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## Section 9: Subdivision

### 9.1 Introduction

The subdivision process is a necessary part of land development to ensure that the allotments created by subdivision are suitable for their anticipated use. Its principal feature is that it produces a framework of property rights and land ownership which assists subsequent development, activities and conservation. Importantly, it also provides the framework for the provision of essential services such as roads, water supply, sewage disposal, energy, telecommunication, stormwater and trade waste systems.

Future patterns of land use are strongly influenced by the subdivision process, in turn having a significant role in determining the character and associated amenity values of the environment. Increased subdivision often leads to increased levels of activity and density of built development, particularly in an urban context, and the associated increases in traffic generation and demand for services. It can also increase the risks associated with the potential exposure to natural hazards, and can affect wider environmental values associated with landscape, vegetation, and other significant natural and cultural features. The economy of the District is heavily dependent upon agricultural activities, which rely upon access to productive soils as well as unrestricted use of the land. Soils are a finite resource and Council intends to protect them from development and, rural activities from the effects of reverse sensitivity by enforcing a policy of urban consolidation. However, it is recognised that Council needs to provide a choice of living environments and has provided for growth and diversity through extension of the residential zones. Growth can then be contained preventing urban sprawl and dwellings being scattered across the rural area, whilst recognising that not all future development will be undertaken within the residential zones.

The design of subdivision and the resultant pattern of lots and related infrastructure have a critical influence over the character and general quality of the environment. The Council is keen to ensure subdivision design is responsive to its context, and that the application of design principles enables innovation and flexibility towards producing attractive and functional outcomes.

Subdivision also has an important role in managing growth occurring within the District, including the extent to which settlements develop and expand. Expansion of urban settlement into surrounding rural areas requires careful management as resultant land development can impinge on the ability of rural activities to utilise the natural resources of the District for primary production and other purposes. It also has a role in ensuring compatibility of activities, which in Ashburton District can be most challenging at the interface of residential land use with some industrial and rural activity.

Very often a critical determinant of whether land development proceeds is the availability of infrastructure, either existing or proposed. As the subdivision process is typically the mechanism to ensure essential services such as water supply, stormwater disposal, wastewater systems, roads and reserves are provided, it needs to ensure the suitable provision of such services to protect existing investment and avoid adverse effects on the environment. Increases in the demand on existing systems are often gradual until a maximum capacity is reached and upgrade or extension of

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infrastructure is needed. Ensuring development meets the majority of costs of additional demand for upgrading, connecting or providing new infrastructure is facilitated through the collection of contributions, either as financial contributions under the Act or development contributions under the Local Government Act.

Contributions can also be sought to avoid, remedy or mitigate other potential effects of development, including requirements for landscape planting or protection of significant trees and other vegetation. Esplanade reserves and strips are a form of contribution provided for under the Act and involve the setting aside of land at the margins of the sea and significant water bodies. The purposes of setting this land aside are varied and include facilitating public access, natural hazards mitigation, water quality management and the protection of natural values and habitats. Esplanade reserves tend to be preferred and apply where land is to vest in public ownership, whereas esplanade strips enable private ownership to be retained.

## 9.2 Issues

### 9.2.1 Effects on Natural Character and Amenity Values

Subdivision has the potential, if not designed sensitively, to adversely affect the character of an area. Character can be derived from the landscape, vegetation patterns, the pattern of the existing built environment, density of buildings, open space, or the type of development and associated infrastructure. For example the character of the High Country with its landscapes and dominance of natural features differs from that of an industrial area with a denser type of development often typified by large buildings with associated infrastructure. These characteristics are closely linked to amenity values, for example in the High Country the landscapes and relative absence of development create a feeling of spaciousness and tranquillity compared to an industrial estate where amenity values may be considered to be lower due to noise and traffic volumes. Subdivision has the potential through subsequent development to change the character of an area by altering the landscape, density of development and thereby also affecting its associated amenity values. That change is usually as a consequence of the altered pattern of land use activities which tends to follow subdivision.

In the rural areas, the character and visual amenity values of the landscape can be significantly influenced by the patterns of development that often result from more intensive subdivision and development of the land. Changes arise as a result of additional structures, including fences, dwellings and farm buildings; the construction of roads and tracks; the undertaking of earthworks for buildings and for access; and the different vegetation patterns and farming practices. Rural landscape values and visual amenity can be affected by changing views, the sense of spaciousness and tranquillity, and vegetation patterns. The extent of any change and subsequent effects will depend on factors such as the size, number and location of new allotments and the alignment of their boundaries.

In urban areas, the pattern of land use and design of a subdivision can also significantly affect the visual and general amenity of an area. Factors such as the size and shape of new allotments; road layout and width; nature and location of areas of public open space; and nature of tree plantings in the open space and roads; are important in determining the environmental effects of a subdivision

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and the overall quality of the environment. Subdivision and land development can result in increasing amenity conflicts between new and established land uses, especially in urban situations where the resultant intensity of development is often greatest.

Subdivision, particularly of land titles into smaller properties, and the subsequent development, can result in adverse effects on important nature conservation values. This can be as a result of the more intensive, or altered, nature of the land uses that follow the subdivision and change of ownership / tenure, resulting in drainage of wetlands and building in previously undeveloped areas. Landscape values and natural character qualities also can be impacted by activities triggered by subdivision and development, therefore assessment is necessary to retain the values of important areas such as the coastline and high country areas, including their comparatively undeveloped nature.

Fragmentation of areas of important indigenous vegetation and habitat can also increase the difficulty of negotiating protection mechanisms over the land at a later date. However, the stage of subdivision also provides an opportunity, when boundaries and ownerships are being altered, for negotiation as to possible long-term protection mechanisms that can be put into place.

Retention of values inherent in environmentally or visually sensitive areas, or sites of historic or cultural significance can be secured through negotiation and implementation of protection mechanisms such as covenants, bonds or caveats; or vested to council as reserve contributions or esplanade reserves. Similarly, conservation covenants or other agreed instruments can enable environmentally sensitive land to be retained in its current state and ownership.

### 9.2.2 Subdivision Design

Through the subdivision consent process the Council wants to ensure suitability for the anticipated use of the subdivided land and that the change that is brought about will be generally consistent with the environmental outcomes sought for the particular area. Accordingly, not only do the physical characteristics of the land need to be generally suited for the intended use, but the outcomes of the subdivision and any new allotments created should be able to accommodate land use that is able to comply with the environmental standards of the District Plan. This is most likely to be achieved through good design that is responsive to the site context and the specific characteristics and qualities of the location.

The layout of a subdivision is a fundamental part of achieving good design, as it sets the foundations for future development. Many of the outcomes sought for the various zones within the District have a close relationship to the intensity of development arising from subdivision.

In the Business and Open Space Zones the primary focus is on providing for the efficient use of land by encouraging a variety of development opportunities, while also ensuring servicing, traffic and other effects are addressed.

The size of new allotments in Residential and Rural Zones is a much more critical factor in achieving the desired environmental outcomes. For residential areas, site dimensions too are an important factor, where densities of built development are comparatively high and the potential for smaller sized lots to compromise the desired character and amenity of these areas is greatest. Setting minimum area standards in the rural areas of the District is also an effective way of managing the

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potential for adverse effects on rural productive activities and the natural environment. Protection of the productive basis to the District's rural environment and broader economy is a critical aim of the plan and therefore these standards in the rural areas especially are seen as important minimums below which the circumstances of any proposal would have to be considered exceptional.

Outside of these general areas more specific subdivision design standards apply in areas such as the Aquatic Park Zone and the Ashburton Business Estate, reflecting site specific characteristics and previous approvals.

Many subdivisions do not include landscaping and development of streets and this can result in barren roads with little to soften their impact, this can also reflect on future development. The provision of street trees, particularly in Ashburton (Kapuka) where existing residential areas have street trees provides an attractive living environment whilst allowing the subdivision to integrate with the surrounding environment. Cul-de-sacs create dead-ends that reduce accessibility to other parts of the subdivision and can create an 'enclosed' feeling once developed. There is often a dominance of vehicular transport with little consideration for pedestrians and cyclists. This is to be avoided.

The overall aim in terms of subdivision design is to provide landowners and communities with a level of certainty and to facilitate innovative and creative subdivision outcomes in support of achieving the objectives of the District Plan and sustainable management of the resources of the District.

### 9.2.3 Servicing

Subdivision provides the timing and framework for provision of infrastructure:

#### Potable Water

There are 14 potable water supply systems located at: Ashburton (Kapuka), Methven, Rakaia, Hinds (Hekeao), Lake Hood, Mount Somers, Methven/Springfield, Fairton, Chertsey, Upper Hakatere, Mayfield (Te Puke Tai), Dromore, Montalto and Winchmore: sourced primarily from groundwater (9 schemes) and surface water (5 schemes). Elsewhere, households obtain potable supplies from other sources such as private community schemes, private wells, stockwater races and rain water tanks.

Water quality in Ashburton (Kapuka) is high while most of the District's water supplies provide water of a satisfactory quality. Water supplies in most areas are adequate for the needs of the communities serviced, but there is relatively little information known about private schemes, where water quality is likely to be variable.

The main issue is compliance with standards in the Health (Drinking Water) Amendment Act 2007. Compliance with this Act is staged over 5 years from 1 July 2009-2013 depending on the number of people served by a system/scheme. However the Drinking Water Standard is being reviewed with regard to changes to compliance criteria for schemes serving less than 500 people, and this could have significant implications for some of the District's smaller supplies.

Many of the District's drinking water schemes come under pressure in the summer months leading to various degrees of restrictions, pressure issues and occasionally water quality problems. The Council uses hosing restrictions to manage peak demand along with an active leak detection

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programme. Council is also investigating the use of off-peak pressure reduction to further reduce water loss from leakage.

Works undertaken since 2006 have improved security of supplies, resolved capacity issues, improved water quality and resilience of some schemes. The Council intends to carry out further capital works during 2009-19. Council has also budgeted for the construction of drinking water reticulation from the existing Ashburton (Kapuka) network to service the low density residential area to the north east of town in 2012-13, as well as a capital renewals programme that will replace or upgrade existing assets.

Subdivision developers may provide water reticulation within their development that meets Council standards and requirements, as within the Aquatic Park Zone. This asset is then vested in Council and becomes part of the Council's water network. Alternatively, the developer pays Council a financial contribution to pay for an upgrade or extension of the water reticulation: this may be for works that are yet to be undertaken or be a contribution towards work Council has already undertaken to facilitate development.

### Stormwater

Ashburton (Kapuka) has the only significant piped storm water system within the District, and offers the only system where stormwater from private dwellings may be discharged to the kerb and channel. Very limited networks are provided in Methven and Rakaia and these only provide for the drainage of roadways. There is no centralised stormwater system in the other towns, villages or rural areas, where most stormwater is discharged from properties to natural water courses or soakage pits.

The current reticulated systems discharge down gradient to various watercourses and to land or the Ashburton (Hakatere) River. Although generally speaking, the stormwater systems are variable in age and efficiency, they are limited in their ability to cope with rainfall events and additional capacity is required. Flooding of land downstream can occur during significant rainfall events; as well as stormwater entering the wastewater network, resulting in occasional overflows from that network onto roadways and private property.

The other main issues are that Council currently does not have any discharge consents and relies on existing use rights. The requirements under the Proposed Natural Resources Regional Plan (PNRRP) could potentially have a major impact on stormwater activity, and it is expected that additional costs will be incurred complying with future consent conditions. Furthermore, the Canterbury Regional Council's management of rural drains and waterways which flow through urban areas, such as Carters Creek and Lagmhor Creek in Tinwald may affect the Council's ability to use these as stormwater drains.

