Roads to vest in Council shall be certified as being to this standard or of a higher standard before Council accepts ownership.

## OTHER DISTRICT WIDE RULES

27.10.9 All activities must also comply with the rules contained in the following chapters of this Plan (where relevant):

- Cultural Heritage ([Chapter 22](#));
- Indigenous Vegetation and Habitats of Indigenous Fauna ([Chapter 23](#));
- Access and Parking ([Chapter 24](#));
- Surface of Water ([Chapter 25](#));
- Subdivision ([Chapter 27](#));
- Coastal Hazards ([Chapter 27A](#)); and
- Information Requirements ([Chapter 28](#)).

Note: activities associated with the construction and maintenance of utilities are provided for in [Chapter 26](#).

### Cross References:

Part B – Resource Management Strategy

Part C – Land Management Zones and Rules

Part D – District Wide Rules

- [Chapter 23](#) – Indigenous Vegetation and Habitats of Indigenous Fauna
- [Chapter 24](#) – Access and Parking

Part E – Applying for Resource Consent

Planning Maps

### Other References:

Relevant Wairoa District Council: Engineering Code of Practice