There are also increasing community expectations regarding expected levels of flood control and increasing demand for new stormwater connections to kerbs and channels in Methven and Rakaia (and potentially elsewhere), as well as pressure from developers to provide satisfactory stormwater outfall points to service their developments.

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The Council has undertaken to produce an Ashburton Urban Stormwater Strategy (AUSS) which will set an approach for sustainable stormwater management in the Ashburton Urban area for the next 25 years. The strategy will define targets to: minimise flooding; protect receiving environments; meet PNRRP requirements; and promote best practice solutions, while allowing further growth and land development to occur in accordance with agreed development programmes. The strategy will also outline, at an overview level, investigative works to be completed over a three year period (2009/10 – 2011/12). To date no work programme has been completed, and it is anticipated that works will not begin until 2012.

No capital renewal projects are planned for the next 10 years. Currently the only planned new capital works are the stabilisation of Wakanui / Mill Creek banks, new pipeline in Ashburton (2012-19) and gross pollutant traps in Ashburton (Kapuka).

No financial contributions are currently taken for stormwater as each subdivider is anticipated to provide stormwater retention and treatment on-site. The stormwater assets i.e. basins and pipeline are then vested in Council.

### Wastewater

Council provides three community-based wastewater schemes in Ashburton (Kapuka), Methven and Rakaia. Elsewhere in the District, properties dispose of wastewater by other means, typically single property septic tank systems.

Although in a reasonable state of repair and if maintained and renewed appropriately expected to last indefinitely, the networks have high infiltration and storm water inflow during significant rain events, resulting in occasional overflows from the network onto roadways and private property. Capacity issues affect the ability of the reticulation network to cater for future growth.

The Ashburton (Kapuka) wastewater treatment system has recently been upgraded to increase capacity and significantly improve the quality of wastewater effluent discharged to the environment. Treated wastewater is now discharged to land at Ocean Farm on the south bank of the Ashburton (Hakaterere) River, and used to irrigate a cut and carry stock feed venture run by the Council. However, pipelines will continue to be replaced. There are no significant issues relating to treatment and disposal in Methven and Rakaia.

Consultation with communities has revealed considerable desire and support for wastewater schemes, although the cost of developing such schemes and a limited number of users may be restrictive in most cases.

Further work is planned in assessing effects of stormwater infiltration on the wastewater network and on identifying appropriate responses to improve the ability of the wastewater network to function effectively during rainfall events.

Development Contributions are charged for new connections to the wastewater schemes in Ashburton (Kapuka) and Methven. Subdivision developers may provide wastewater network reticulation within their development that meets Council standards and requirements. This asset is then vested in Council and becomes part of the Council's water network. Alternatively, the

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developer pays Council a financial contribution to pay for an upgrade or extension of the wastewater network reticulation and this may be used for works that are yet to be undertaken or be a contribution towards work Council has already undertaken to facilitate development.

### Trade Waste

Trade waste is disposed of into the public sewers and will continue to be managed through consents under the Trade Wastes Bylaw

### Power/Electricity

Electricity Ashburton is a cooperatively owned company that controls the distribution of electricity in the Ashburton District. The company looks after 16,800 line connections, 2,852 km of network lines and services over an area of around 3,500 km<sup>2</sup>. Its principal activities are the development, operation and maintenance of the electricity network including overhead and underground high voltage lines and substations.

The provision and extension of electricity transmission can bring an 'urban' look to the rural areas as pylons and lines criss-cross the countryside in increasing numbers. These types of infrastructure have the potential to adversely affect views and the character of the landscape by imposing man-made features on the natural environment. This applies particularly to the High Country with its outstanding landscapes but also the extensive views of the High Country obtained from the Plains.

It is therefore proposed that all new lines will be located underground within Residential, Open Space or Business Zones and within the Residential and Commercial Areas of the Aquatic Park Zone. In sensitive areas such as geoconservation sites or above the Altitudinal Land Use Line (900metres above sea level), this is not possible due to the topography therefore consent will be required for all new lines so any potential adverse effects can be assessed. There has been concern raised about poles being left after lines have been removed and again, it is intended to control this through rules in the District Plan (Section 14: Utilities, Energy and Designations).

There are also aspects of safety with regard to lines over private property especially agricultural land where there is the potential for entanglement with machinery. As well as the placement of poles close to junctions and the road reserve. It is intended to manage these matters through rules in the District Plan to ensure the safety of the community as well as protecting amenity values.

Developers of all new subdivisions are required to contact Electricity Ashburton directly to discuss the feasibility and costs of connecting to their network.

### Telecommunications

Telecom New Zealand is the main provider of telecommunications in the Ashburton District, alongside Vodafone who provide mobile phone services as well as internet services. As discussed above with regards to electricity transmission, the same issues apply with regard to masts, lines and poles, and these will also be controlled by rules in the District Plan. However telecommunications are also provided by other types of connections such as fibre optic cables.

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All new subdivisions are required to contact a telecommunications provider directly to discuss the feasibility and costs of connecting to their network.

### Roading

Roads within subdivisions and that provide links to the existing network are always provided by the developer. The District Plan provides standards for accesses, cul-de-sacs and right of ways that the developer will need to comply with. All roads are then vested in Council. Where upgrades are required to the existing road network a financial contribution is required to be paid to Council.

### Lifelines

While the location of a subdivision in areas least likely to be affected by natural hazards is of prime importance, infrastructure installed at the time of subdivision needs to avoid or reduce the risk of exposure to natural hazards that would interrupt the service.

### Open Space / Reserves

Overall Ashburton District has an ample amount of reserves held as public open space and recreation areas: the Council has responsibility for 86 parks and reserves throughout the District. Most settlements and rural areas of the District are adequately provided for with such land, particularly large domains and active sports areas. Within Ashburton (Kapuka) town most areas are within reasonable walking distance of public open space and recreation areas, including schools, although there are a few areas, which are lacking in a neighbourhood reserve or where the neighbourhood reserve is of insufficient size.

As land continues to be subdivided and developed for housing, there will be a need to provide additional land for neighbourhood reserves, as play areas, open space and plantings. These will be needed within new subdivisions or in areas where infill housing development is occurring with the redevelopment of existing sections to higher housing densities and the current provision of reserves is insufficient. Lack of provision for additional neighbourhood reserves in such circumstances will result in adverse environmental effects, such as lack of visual relief and space for larger scale plantings in the built environment and lack of readily accessible outdoor areas for local play and leisure, particularly for those less mobile people - the elderly and families with small children. The taking of contributions towards public open space and recreation areas, as communities expand, is a means of avoiding such adverse effects.

The Council has developed a Neighbourhood Open Space Strategy to plan, coordinate and link land taken for reserve purposes at subdivision. The intent is to provide for an attractive community environment, through the provision and development of neighbourhood open space, in which people can participate in active and passive activities, and to achieve an equitable distribution of neighbourhood open space throughout the urban environment. To meet these objectives, new subdivisions are required to provide land for the purposes of open space or alternatively a cash contribution so that Council can purchase land for development as open space or upgrade nearby facilities.

Esplanade reserves are taken for a variety of reasons; to create access along waterways to provide for pedestrian movement and to enhance visual amenity within urban environments as well as

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providing access for maintenance as along Wakanui / Mill Creek. The setting aside of public reserves along the banks of lakes and rivers has the functions of providing for public access and waterfront activities, protecting nature conservation values of the margins, and maintenance of water quality and aquatic habitats. Other means available under the Act - provision for esplanade strips or access strips - may be sufficient to provide for public access along and to waterbodies, but may be less effective in protecting the natural values of such areas. The District Plan can also be used to implement rules to control the effects of activities, which are likely to adversely affect the natural values of the margins of lakes, rivers and the coastal marine area.

#### 9.2.4 Hazards

Land that is or could potentially be affected by hazards may not always be suitable for subdivision and the Council is obliged under section 106 of the Act to decline consent to any subdivision in circumstances where natural hazards cannot be avoided, remedied or mitigated. In Ashburton District the main natural hazards relate to erosion of the coastline and surface flooding across parts of the plains. However other hazards can also occur in relation to landslip, rockfall, alluvion, avulsion, unconsolidated fill, subsidence and contamination.

The Canterbury Regional Council has identified and set Hazard Lines along the Region's coastline. The identified land within that hazard area is at high risk of erosion by the sea and therefore cannot support development or significant infrastructure without undue risk to life or property. The majority of the affected areas only support rural activities with little built development. However, there are implications for development within the hut settlements at Rakaia, Hakatere and Rangitata, as a number of huts are located within the hazard lines.

Inundation due to overtopping or overland flow also presents risk to parts of the District. While a range of protective measures (e.g. stopbanks) have been developed to assist in managing the risk of such events, some areas remain at high risk such that subdivision and consequent land use is to be controlled (e.g. through setting minimum floor heights), or subject to protective mechanisms such as covenants or esplanade reserves.

Other possible hazards are more likely to affect steeper land within the District and generally relate to erosion and subsidence, although subdivision and development is less likely to occur in these upland areas. Equally other areas may be known or discovered to suffer contamination issues, or be the subject of unconsolidated fill. Site investigation prior to subdivision often highlights these issues and in some cases, they can be managed through remediation or limitation on future development.

Importantly, any hazard mitigation measures need to be sufficient to adequately overcome the hazard and not of themselves lead to unacceptable adverse effects on the environment.

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## 9.3 Objectives and Policies

Attention is drawn to the Zone Objectives and Policies which may apply in addition to any relevant Subdivision Objectives and Policies. These provide guidance on the existing and intended character and amenity values of the zones.

|              |                   |
|--------------|-------------------|
| Rural        | (Refer Section 3) |
| Residential  | (Refer Section 4) |
| Business     | (Refer Section 5) |
| Aquatic Park | (Refer Section 7) |

### Objective 9.1: Effects of Subdivision and Development

To ensure that subdivision and associated development maintains and enhances amenity, character, and natural and visual qualities of the environment, while enabling the effective and efficient use of land.

#### Policy 9.1A

Encourage and facilitate innovative design that enables subdivisions to connect with, reflect and enhance the surrounding environment, as well as creating desirable places to live, work and enjoy.

#### Policy 9.1B

Ensure that the size, shape and location of the boundaries of allotments is compatible with the physical characteristics of the site including the underlying topography.

#### Policy 9.1C

Ensure that subdivision avoids or mitigates adverse effects on significant nature conservation values, takata whenua values, water quality, and sensitive environments such as identified landscapes, geoconservation sites, heritage and cultural sites, as well as general amenity values.

#### Policy 9.1D

Set a minimum allotment size in Rural A and B Zones to:

- protect the rural resource and productive activities by requiring:
  - sufficient distance between existing and potential residential dwelling sites and rural activities, and vice versa,
  - a low density of development.
- retain the amenity valued by the community provided by the rural character of openness and low density of development but also acknowledging that the Rural A Zone has an historic pattern of smaller allotments than the Rural B Zone.

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**Policy 9.1E**

Protect the coastal environment by ensuring subdivisions are suitably designed and located to avoid effects on amenity values and its open, natural and spacious character, whilst minimising any risks associated with coastal erosion and inundation.

**Policy 9.1F**

Protect nature conservation values and the landscapes of the Rural C Zone by ensuring that subdivisions are suitably located and of an appropriate size, avoiding development on ridgelines and other prominent locations; that the boundaries of allotments are compatible with the underlying topography and that indigenous vegetation is protected.

**Policy 9.1G**

Ensure a diversity of residential environments by providing for a range of allotment sizes in urban areas, with the highest densities of residential development being close to the existing town centres of Ashburton (Kapuka), Methven and Rakaia, and associated services and facilities, supporting accessibility, convenience and the efficient functioning of infrastructure including a reduction in the number of trips generated.

**Policy 9.1H**

Promote a consolidated urban form in managing growth consistent with:

- protecting the productive potential and operational requirements of uses of the District's rural areas;
- achieving effective and efficient provision and use of infrastructure, including essential services and transport links;
- ensuring a scale and intensity of development consistent with other requirements of the Plan; and
- maintaining and enhancing neighbourhood qualities, character and amenity values reflecting community expectations.

**Policy 9.1I**

Provide for flexible subdivision in business areas recognising diversity of operational requirements, changing and historical contexts, and the need to provide for the efficient use of land resources and their infrastructural capacity.

**Policy 9.1J**

Ensure the provision of open space, whether as land that is of a suitable nature, size and shape or a cash equivalent or combination of both, for the purpose of providing open space / recreation reserves to meet the recreational needs of the residents of the subdivision.

**Policy 9.1K**

Require tree planting and landscaping in formed road reserves to be vested in Council as part of the subdivision process, in order to enhance the quality of the District's residential and business zones.

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**Policy 9.1L**

Encourage the retention and improvement (i.e. planting) of natural open waterways to provide for the sustainable disposal, attenuation and treatment of stormwater.

**Policy 9.1M**

Encourage the protection of significant trees and areas of vegetation and wetlands, through the use of covenants, and take esplanade reserves, to provide public access to rivers, streams, and lakes, protection of riparian margins and water quality, access for maintenance of waterways, and limited flood protection for adjoining properties.

**Policy 9.1N**

Ensure where land contains a heritage building and/or protected tree, that the proposed shape, size and location of the allotment boundaries minimises adverse effects on any significant relationship between the land surrounding the building and/or protected tree and the values of the resource.

**Policy 9.1O**

Ensure that, through the implementation of appropriate procedures within the Council's administration, all subdivision proposals in the vicinity of recorded archaeological sites are notified to the Historic Places Trust, in order to enable the implementation of the archaeological authority provisions under the Historic Places Act 1993.

**Policy 9.1P**

Minimise the likelihood of damage to future properties and infrastructure by ensuring that subdivision is either subject to mitigation measures, or avoided, in areas subject to risk from flooding (including inundation from the sea), subsidence or slippage.

**Policy 9.1Q**

Ensure that any measures taken in relation to the mitigation of natural hazards do not adversely affect the character and amenity values of an area, do not affect natural processes and do not cause in themselves further remediation works to be undertaken.

**Explanation and Reasons**

Policy 9.1A: Subdivision and development of larger parcels of land provides the opportunity for developers to express innovation in such matters as roads, layout, the pattern of allotments and the provision of open space linkages. A reasonable degree of flexibility is allowed for in subdivision design, particularly those involving larger sites, making a comprehensive approach to planning subdivision possible. Such opportunities are particularly likely in green field subdivision developments, where land has been identified as suitable, or rezoned for lower density Residential D development. The Council seeks proposals which display innovative design, provided such design is consistent with ensuring amenity values within the subdivision and surrounding areas. This may apply to such matters as road design and layout, the shape and size of allotments, orientation of allotments and energy efficiency, protection of views, and the open space network and linkages that may be achieved within and beyond the subdivision.

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Policy 9.1B: The form and design of subdivisions should be guided by the physical characteristics and topography of a site and configuration and the size of allotments should provide for potential building platforms to be located as to minimise effects on views, ridgelines and other prominent features in the landscape.

Policy 9.1C: In all subdivision, adverse effects on the District's most sensitive environments should be avoided or mitigated. Such environments include those of high nature conservation value, sites of significance to takata whenua, such as wahi tapu, riparian and wetland areas, and sites or features of recognised heritage value.

Policy 9.1D: Council will discourage residential subdivision in the rural areas because of the costs and effects of servicing new development. Dispersed patterns of development can significantly add to the cost of providing essential services particularly where a relatively small number of properties are being served by a lengthy extension of services. This may ultimately have considerable cost implications for the community which may give rise to additional unplanned demand for services in the general vicinity. This situation can often arise as a cumulative effect of inappropriate subdivision patterns.

The standards in this Plan have set minimum allotment sizes at a level that reflects the intended character of the rural areas as well as recognising the different purposes of the Rural A and B Zones. Subdivision in Rural A and B has the potential to adversely affect productive activities by reducing the area of land available for agriculture, and potentially creating reverse sensitivity effects whereby farming activities are limited due to nearby residential activities. The character of the rural area can also be affected by subdivision as the spaciousness and vistas are diminished due to development, roads and infrastructure, to a level not anticipated by rural communities. In the Rural B zone, the minimum allotment size means that the land can support a dwelling, accessory buildings and agricultural activities as well as being some distance from neighbouring development and retain the spaciousness of the zone. It is considered that the density of development directly impacts on the landscape values of the Plains. Whilst not outstanding like the High Country, the value of the Plains lies in the low density of development within a patchwork of fields. It is important to manage this landscape to ensure amenity values are maintained and that land can be used for agricultural uses.

Policy 9.1E: The coastal environment is an important part of the District and has its own distinct character, being a spacious and natural environment. It is also affected by natural processes such as coastal erosion and inundation. It is important that any subdivision seeks to minimise future risk from any natural process as well as recognising the existing character of the coastal environment.

Policy 9.1F: In the Rural C Zone, subdivision needs to reflect the character of the area with its wide open spaces, topography and vegetation patterns. Council will seek to protect any indigenous vegetation within a proposed subdivision through the use of covenants or other legal instruments. Boundaries should follow topographical features and avoid ridgelines, and other highly prominent/visible areas such as hillsides that may be viewed from wide areas. Council considers that subdivision in this zone would need to be carefully managed and a landscape assessment undertaken to determine potential effects on the environment, as well as determining servicing requirements and any effects of overhead lines, pumping stations or water take structures.

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Policy 9.1G: In the urban areas of the District, subdivision will follow the density pattern of existing residential areas, although it is proposed to provide for higher density living environments close to Ashburton (Kapuka) and Rakaia town centres, where residents can access goods and services. This is to provide for single persons, couples, and the elderly who may wish to live close to services without large areas of outdoor living space to maintain. In Rakaia, it is particularly to provide for townhouse developments for those wishing to relocate from rural or semi-rural locations into the town.

The majority of the settlements will provide for medium density housing where residents anticipate sections that can support a family-sized dwelling and open space which has access to sunlight as well as room for landscaping. The urban fringes will provide for low density living for those seeking a large site with space for a dwelling and sufficient open space for activities or buildings such as a stable block. Each area has a distinct character and amenity values that will be maintained through the subdivision standards.

Policy 9.1H: The Council is seeking to consolidate future growth within existing settlements and provide for higher density living around town centres, services and infrastructure. This policy provides for the protection of the important rural resource, both existing and future potential uses, and seeks to guide future growth of residential areas within the residential zones. The Council has provided for such growth through the extension of the residential zones and it is considered that this will be sufficient for the next 10 years. Although, the Plan does recognise that there will be some circumstances, including personal choice whereby people will wish to subdivide in the rural zones. The policy also seeks to provide for the maintenance of amenity values associated with the residential areas of the District by ensuring a certain density of dwellings and provision of services.

Policy 9.1I: Subdivision within the business zones of the District are not subject to any minimum allotment sizes to provide for flexibility as business requirements vary greatly from small scale retail to industrial processing plants. As such it is important to provide for this flexibility as well as acknowledging the different business environments, for example the town centres, the Ashburton Business Estate and the traditional business zones in the District's settlements.

Policy 9.1J: Open space is an important feature of the District's residential areas and Council considers that public open space should be readily accessible by all residents. As such, all residential subdivisions must provide open space whether through the provision of land within the subdivision or as a cash equivalent, so Council can provide a reserve nearby, purchase a lot within the subdivision to retain as open space or upgrade parks or reserves in adjoining areas. The size of the reserve is dependent upon the number of allotments being created, but the size and shape of any reserve land must be suited to safe and pleasant recreational use.

In the context of this section, open space refers to land available for public use and enjoyment throughout the year, it does not mean any land that is undeveloped. This means that a required stormwater basin that may be empty of water for much of the year cannot be considered as open space. Stormwater reserves are often of a gradient and design that does not provide for recreation nor are they appropriate for use all year round. Likewise roads, pavements and other service/infrastructure areas can not be considered as open space.

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Policy 9.1K: Roads are to be planted with trees to enhance the amenity values of subdivisions in residential and business zones, and to assist in mitigating the visual effects of new development, as well as maintaining the character of the District, with its tree lined avenues and streets. Such tree planting and landscaping needs to be consistent with council policy guides on roadway development. Any landscape development on land that will vest to the council, such as roadways and reserves, must be carried out in a manner that the Council will accept responsibility for when completed.

Policy 9.1L: Council supports the use of natural waterways for the disposal of stormwater as they can be visually attractive and generally provide an opportunity for enhancement through suitable landscape treatment. The preservation of natural systems is also ecologically and environmentally more acceptable. However, there are constraints upon the volume of water that can be disposed of through the use of some waterways such as Wakanui / Mill Creek. It may be that due to infill subdivision and greater demand for stormwater disposal, the Council may seek to find alternative methods to dispose of stormwater particularly within the urban areas. The Council has undertaken to produce an Ashburton Urban Stormwater Strategy, which will set an approach for sustainable stormwater management in the Ashburton Urban area for the next 25 years and it is considered that this will inform any future consideration of stormwater disposal.

Policy 9.1M: The taking of esplanade reserves, including along Wakanui / Mill Creek and Carters Creek, will provide for the protection of riparian margins as well as providing access to water ways and water bodies for maintenance, and the public. Public access to waterways and lakes provides for recreational activities such as walking and fishing; as well as providing limited flood protection for adjoining properties. In addition, esplanade reserves provide access to waterways for maintenance such as clearing of weeds in riverbeds and bank stability works.

Policies 9.1N and 9.1O: It is important to ensure, where possible, that the subdivision pattern does not artificially divide and create difficult management circumstances for areas of land containing important heritage items, whether these are structural or natural features such as a building or a tree. Accordingly, the subdivision of land should be undertaken in a way which specifically identifies, and where necessary excludes, such areas from parcels of land that are intended for more intensive land use practices.

The land surrounding a heritage item can often be very important in retaining its integrity and value. Any subdivision of that land needs to be undertaken in a way which avoids adverse effects on the heritage values of the item. Conditions attached to subdivisions may be imposed in situations where they can achieve the protection of significant heritage items and natural resources as part of the subdivision process. Consent from the Historic Places Trust may also be required where archaeological sites are involved and the Council will ensure that the appropriate information is passed to the Trust.

Policies 9.1P and 9.1Q: There are areas within the District, which because of the risk of natural hazards including flooding, erosion, subsidence or slippage, are unsuitable for development, or require specific measures to be undertaken to overcome these hazards. The Council has an obligation under Section 106 of the Act to decline consent to any subdivision in areas where these hazards cannot be avoided, remedied or mitigated, in addition to ensuring that any mitigation

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measures are in fact adequate to overcome the hazard. It is also necessary to consider the effects of the mitigation measures themselves which may also create adverse environmental effects.

**Objective 9.2: Providing for Servicing of Subdivisions**

To ensure the provision of the necessary services to subdivided allotments in anticipation of the likely use of land, while managing adverse effects on the environment and beyond the subdivided land.

**Policy 9.2A**

Provide safe and efficient vehicle access to all properties in subdivisions by controlling the width and number of rights of way and cul-de-sacs.

**Policy 9.2B**

Provide for pedestrian and amenity linkages within new subdivisions and to the surrounding area that are designed to consider usability, safety and the principles of Crime Prevention Through Environmental Design (CPTED).

**Policy 9.2C**

Require that all new lots be provided with a means of connection to a reticulated potable water supply system, where such a system is available, or alternatively can be supplied from a bore or community supply, and ensure that water supplies are of a sufficient capacity and a potable standard, and there is capacity and sufficient water pressure for fire fighting requirements.

**Policy 9.2D**

Ensure disposal of stormwater in a manner which maintains or enhances the quality of surface and ground water, as well as avoids inundation of land within or beyond the subdivision.

**Policy 9.2E**

Ensure that anticipated development is provided with a connection to a reticulated sanitary sewer system, where such a system is available, or onsite or stand alone communal treatment systems can be installed, subject to any discharge consents required from the Canterbury Regional Council, whilst avoiding or managing adverse effects on the environment, in particular the contamination of ground water.

**Policy 9.2F**

Ensure that in the Residential and Business Zones adequate provision is made for the supply of reticulated energy and communication facilities and that the method of reticulation is appropriate to the amenities of the area.

**Policy 9.2G**

Require that provision is made for trade waste disposal upon subdivision of land for anticipated industrial use whilst managing any effects on the environment such as protection of surface and

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groundwater quality and contamination of soils, transportation of wastes and the effects of truck movements on adjoining properties.

### **Policy 9.2H**

Ensure that any subdivision in the Ashburton Business Estate (Business E Zone) is developed in accordance with the Outline Development Plan and a Structure Plan for the area to ensure the internal layout of the business estate achieves comprehensive, connected and co-ordinated development and traffic movement from the Estate uses appropriate connections to the wider transport network.

### **Policy 9.2I**

Encourage the use of outline development plans where large areas of land are to be rezoned or redeveloped, whether by Council or a developer, to provide a level of certainty for the community as to connections to the local road network, layout, location and area of open space.

### **Explanation and Reasons**

Policies 9.2A and 9.2B: Council expects that adequate access will be provided to each property within any subdivision. It will limit the number of properties that can be accessed from a road to ensure the safety of users. This is particularly important on cul-de-sacs where the number of vehicles using the roadway and visitor parking can adversely affect residents' safety and increase noise levels. Cul-de-sacs also create dead-ends that do not provide for connectivity, increasing walking distances across subdivisions and encouraging vehicle use rather than pedestrian activity. But it is recognised that cul-de-sacs do provide quieter residential environments because they do not carry through traffic. The issue of connectivity can be addressed through design of access for walking and cycling. Linkages both within and beyond subdivisions are crucially important to ensure connectivity, especially for pedestrians and cyclists. The location, design and layout of such connections should consider the safety of users of these spaces.

Policy 9.2C: The subdivision of land is often followed by intensification or changes in land uses that subsequently increase the demand for water usage. Where the proposed subdivision creates new allotments, and where the users will require water for human consumption, then that supply must be potable and reliable. In addition, where life and property needs to be protected, ready access to sufficient water supplies must be available for fire fighting purposes. Often, this requires upgrading existing water supply systems, or finding and securing new sources of water such as bores or extractions from rivers; although, it is noted that individual wells run higher risks of contamination.

Policy 9.2D: Stormwater needs to be attenuated, treated and disposed of, while considering adverse effects both within the subdivision and on the surrounding area. It is expected that the subdivider will provide stormwater attenuation and treatment within the proposed subdivision, either through the use of stormwater basins, wetland areas and/or natural waterways. In some instances, neighbouring subdivisions may choose to jointly deal with the disposal of stormwater and this can have positive effects such as a better designed system that has a higher attenuation rate and is able to treat stormwater to a higher standard. However, all stormwater systems must be designed to cope with demand created by the subdivision as well as extreme rain events that may result in

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flooding. Any system must not result in the inundation of neighbouring properties from surface flooding or the overtopping of waterways.

Policy 9.2E: Disposal and proper treatment of sanitary sewage is a matter of vital importance. This is particularly significant in terms of the protection of the quality of the surface and ground water and that of receiving waters.

In Ashburton (Kapuka), Methven and Rakaia where density of development precludes individual disposal systems, it is a Council function to provide sewage treatment and reticulation ensuring a safe means of disposal of the large quantities of urban sewage, treating it and discharging the waste water. In some instances, a subdivision may require an upgrade to that system in terms of new connections or an increase in pipe capacity. In the Residential D Zone around Ashburton (Kapuka), residential units will be expected to connect to the Council system. This provides for better environmental outcomes as sewage will be properly treated and there will not be numerous individual septic tanks, which can potentially contaminate surface and ground water as well as soils. In the small villages and rural areas, care must be exercised to ensure the individual treatment plants can be located on site without adversely affecting surface or groundwater and can comply with the Canterbury Regional Council's requirements.

Policy 9.2F: The supply of electric power and telecommunications to all sectors of the community can be regarded as essential services. The provision of reticulated supplies will of necessity involve reticulation systems which can be above or below ground, as well as (in some cases) substation structures.

The widespread use of electric power means a provision of power lines and their associated structures. With appropriate planning, adverse effects of overhead lines can be mitigated to a certain degree. For all new properties in the residential, business and open space areas; provision of new reticulation is required to be by underground reticulation. The much higher cost of underground reticulation is recognised, and is not required in all rural areas where environmental and economic considerations may be differently balanced. In addition, the provision of new lines underground in the rural areas would be extremely expensive due to the distances between dwellings and settlements, and within the High Country, the topography and geology may be more suited to overhead lines.

Policy 9.2G: Subdivision for new industrial activities has to anticipate trade waste disposal needs which are often much higher than most other land use activities. The storage of trade wastes on site can create a potential hazard for ground and surface water quality as well as soils. Furthermore, the need to transport wastes can increase truck movements to and from a site. Council will therefore consider the need for appropriate on-site storage facilities, and potential adverse effects on the surrounding environment and nearby residential properties, where applicable.

Policy 9.2H: For large land areas being developed, such as the Ashburton Business Estate, it is appropriate to require a comprehensive structure plan. Such structure plan(s) can assist in avoiding ad hoc or uncoordinated development, managing adverse effects on the surrounding environment and ensuring that a higher level of internal amenity within the business estate is delivered.

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Policy 9.21: Council considers it appropriate that outline development plans are required for all proposed future rezoning of land or deferred zonings whether for residential or business activities. Outline development plans provide some certainty to the community, Council and future developers as to road layout, connections to existing roads, stormwater design and other features such as pedestrian walkways.

### **Objective 9.3: Sustaining Infrastructure Development**

To develop and maintain a system of servicing infrastructure where the costs of the additional provision of services or their upgrading necessitated by development and subdivision is met by the subdivider.

#### **Policy 9.3A**

Require contributions of land and/or cash towards public open space from residential subdivision to provide for the following:

- additional neighbourhood parks needed as a result of additional household and visitor accommodation growth across the District; and
- additional open space needed for visual relief and plantings amongst the built environment; and
- the development of new, and upgrading of existing, neighbourhood parks and local open space to a level at which they are useable and enjoyable; and
- the development of new, and upgrading of existing walkways, pedestrian linkages and cycleways.

#### **Policy 9.3B**

Take land, instead of cash contributions towards public open space, from subdivision only where the land will meet the following requirements for public open space:

- the land is suitably located to its user population, and well distributed where more than one space is provided, depending on the function of the land;
- the land is suitably sized and is able to accommodate its likely or intended use;
- there is insufficient other usable land serving the same or similar function within the same area or the capacity of such other areas is insufficient to absorb additional use;
- the land provides essential linkages or potential linkages for walking tracks or cycleways;
- the land plays an important role in providing open space and plantings as visual relief from a built or highly developed environment and/or in protecting valued landscapes and/or views or historic and cultural values of significance;
- the proximity of the land to river margins, lake shores, wetlands or the coast and its role in providing for public access to or along such waterways, for waterside activities, for the protection of the natural values of the water margins and the maintenance of water quality and aquatic habitats.

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### Policy 9.3C

Use cash contributions received from subdivisions towards provision of public open space and recreation areas, for the following purposes:

- to purchase land for neighbourhood parks in areas where there are existing or potential deficiencies in the provision of local parks;
- to plan, design and develop neighbourhood and District parks to a level at which they are usable and enjoyable for children's play, recreation and for visual amenity with trees, shrubs and garden plantings;
- to obtain and develop neighbourhood walking and cycling linkages;

### Policy 9.3D

Ensure that the provision and cost of any necessary additional water supply, sewage disposal, stormwater, and/or roading infrastructure, and the upgrading of existing infrastructure, is paid for by either the subdivider or the Council, where appropriate, in accordance with amounts or methods specified in the Long Term Community Council Plan.

### Explanation and Reasons

The basis for the reserve contribution is the additional, actual or potential demand anticipated for recreational and open space land consequent to subdivision and development - that is, its "effects" in terms of land use intensification. Contributions are not to be imposed as a tax on development, but can be in the form of land or cash, based upon the average value of all of the residential lots. There will be no differentiation between forms of tenure (such as cross lease and other types of subdivision) with the emphasis being on the effects of subdivision in terms of potential household units. This will result in infill developments being placed on an equivalent footing to greenfield subdivisions.

The use of contributions by way of cash at the time of subdivision will assist the Council in acquiring further reserves to improve the availability of these or to improve and maintain the quality and facilities of existing recreation and open space areas. These new or improved recreation areas and facilities will serve the people who will be housed in the new subdivisions or developments. The Council will seek cash contributions, where appropriate, in order to avoid acquiring unnecessary public land which becomes a maintenance burden for the Council without providing recreational and open space benefits to the community.

Council anticipates that when new connections are required to a council-provided service that the subdivider shall be expected to at least partly fund such works. However, the Council may act as a banker, initially paying for the upgrade or extension of pipe networks until such time as it can recover these costs from future land owners.

The provision of services within a subdivision is a cost recoverable from the sale of allotments and where a subdivision also creates a demand for upgrading services outside of the subdivision, the Council is justified in recovering some of the costs attributable to the subdivision itself. As such, financial contributions for water supplies, waste water, and roads will be taken under the Long Term Community Council Plan (LTCCP).

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## 9.4 Anticipated Environmental Results

- A pattern of subdivision consistent with planned density, roading patterns and open space requirements appropriate in residential environments.
- Maintenance of amenity standards and the quality of the environment, particularly natural features.
- Increased innovation in subdivision design that achieves positive outcomes.
- Protection of significant trees or features.
- Safe, convenient access and vehicle crossings to and from subdivided allotments.
- Enhanced and extended patterns of vehicular, cycle and pedestrian linkages.
- Water supplies which are sufficient in volume, quality and pressure to meet potable and fire-fighting needs.
- Adequate disposal of stormwater, sewage and trade wastes.
- Retention and enhancement of natural drainage systems.
- Adequate provision for energy supplies and telecommunications.
- Cost effective provision of services for redevelopment and growth without additional financial burdens on District ratepayers.
- Continued provision of esplanade reserves to provide for public access, maintenance of waterways and limited flood protection of adjoining properties.
- Protection of property from flooding, erosion or subsidence.

## 9.5 Methods of Implementation

### Through the District Plan

- Rules requiring financial contributions towards public open space and recreation areas whenever subdivision occurs for residential purposes.
- Rules requiring the setting aside of esplanade reserves where the subdivision occurs of allotments adjoining lakes, rivers and estuaries; and where any subdivision occurs adjoining the High Country lakes.

### Long Term Council Community Plan (LTCCP)

- Financial contributions for the provision and upgrading of services: water supply and waste water.
- To continue to maintain and develop a wide range of open space and recreational areas and facilities within the District;
- To use financial contributions received for public recreation and open space to acquire and develop land for such purposes.

## 9.6 Reasons for Rules

### 9.6.1 Allotment Dimensions

Allotment dimensions are specified to ensure that, in residential areas in particular, allotments are of a shape that permits some flexibility in placing a complying building on-site at a later stage. The

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minimum frontage requirement in the Rural Zones is intended to ensure that each property has an adequate width along the road to enable crossings for stock and agricultural machinery from roads which are generally subject to open road speed restrictions. It also retains the 'rural' aspect of development with a site being dominated by open space and not buildings. Un-serviced allotment dimensions must also ensure that the requirements for separation of water supply bores and septic tanks contained in the Proposed Natural Resources Regional Plan are achievable on the proposed allotments. No minimum dimensions or frontage widths are required for allotments for access, utilities, reserves and roads to enable flexibility to respond to specific circumstances.

### 9.6.2 Esplanade Provision

The Act (Section 229 onwards) contains specific provisions which place an onus on the Council to make provision for esplanade reserves along all lakes, rivers and the coast when subdivision is undertaken. This provision is partly to enable the public to gain access to these areas for recreation and general enjoyment and also to assist in the protection of the natural character and values of these areas. Furthermore, esplanade reserves provide for access to waterways for maintenance purposes as well as providing some flood protection to adjoining properties.

Although Wakanui / Mill Creek and Carters Creek are, for some their lengths, less than the width for which the Act requires esplanade reserves to be set aside, the Council considers that their natural, visual and drainage values within Ashburton (Kapuka) justify requiring esplanade reserves along their length. The rules for the Rural Zones relating to riparian areas provide additional protection to the values of these areas and are considered by the Council to be the principal means of protecting nature conservation values along riparian margins in rural areas.

There is no requirement for the provision of esplanade reserves within the Aquatic Park Zone due to the nature of this as a specific development established around artificial waterbodies. The lake within the zone is an artificial structure designed to provide for specific forms of water based recreational activities. Lake users will therefore have access to the lake and its margins in the manner envisaged under the esplanade reserve provisions. Also the canals are a means of providing water borne access from the lake to the associated residential areas. It is considered that, in the interests of privacy, the public should not have foot access to the banks of these artificial waterways.

### 9.6.3 Sanitary Sewage Disposal in Residential D Zone (Ashburton)

This rule seeks to ensure that all allotments less than 1 hectare in area in the Residential D Zone at Ashburton (Kapuka) shall connect to and be served by the public wastewater reticulation and treatment system

This is intended to ensure the protection of groundwater and the health of the community. Requirements under the Proposed Natural Resources Regional Plan of the Canterbury Regional Council also mean that allotments of 1 hectare or less are unlikely to be large enough to contain a septic tank, and comply with separation distances from tanks or wells on adjoining properties.

### 9.6.4 Earthworks

Earthworks, although often temporary in nature, have the potential to adversely affect amenity values, and create nuisance effects such as dust and noise associated with machinery and the

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removal of soil from sites. In addition, sediment runoff, particularly after a significant rain event, can affect water quality and biodiversity. As such, it is Council's intention to control earthworks as part of a subdivision where this can affect specific sensitive areas.

Subdivisions often require substantial earthworks to create level building platforms, roads and lay pipes and lines for utility connections. Although, Council has chosen not to control earthworks in the Residential Zones generally, the scale of earthworks required for most subdivisions is such that adverse effects may occur and some specific control is necessary. Any filling of ground that could affect future building platforms or infrastructure must be recorded and provided to the Council to mitigate the risk to future intended uses.

Earthworks associated with subdivision activities also have the potential to cause impacts on sensitive areas (landscape values, geoconservation sites and significant nature conservation areas). These should be avoided or minimised wherever possible.

### 9.6.5 Outline Development Plans

Outline Development Plans are intended to manage development within certain defined areas.

The Aquatic Park zone provides for a specific form of development as set out in the Outline Development Plan and coordinated around the lake and canals. The Racecourse Avenue and Lochhead developments were specifically designed according to site constraints and these are set out in the applicable Outline Development Plans. The Trevors Road development provides for residential development with a range of densities whereas the Redmond development provides for low density housing around a central area of open space. The Village Green development provides for an area of residential cluster development. Compliance with the Outline Development Plans is necessary to ensure that the form and layout of development is consistent with that intended for the land.

### 9.6.6 Allotment Sizes and Boundary Adjustments

In the rural areas, the minimum lots sizes have been set to protect the productive use of the land, and to ensure development can be located sufficiently distant from farming activities to minimise reverse sensitivity effects. The size of the allotments also reduces the probability of a new settlement or clusters of housing being developed thus protecting the productive soils of the District for future agricultural activities. The Council, as discussed in the Rural Section, consider that the primary purpose of the rural area is to provide for agricultural activities and seek to protect the soils from unsuitable development. A policy of consolidation of urban areas and protection of rural areas is sought. The Lake Hood Storage Park scheduled activity has a minimum allotment size of 6000m<sup>2</sup> in order to give effect to the established activity on a separate certificate of title if required.

The minimum area requirements for Residential Zones reflect a balance between a need for urban consolidation and the protection of character and amenity. In general, the lot size aims to maintain the character of previous development and enable a variety of complying development. The allotment sizes are intended to protect the rural resource by providing for a range of living densities within the urban areas. New higher density residential development is enabled within Ashburton

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(Kapuka) in the Residential A zone with no minimum allotment size. These reasons also apply to the Residential Areas of the Aquatic Park Zone.

The larger minimum area for unserviced lots is required to enable sewage to be adequately collected and disposed onsite.

No standards have been included for the Business or Open Space Zones or in the Commercial Area of the Aquatic Park Zone or for access, utilities, roads and reserves, to allow the assessment of any particular proposal in terms of the likely use of the land.

The provision for the subdivision of allotments containing Areas of Significant Nature Conservation Value listed in Appendix 3-2 or Heritage Items listed in Appendix 12-1 recognises that separate ownership of the sites may be necessary for, or enhance opportunities for, long term protection of these sites.

Further subdivision of the hut settlements is currently not feasible as a result of a combination of factors at each of these settlements; including significant risks from natural hazards, sewage disposal limitations, lack of space within the areas zoned for residential activities, and a need to protect the natural character of their coastal or lakeside settings. If further land is zoned for residential purposes and all other matters can be addressed then it may be possible to subdivide land within the hut settlements.

Further subdivision in the townships of Barrhill and Lauriston is limited as a result of a number of factors, namely the lack of availability of public services such as water supply and sewage disposal; the established subdivision pattern which will provide adequate opportunities for further development; the desire to maintain the open character of the townships; and the need to protect the historical form and character of Barrhill.

The provisions for vacant parts of approved cross-leases or unit titles provides for reasonable expectations for future development to be met provided that any adverse effects on the surrounding environment are avoided, remedied or mitigated. This provides for situations where the remaining vacant area may now be smaller than the new minimum subdivision standards for allotments in Residential Zones.

The boundary adjustment provisions recognise that the effects of limited alterations are minor provided no additional allotments are created. The rule seeks to control the extent and location of boundary adjustments such that inappropriate situations are not created or increased pressure on resources or the rural productive areas created.

### **9.6.7 Flooding and Overland Flow of Water**

Potential for river break-outs, overland flows and stormwater ponding can affect dwellings and infrastructure risking injury, death or loss of assets. Areas known to be at risk of flooding should be avoided for subdivision as the subsequent development of that land would not be sustainable. Requirements for minimum floor heights above calculated flood water depths on buildings are ensured through zone based rules, but do not remove the need to avoid high risk areas.

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### 9.6.8 Water Supply

To ensure that a safe and adequate supply of potable water is available, all allotments in or adjoining areas with Council reticulated water supplies will be required to connect to such supplies. The assessment matters enable the consideration of the adequacy of water supply provision on any subdivision for reasons of public health, convenience and efficient use of supply infrastructure. Council has adopted New Zealand Standard 4404:2004 Land Development and Subdivision Engineering and compliance with this standard will be treated as a minimum by the Council. The onus is on the developer to prove that adequate, potable water can be provided to any future development.

### 9.6.9 Sanitary Sewage Disposal

The subdivision rules on sanitary sewage collection, treatment and disposal complement the Canterbury Regional Council's controls which have the purpose of protecting the quality of ground and surface water. In the settlement areas where Council reticulated collection, treatment and disposal systems are available the subdivision rules require that all lots be provided with a means of disposal, being a minimum diameter piped outfall connection to the Council system. Council has adopted New Zealand Standard 4404:2004 Land Development and Subdivision Engineering and compliance with this standard will be treated as a minimum by the Council. Because subdivisions in rural areas do not necessarily involve residential use and because there are few reticulated disposal systems, requirements for sanitary sewage disposal in other areas will be implemented through building consents.

### 9.6.10 Service Layout

To prevent subdivision of unserviceable allotments and purchase of allotments by people who subsequently find that they cannot connect to essential services. The layout/locations will be indicative only and subject to change as the subdivision is developed.

### 9.6.11 Energy Supply and Telecommunications

The rules require that as a minimum all allotments, other than in Rural and Open Space Zones, have the ability to connect to an electric supply and telephone system. This requirement ensures that services expected by subsequent owners will be available. In addition, the adequacy of the standard of energy and telecommunications installations and their co-ordination can be ensured by conditions on the subdivision.

### 9.6.12 Roads and Utilities

Refer to the Transport and Utilities Sections.

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### 9.6.13 Provision for Open Space and Recreation

The subdivision rules require a financial or land contribution to be made to the Council to provide for the open space and recreation requirements of the people who will live in newly created subdivisions. The purpose of these rules is to maintain or improve the availability and quality of open space and recreation areas within the District as subdivision occurs for residential purposes. The adverse effects of household growth which will be avoided by the taking of such contributions are:

- a lack of local neighbourhood parks in new subdivisions;
- an inadequacy of local neighbourhood parks in areas with growing numbers of units/townhouses, where infill housing and redevelopment is taking place; and
- lack of visual amenity from local and District parks in areas where new subdivision is occurring.

Some contribution is also necessary to ensure that new open space areas can be developed to a useable state.

All contributions to the Council can be in land and/or cash and any land purchases for reserves negotiated with the Council are to be in accordance with the Council's policy for land acquisition.

### 9.6.14 Ashburton Business Estate

Ashburton Business Estate represents an extension of the urban area. It adjoins land zoned for Residential D Zone purposes where there are established residential homes. In addition, the Ashburton Business Estate introduces business traffic patterns and volumes into a rural area. The layout of roading, activities, landscape treatments and connections for pedestrians and cyclists are therefore of importance in ensuring adverse effects on surrounding areas, and traffic distributions on roading safety and hierarchy are avoided, remedied or mitigated and also that the zone has a higher standard of amenity as a Business Estate.

The Ashburton Business Estate will have three main access points as identified in Appendix 5-2A. All subdivision must connect via internal roads to access these three main accesses to the zone. These access points ensure appropriate transport distribution to the external transport network.

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## 9.7 Rules – Subdivision

### 9.7.1 District Wide Rules

Attention is drawn to the following District-Wide Rules which may apply in addition to any relevant Zone Rules. If any one or more of the District-Wide Rules apply, the activity may require consent in respect of those rules.

|  |                    |
|--|--------------------|
| Transport                                    | (Refer Section 10) |
| Noise  | (Refer Section 11) |
| Heritage Values and Protected Trees          | (Refer Section 12) |
| Signs  | (Refer Section 13) |
| Utilities, Energy and Designations           | (Refer Section 14) |
| Relocated Buildings and Temporary Activities | (Refer Section 15) |
| Hazardous Substances                         | (Refer Section 16) |
| Definitions                                  | (Refer Section 17) |

### 9.7.2 Permitted Activities

This Plan does not provide for any form of subdivision activity as a permitted activity. Even relatively straightforward subdivision proposals require assessment and may require conditions being imposed to address matters such as access arrangements, and the provision of infrastructure and essential services, such as for the supply of water and capture and disposal of wastes.

If compliant with standards contained in the Plan, subdivision is a controlled or restricted discretionary activity, but is otherwise a discretionary or non-complying activity.

### 9.7.3 Controlled Activities

- a) **Any subdivision** in the Open Space Zones, Business Zones or for utilities. Control is reserved over the following matters:
- The staging of development and timing of works
  - Allotment size, dimensions and orientation
  - Roads, access, vehicle crossings and street lighting
  - Esplanade provision, other reserves provision, and related access
  - Natural hazards avoidance or mitigation
  - Water supply, storage and treatment
  - Stormwater capture, control and disposal
  - Sanitary sewage disposal
  - Trade waste disposal
  - Energy supply and telecommunications
  - Easements and other service arrangements
  - Site contamination remediation
  - Building location and orientation
  - Managing construction effects
  - Provision for fire fighting and managing associated risk

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- 
- Effects on historic heritage and on resources of significance to Takata Whenua, including waahi tapu sites and waihi taoka
  - Effects on areas identified as having landscape, nature conservation or geoconservation value
  - Design and location of utilities
  - Financial contributions, bonds, payments and other guarantees
  - Any relevant assessment matters
- b) **Earthworks** limited to a maximum volume of 5,000m<sup>3</sup> on any one site per annum. Control is reserved over the following matters:
- The location and scale of earthworks
  - Effects on visual amenity and outlook from surrounding areas
  - The duration of the earthworks and hours of operation
  - Site management i.e. control of dust and runoff
  - Whether any materials will be transported from the site and potential effects on the road network i.e. truck movements
  - Effects on sensitive environments; including areas of significant nature conservation, heritage, landscape, geoconservation or cultural value, or riparian areas.
  - Any relevant assessment matters

#### 9.7.4 Restricted Discretionary Activities

- a) **Any subdivision** in the Residential Zones, Rural A and B Zones, and Aquatic Park Zone. Council shall restrict its discretion to those matters listed under Controlled Activities above and those listed below:
- Overall subdivision design and layout including connectivity and linkages (both within and beyond the subdivision)
    - Land and/or Facilities for Open Space and Recreation
    - Vegetation protection, landscape treatment, and effects on landscape and visual amenity values
- b) **Earthworks** greater than 5,000m<sup>3</sup> on any one site per annum, in the Open Space Zones, Business Zones or for utilities.

#### 9.7.5 Discretionary Activities

- a) **Any Activity** which is listed as a Controlled or Restricted Discretionary Activity, which does not comply any of the General Standards shall be a Discretionary Activity.
- b) **Any Subdivision** in the Rural C Zone.
- c) **Any subdivision** of any site within all zones, which contains a Heritage Item listed as Group A or B in Appendix 12-1 and shown on the Planning Maps.
- d) **Any subdivision** within areas identified as High Hazard flood risk.

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**9.7.6 Non-Complying Activities**

- a) **Any Activity** which is listed as a Controlled or Restricted Discretionary and which does not comply with any of the Critical Standards shall be a Non-Complying Activity.
- b) **Any Activity** which is listed as a Discretionary Activity and which does not comply with any of the General and Critical Standards shall be a Non-Complying Activity.
- c) **Any subdivision** within Barrhill or Lauriston
- d) **Any subdivision** in the Residential B Zone at Lake Clearwater, or the Hakatere, Rakaia, and Rangitata Hut Settlements
- e) **Any subdivision** to create allotments in the Ashburton Business Estate that does not comply with the provisions of the Outline Development Plan
- f) **Any subdivision** of allotments additional to that permitted within the area defined by The Village Green Outline Development Plan.

**9.7.7 Notification / Consultation / Notes**

Resource consents in relation to the following matters shall not be publicly or limited notified:

|                                      |                        |
|--------------------------------------|------------------------|
| Esplanade Reserves or Strips         | General Standard 9.8.1 |
| Property Numbering and Street Naming | General Standard 9.8.2 |
| Allotment Dimensions                 | General Standard 9.8.3 |
| Esplanade Provision                  | General Standard 9.8.4 |

Resource consents in relation to the following matters shall not be publicly notified:

|  |                         |
|--|-------------------------|
| Sanitary Sewage Disposal – Residential D | General Standard 9.8.5  |
| Water Supply                             | Critical Standard 9.9.4 |
| Sanitary Sewage Disposal                 | Critical Standard 9.9.5 |
| Indicative Plan                          | Critical Standard 9.9.6 |
| Energy Supply and Telecommunications     | Critical Standard 9.9.7 |

Consultation with the Canterbury Regional Council will be important in the assessment of resource consent applications in relation to the following standards:

|                                     |                         |
|-------------------------------------|-------------------------|
| Flooding and Overland Flow of Water | Critical Standard 9.9.3 |
|-------------------------------------|-------------------------|

**Notes:**

- The Council has adopted a Code of Practice for Urban Land Subdivision (referred to as the Code of Practice). This Code is referred to in the assessment matters for resource consents, relates to engineering requirements and is not a part of the District Plan but may form condition of consent.

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- The creation of new boundaries as a result of a subdivision may result in an existing building not complying with all of the relevant Site and Zone Standards for the particular Zone in which the land is located. In such a case, there is also a requirement for resource consent to be obtained for a land use activity, in respect of the standards that the building does not comply with.
- Where an allotment is not being created after the erection of a residential unit, a condition will be imposed on the subdivision consent and a Consent Notice pursuant to Section 221 registered against the Certificate of Title, to the effect that any residential unit erected on the allotment shall be in accordance with the building consent issued at the time of the subdivision consent.
- The rule shall not apply to the area identified by The Village Green Outline Development Plan.
- Where consents are required from the Canterbury Regional Council, these shall be the responsibility of the landowner to obtain prior to any development proceeding.
- All proposed roads and access ways shall be subject to the rules in Section 10: Transport.
- No rules are included in relation to coastal hazard areas, with the rules in the Regional Coastal Environment Plan (Canterbury Regional Council) applying to these areas. Any persons intending to subdivide, build, develop or carry out activities within approximately 300 metres of the coastline are advised to contact the Canterbury Regional Council to discuss this issue.

## 9.8 General Standards

### 9.8.1 Esplanade Reserves or Strips

- a) All land in coastal marine areas shall vest in the Crown with the Minister of Conservation's consent, or if consent not given, in the Council.
- b) Where an esplanade reserve is to be vested according to rules below, any adjoining bed of river owned by the applicant shall also be vested in the Council.
- c) Where an esplanade strip is to be created, the adjoining bed of the river shall not be vested in the Council.

### 9.8.2 Property Numbering and Street Naming

- a) All allotments must be numbered in accordance with the New Zealand Standard AS/NZS4819:2003 by the applicant before a 224 certificate is approved.
- b) All new roads vested upon subdivision of land shall be given distinctive names not already in use within the area covered by the District Council. The name shall be agreed to by the Council and the Council will make a formal resolution to name the new road in accordance with Section 319A of the Local Government Act 1974.

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**9.8.3 Allotment Dimensions**

- a) The dimensions of allotments created by subdivision in Residential C and D Zones and in the Higher-density Residential, Residential and Rural-Residential Areas of the Aquatic Park Zone, shall be such that the net area of each allotment can accommodate a rectangle of the minimum dimensions specified below:

|  |           |
|--|-----------|
| Higher-density Residential Area of Aquatic Park Zone                                     | 8m x 10m  |
| Residential C Zone and the Residential Area of the Aquatic Park                          | 15m x 15m |
| That part of the Residential A Zone subject to the Trevors Road Outline Development Plan | 13m x 13m |
| That part of the Residential C Zone subject to the Lochhead Outline Development Plan     | 16m x 18m |
| That part of the Residential C Zone subject to the Redmond Outline Development Plan      | 20m x 20m |
| Residential D Zone and Rural-Residential Area of Aquatic Park Zone                       | 50m x 50m |

- b) All allotments created by subdivision in Rural Zones shall have a frontage with a minimum length of 10m.
- c) Notwithstanding the above, there shall be no minimum allotment dimensions or frontage in any zone, for allotments for access, utilities, reserves or roads.
- d) Notwithstanding the above, there shall be no minimum allotment dimensions in any zone, for vacant shares of fee simple titles over which there was/were existing cross lease(s) or for unit titles where a proposed unit development plan had been granted subdivision consent, at the date of notification of the Proposed District Plan, provided that building(s) erected or to be erected on the respective cross lease or unit title comply with all relevant rules applicable within the zone.

**9.8.4 Esplanade Provision**

Where any allotment of less than 4 hectares in area is to be created by subdivision on land abutting the mark of Mean High Water Springs of the sea, or the bank of any river or stream whose bed has an average width of 3 metres or more, or the margin of any natural lake with an area of 8 hectares or more, an esplanade reserve of 20 metres in width shall be set aside, except that:

- a) No esplanade reserve shall be provided along the banks of any canal or the margin of the artificial lake within the Aquatic Park Zone.
- b) Esplanade reserves of 5 metres shall be taken along Wakanui / Mill Creek and Carters Creek regardless of their width.
- c) In the Rural C Zone, esplanade reserves of 20 metres in width shall be vested in the Council regardless of the size of allotment being created.

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- d) In the Rural Zones, esplanade reserves shall only be taken along the following rivers:
- the tributaries of any of the Ashburton high country lakes;
  - the Potts and Cameron Rivers, Lake Stream, and the outlet stream from Lake Clearwater;
  - the South Ashburton above Hakatere Heron Road;
  - North Ashburton River, Pudding Hill Stream, Taylors Stream, Bowyers Stream and tributaries (including Cave Stream) – Rural C Zone only;
  - Stour River (Mata Kou), Stoney Creak and Woolshed Creek;
  - Hinds River (Hekeao) – Rural C Zone only
- e) All esplanade reserves shall be vested with the Council.
- f) Where section 236 (land previously set aside or reserved) of the Act applies to land comprised in the subdivision, and an esplanade reserve is required in accordance with the Rule above, and the width that was previously set aside is less than 20 metres, or the width has been diminished by erosion or avulsion, then additional land shall be vested making the esplanade reserve not less than 20 metres in width.
- g) Notwithstanding a) and b) above, where a subdivision is:
- for a minor adjustment to an existing cross-lease or unit title due to the increase in the size of the allotment by alterations to the building outline or the addition of accessory buildings;
  - for a minor adjustment to an allotment involving an alteration of no more than 10% of the allotment area; or
  - solely due to land being acquired or created for a road designation, public utility or reserve;

Section 230 of the Act shall not apply to the subdivision consent, and no esplanade reserve is required.

- h) At the time of subdivision whenever any subdivision occurs on land adjoining the two existing waterways shown on the Trevors Road ODP, provision for an esplanade reserve shall be created in accordance with section 232-235 of the Act.

### 9.8.5 Sanitary Sewage Disposal

- a) All allotments less than 1 hectare in area in the Ashburton Residential D Zone shall be connected to and served by the public wastewater reticulation and treatment system.
- b) All allotments within the Trevors Road Outline Development Plan and the Redmond Outline Development Plan shall be connected and served by a public or community reticulation and disposal system.

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### 9.8.6 Earthworks

- a) Earthworks associated with subdivisions (the sum of the cut volume plus fill volume on a site during any 12 month period) shall not occur:
  - in the areas identified on the Planning Maps as being a geoconservation site;
  - in the areas identified on the Planning Maps as being of significant nature conservation value;
  - within any naturally-occurring wetland;
  - within 100m of any lake, 20m of any wetland, or 20m of any river or stream.
- b) Earthworks in the Residential Zones shall not exceed 2,000m<sup>3</sup> per subdivision
- c) No earthworks shall create a new ground level more than 150mm above or below the existing ground level at the property boundary.

Note: For the purposes of this rule, earthworks provisions do not apply to any earthworks associated with digging post-holes, cultivation, tending or landscaping gardens, planting trees or removing dead or diseased trees, or drilling bores.

### 9.8.7 Aquatic Park Zone Outline Development Plan

- a) Any subdivision and/or development within the Aquatic Park Outline Development Plan area shall be in accordance with the Outline Development Plan in Appendix 7-1.

### 9.8.8 Racecourse Avenue Outline Development Plan

- a) Any subdivision and/or development within the Racecourse Avenue Outline Development Plan shall be undertaken in compliance with that Outline Development Plan in Appendix 4-2.

### 9.8.9 Lochhead Outline Development Plan

- a) Any subdivision and/or development within the Lochhead Outline Development Plan shall be in accordance with the Outline Development Plan in Appendix 4-3.
- b) At the time of initial subdivision a link strip shall be provided along the road frontage to State Highway 77 to restrict access.
- c) No further subdivision of allotments within the lower density area of Residential C zone shown on the Lochhead Outline Development Plan shall occur until the earlier of the 1st January 2020 or when every existing allotment in that Residential zone has a dwelling erected upon it. The erection of a dwelling shall be in accordance with the definition “erection of a building” in the District Plan. A consent notice pursuant to section 221 of the Resource Management Act 1991 shall be prepared and registered to give effect to this restriction of those titles created within the Residential C zone in accordance with the Land Transfer Act 1952.

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**9.8.10 Trevors Road Outline Development Plan**

- a) Any subdivision and/or development within the Trevors Road Outline Development Plan shall be in general accordance with the Outline Development Plan in Appendix 4-4.

**9.8.11 Redmond Outline Development Plan**

- a) Any subdivision and/or development within the Redmond Outline Development Plan shall be in general accordance with the Outline Development Plan in Appendix 4-5

**9.8.12 The Village Green Outline Development Plan**

- a) Any subdivision and/or development within The Village Green Outline Development Plan shall be in accordance with the Outline Development in Appendix 4-6.

**9.9 Critical Standards****9.9.1 Allotment Size**

- a) No allotments created by subdivision, including balance titles, shall have a net area less than the minimum specified for each zone below, except as provided for in clauses b, c and d and Rules 2-4 below:

| <b>Zone</b>   | <b>Minimum Net Allotment Area</b>  |
|---|--|
| Rural A   | 8 ha   |
| Rural B & C   | 50 ha<br>(provided that the Lake Hood Storage Park may be subdivided to a minimum of 6000m <sup>2</sup> )  |
| Residential B   | 280m <sup>2</sup>  |
| Residential C (unless specified) <ul style="list-style-type: none"> <li>• Where public or community sewage reticulation and treatment is available</li> <li>• Where public or community sewage reticulation and treatment is not available</li> </ul> | 360m <sup>2</sup><br><br>1,000m <sup>2</sup>   |
| Residential C (in areas identified on the Lochhead Outline Development Plan)  | 1,500m <sup>2</sup><br>After the 1 <sup>st</sup> January 2020 or when each existing allotment in this part of the Residential C Zone has a dwelling erected upon it the minimum net allotment area within this zone shall be 650m <sup>2</sup> |

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| Zone  | Minimum Net Allotment Area                            |
|---|---|
| Residential C (in areas identified on the Redmond Outline Development Plan)   | 2,000m <sup>2</sup>                                   |
| Residential C (in area identified by The Village Green Outline Development Plan)  | 1,000m <sup>2</sup>                                   |
| Residential D and the Rural-Residential Area of the Aquatic Park (see Appendix 7-1)<br>Where public or community sewage reticulation and treatment is available<br>Where public or community sewage reticulation and treatment is not available | 4,000m <sup>2</sup><br><br>10,000m <sup>2</sup> (1ha) |
| Residential Area of Aquatic Park (see Appendix 7-1)   | 500m <sup>2</sup>                                     |
| Higher-density Residential Area of Aquatic Park (see Appendix 7-1)  | 120m <sup>2</sup>                                     |

- b) There is no minimum allotment size in the Residential A, Business or Open Space zones, or the Commercial Area of the Aquatic Park Zone, or in any zone for access, utilities, roads or reserves.
- c) Notwithstanding the provisions of Rule 10a above, there shall be no minimum allotment areas in any zone, for vacant shares of fee simple titles over which there was/were existing cross lease(s) or for unit titles where a proposed unit development plan had been granted subdivision consent, at the date of notification of the Proposed District Plan, provided that building(s) erected or to be erected on the respective cross lease or unit title comply with all relevant rules applicable within the zone.
- d) All subdivision consent applications shall show nominated site boundaries at the time of application.

### 9.9.2 Boundary Adjustments

- a) Notwithstanding Rule 9.9.1 above, where there are two or more separately saleable existing allotments, which have separate certificates of title, any adjustment of boundaries shall be such that:
- Any resultant allotments are not more in number than existed before the subdivision; and

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- The number of resultant allotments, which do not meet the minimum area standards under rule 9.9.1, shall not exceed the number of allotments which did not meet the minimum area standards before subdivision; and
  - For each resultant allotment which does not meet the minimum area standards under rule 9.9.1 there shall be an existing, initial allotment, and
    - The area of each resultant allotment shall not decrease by more than 10% from the area of the corresponding initial allotment, and
    - Each initial allotment shall not be used more than once in this comparison.
  - Parcels which do not meet Residential density or are of such a shape that a dwelling would not meet the setback requirement rules of the relevant zone shall not be considered as an initial allotment for the purpose of clause (iii) above
  - All subdivision subject to this rule shall occur within the same zone; and
  - Any resultant allotment shall comply with all other standards and terms for controlled activities
- b) In all zones, each resultant allotment and each of the corresponding initial allotments that existed prior to the adjustment of boundaries shall be contiguous or separated only by a road, railway, drain, water race, river or stream; and each such initial allotment shall have frontage or legal access to a legal road.

### 9.9.3 Flooding and Overland Flow of Water

- a) No subdivision shall occur in any area identified as being at risk from a 1 in 200 year flood event (a 0.5% annual exceedance probability).

Note: A report should be obtained from the Canterbury Regional Council or a suitably qualified expert to determine the site specific flood risk for the property.

### 9.9.4 Water Supply

- a) All new allotments, other than allotments for access, roads, utilities or reserves, in the Residential and Business Zones where the allotments are in or adjoining areas which are served with a Council reticulated water supply, shall be provided with a connection to a Council reticulated water supply laid to the boundary of the net area of the allotment.
- b) All new allotments in the Aquatic Park Zone, other than allotments for access, roads, utilities or reserves shall be provided with a connection to a reticulated water supply system installed by the developer and laid to the boundary of the net area of each allotment.
- c) All new allotments in all zones shall be provided with an individual high pressure water supply in accordance with New Zealand Fire Service Code of Practice for fire fighting water supplied, SNZ PAS 4509:2008.

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### 9.9.5 Sanitary Sewage Disposal

- a) All new allotments, other than allotments for access, roads, utilities or reserves, in the Residential and Business Zones of Ashburton, Methven and Rakaia, shall be provided with a piped sewage outfall for disposing of sanitary sewage to a reticulated system, laid at least 600mm into the net area of the allotment.
- b) All new allotments in the Aquatic Park Zone, other than allotments for access, roads, utilities and reserves shall be provided with a piped sewage outfall for disposing of sanitary sewage. This outfall shall be provided by the developer from an approved treatment and disposal system and shall be laid out at least 600mm into the net area of the allotment.

### 9.9.6 Indicative Plan

- a) All new subdivisions shall provide to Council a plan showing the indicative location of building platforms, stormwater treatment and disposal areas, and wastewater treatment and disposal areas.

### 9.9.7 Energy Supply and Telecommunications

- a) All new allotments in the Residential A, B and C, Business and Aquatic Park Zones, other than allotments for access, roads, utilities or reserves, shall be provided with connections to electrical supply to the boundary of the net area of the allotment and a telecommunication system.
- b) All new allotments in the Residential D Zone, other than allotments for access, roads, utilities or reserves, shall be provided with the ability to connect to an electrical supply system at the boundary of the net area of the allotment, and to a telecommunication system.

### 9.9.8 Roads

- a) All new roads shall be vested with the Council on subdivision.
- b) All road reserves in the Residential and Business Zones, to be vested with Council, shall be planted with one tree per 50 metres:
  - Trees shall be planted adjacent to the kerb.
  - Trees shall be capable of reaching a minimum height of 8 metres.
  - Trees shall be a minimum height of 1 metre at the time of planting.
  - Trees of the following species shall not be planted:

|                     |                              |
|---------------------|------------------------------|
| Lodgepole pine      | <i>Pinus contorta</i>        |
| Scots Pine          | <i>Pinus sylvestris</i>      |
| Corsican Pine       | <i>Pinus nigra</i>           |
| Dwarf mountain pine | <i>Pinus uncinata</i>        |
| Mountain Pine       | <i>Pinus mugo</i>            |
| Douglas fir         | <i>Pseudotsuga menziesii</i> |
| All poplars         | <i>Salicaceae species</i>    |

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|             |                            |
|-------------|----------------------------|
| All larches | <i>Larix species</i>       |
| All alders  | <i>Alnus species</i>       |
| All willows | <i>Salix species</i>       |
| Sycamore    | <i>Acer pseudoplatanus</i> |

### 9.9.9 Open Space and Recreation

- a) All subdivision in the Residential or Business Zones for the purpose of residential activities shall provide a contribution of either:
- 5% of the market value of additional residential lots created by the subdivision; or
  - A land area equivalent to 30m<sup>2</sup> of land for each additional residential lot created by the subdivision; or
  - A combination of the above to the equivalent value/area.
- b) Cash contributions will be calculated as follows:
- Based on the average market value of all of the residential allotments in the subdivision'
  - Applied to each additional residential allotment created,
  - GST is to be added in accordance with the GST Act.

Example:

One original allotment subdivided into 10 new residential allotments each with a market value of \$50,000.

\$50,000 is the average market value. \$2,500 is the contribution per new section. 9 new sections are being created. The contribution total is \$22,500 plus GST.

- c) Where land is provided it shall be of a shape, location and configuration suitable to meet the needs of the residents of the subdivision.

Note: Utility lots, including those for stormwater retention purposes, may not be used as part of the open space or recreation reserve contribution.

### 9.9.10 Aquatic Park Zone

- a) No subdivision shall be approved within the Residential, Higher-density Residential, Rural-Residential or Commercial Areas of the Aquatic Park Zone, as defined on the Outline Development Plan for that zone (see Appendix 7-1), until such time as all sewage reticulation and disposal, water supply and stormwater disposal systems are provided to those areas.
- b) No more than 500 allotments may be created within the Aquatic Park Zone as defined on the Outline Development Plan for the zone.
- c) A structure plan shall be lodged at the time of application for subdivision consent showing internal road, cycle and pedestrian connections between adjoining areas of the development, external roads and the Ashburton river corridor.

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### 9.9.11 Ashburton Business Estate (Business E Zone)

- a) All subdivision within the Ashburton Business Estate (Business E Zone) shall be in general accordance with the Outline Development Plan (in Appendix 5-2A) and in accordance with the Structure Plan lodged with the Council as part of the first subdivision consent application for the land.

### 9.9.12 The Village Green Outline Development Plan

The following standards shall also apply to subdivision within the area defined by The Village Green Outline Development Plan (Appendix 4-6)

- a) No more than 35 residential allotments shall be created within Village Green Areas 1-4. No dwelling is permitted on the open space/farmland area shown on the ODP.
- b) The open space/farmland area that incorporates open space, landscaping and walkway linkages shall be developed on conjunction with development of the adjacent residential allotments. If the residential area defined by the Outline Development Plan is developed in stages, then the open space/farmland area adjacent to each stage shall be developed at the same time as that residential stage.
- c) Landscape plans shall be provided to the Council with any application for subdivision consent, to ensure that (b) above is satisfactorily met as follows:
  - Village Green 1  

Landscape plan to be provided for the area from the boundary with Stranges Road, east to the artificial drain, including proposed landscape treatment for the water race closest to Stranges Road.
  - Village Green 2  

Landscape plan to be provided for the area from the artificial drain, east to the Carter's Creek feeder stream
  - Village Green 3  

Landscape plan to be provided for the area from the Carter's Creek feeder stream, east to the eastern boundary with the Village Green 4 cul-de-sac
  - Village Green 4  

Landscape plan to be provided for the area from the eastern boundary of the Village Green 4 cul-de-sac, east to the western boundary of the site. This will include the proposed landscape treatment of the Village Green 4 20m viewshaft which is to vest in Council as reserve at the time of subdivision.

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- d) Landscape treatment for the stormwater management areas are to be included in the landscaping plans for the first stage of any staged subdivision development
- e) Landscape treatment for the viewshaft areas is to be low level planting only, with a maximum height of 1m.

#### **9.9.13 The Village Green Outline Development Plan: Management of Open Space/Farmland Area**

- a) The area shown on the ODP as open space/farmland shall be owned and maintained by an appropriate management organisation, the details of which are to be supplied with application for subdivision of any land contained within the area defined by The Village Green ODP.

### **9.10 Assessment Matters**

While the assessment matters are provided under headings relating to specific site and zone standards, all assessment matters will be considered as part of each subdivision consent application:

#### **9.10.1 Allotment Dimensions and Size**

- a) Whether the allotment is of sufficient area and dimensions to effectively fulfil the intended purpose or land use, having regard to the rules for the relevant zone;
- b) Whether the proposed allotment sizes and dimensions are sufficient for operational and maintenance requirements;
- c) The relationship of the proposed allotments and their compatibility with the pattern of the adjoining subdivision and land use activities, and access arrangements;
- d) In the case of subdivision of allotments containing Areas of Significant Nature Conservation Value listed in Appendix 3-2 or Heritage Items listed in Appendix 12-1, whether the allotment size and dimensions are sufficient and necessary to provide protection to the listed area, site or item; and any information provided to the Council by a recognised expert or statutory body in relation to the need for the subdivision to protect the area, site or item;
- e) In the case of vacant shares of fee simple titles over which there was/were existing cross lease(s) or for unit titles where a proposed unit development plan has been granted subdivision consent, at the date of notification of the Proposed District Plan, the extent to which the building(s) erected or to be erected on the respective cross lease or unit title comply with the relevant rules applicable within the zone; and the effects on the environment of any non-compliance.

#### **9.10.2 Esplanade Provision**

- a) The purposes for the creation of esplanade reserves set out in Section 229 of the Act, and the provisions of Section 6 of the Act.

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- b) The appropriateness of creating an esplanade reserve or strip in relation to security or public safety concerns.
  - c) The extent to which the natural functioning of the water body, water quality, and land and water based habitats will be affected by the creation of an esplanade reserve or strip, or the reduction or waiver of esplanade requirements.
  - d) The extent of the public's ability to obtain access to and along the margin of the water body.
  - e) The extent that recreational use will be assisted or hindered.
  - f) The compatibility of the proposed reserve or strip with physical characteristics of the land.
  - g) The extent to which the natural character and visual quality of the area will be preserved.
  - h) The extent to which natural hazards will be mitigated.
  - i) The future use and purpose of any existing building that would otherwise encroach on, or be within a reserve.
  - j) The extent to which the purpose of the reserve or strip could be achieved through some other means such as conservation covenants or consent notices.
  - k) The extent to which an esplanade reserve will assist in facilitating accessibility for Takata Whenua to waahi tapu or waahi taoka.

### 9.10.3 Earthworks

- a) The location, scale and duration of earthworks
- b) Effects on visual amenity and outlook from surrounding areas
- c) Potential effects of future development on privacy of neighbouring properties
- d) Site management i.e. control of dust and runoff
- e) Whether any materials will be transported from the site and potential effects on the road network i.e. trucks movements
- f) Hours of operation
- g) Effects on landscape values, geoconservation sites or areas of significant nature conservation value.

### 9.10.4 Outline Development Plans

- a) The nature of the non-compliance with the Outline Development Plan in terms of activity and/or layout.
- b) The co-ordination of roading with the road network in the surrounding area.

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- c) The extent of, and location of, open space areas within the development.
  - d) The extent to which the provision of services can be efficiently provided.
  - e) The effects on permitted adjacent activities and the need for any consent conditions to avoid reverse sensitivity effects.
  - f) That the Stormwater Management Area shown on the Outline Development Plan for Racecourse Avenue is protected from any development so as to avoid direct vehicular access to or from State Highway 77 and to mitigate reverse sensitivity effects with State Highway 77.

#### 9.10.5 Vegetation Protection

- a) Whether any landscape feature or vegetation on the site is of a sufficient amenity value that they should be retained.
- b) Whether a local purpose reserve should be set aside and vested in the Council to preserve any natural feature, vegetation or conservation value on the site or cultural values to Takata Whenua.
- c) Whether the design and undertaking of the subdivision will result in any adverse effects on natural character, nature conservation and landscape values, and ecological functioning generally.

#### 9.10.6 Natural Hazards and Flooding and Overland Flow of Water

- a) The applicant's or their Consultant's report, detailing the measures that have been or will be taken to avoid, remedy, or mitigate any hazard that may occur on the property.
- b) Potential adverse effects on other land that may be caused by the subdivision or anticipated land use activities.
- c) In relation to inundation from any source:
  - 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 drainage to protect surrounding properties;
  - the adequacy of existing outfalls and any need for upgrading;
  - any need for retention basins to regulate the rate and volume of surface run-off;
  - the adequacy of proposed floor levels and building location to avoid loss of life and/or property damage from inundation.
- d) In relation to erosion, falling debris, subsidence or slippage, the need for ongoing conditions aimed at avoiding, remedying or mitigating future potential adverse effects, and any need for registration of consent notices on the allotment's Certificate of Title.

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- e) In relation to subsidence, 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.
  - f) In relation to contaminated sites, any soil tests, establishing suitability, and methods to avoid mitigate or remedy the effects, including removal to approved disposal points.
  - g) The likelihood of the proposed subdivision, including the establishment of potential assets such as residential units, being threatened by natural hazards including inundation or coastal erosion.
  - h) The ability of any buildings on the land being subdivided to be relocated, the estimated cost of the relocation, and the possible destination of a relocated building.
  - i) In the case of any subdivision for residential activities in the Aquatic Park Zone, the extent to which the ground level on each allotment will facilitate the erection of a residential unit with a floor level of at least 150mm above flood waters with a 0.5 percent probability in any one year.

#### 9.10.7 Water Supply

- a) Where the water supply is not to be from a Council reticulated water supply system, whether the supply proposed is adequate to meet the needs of the land-uses likely to be established on the allotments in the subdivision.
- b) In the Residential D Zone at Ashburton, whether it is practical, efficient and/or necessary to require the allotments in the subdivision to be provided with a connection to a Council reticulated water supply laid to the boundary of the net area of the allotment.
- c) The suitability of the proposed water supply for fire fighting purposes; (The Council may obtain a report from the Chief Fire Officer).
- d) The provisions of the Code of Practice in respect to installation of all necessary water supply pipe lines, and ancillary equipment necessary for the subdivision, including extensions to existing supply systems, and including mains, sub-mains, service mains and fire hydrants.
- e) The need to install isolating valves generally at the street boundary or at the net site boundary where this is not the street boundary.
- f) Whether the existing water supply systems, to which the connection will be made, have sufficient capacity and pressure to service the subdivision, and if not whether the subdivider should contribute towards the upgrading of the system based on the cost of supplying the incremental increase in demand by the additional lots, in addition to installing the extensions of the supply within the subdivision.
- g) Whether it may be necessary to provide new reservoirs, pumping stations and rising mains, or increasing pipe sizes leading to the subdivision in existing or new streets, or providing new headworks and new pumping units.

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- h) Where it is necessary to upgrade the reticulated water supply system in order to cater for the subdivision, any costs to be borne by the subdivider, calculated on the cost of supplying the increase in demand as a result of the additional allotments.
  - i) Whether, because of increased demand that the potential land users may impose upon the system, an upgrading contribution should be made towards a programmed plan for installation of new headworks and pumping units, and the extent of any contribution taking account of the likely use of water by the subdivision and the potential land use activities that could be permitted on the land.
  - j) Where any proposed subdivision in any zone is to be connected to a water supply system that has been constructed or upgraded by the Council within the previous 5 years, using financial contributions from an adjoining landowner paid to the Council in accordance with these subdivision rules; the need for the benefiting applicant to pay to the Council a fair financial contribution towards the costs that have been incurred by the Council in constructing or upgrading the water supply system. Such financial contribution shall not exceed the extent to which the water supply system serves or is intended to serve the subdivision.
  - k) The need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility.

#### **9.10.8 Sanitary Sewage Collection, Treatment and Disposal**

- a) The capacity, availability, and accessibility of the reticulated system to serve the proposed subdivision.
- b) Whether the existing sanitary sewage disposal systems, to which the outfall will be connected, have sufficient capacity to service the subdivision, and if not whether the subdivider should contribute towards the upgrading of the system based on the cost of supplying the incremental increase in demand by the additional lots, in addition to installing the extensions of the supply within the subdivision.
- c) The installation of all new reticulation, and the provisions of the Code of Practice.
- d) Where it is not possible to provide a reticulated system with a gravity outfall, the feasibility of individual pump connections with their private rising mains, or new pumping stations, complete pressure, or vacuum systems.
- e) The relevance of any existing cost sharing scheme and whether the proposed reticulation will benefit other property owners.
- f) Where a reticulated system is not available, or a connection is impractical, provision of septic tank or other disposal systems in accordance with either Regional Rules or a discharge permit issued by the Canterbury Regional Council.
- g) Where a reticulated system is not immediately available but is likely to be in the near future, the appropriateness of temporary systems.

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- h) Provision made by the applicant for monitoring mechanisms to ensure contaminants are not discharged into the environment from septic tank or other disposal systems, together with any consent notices to ensure compliance.
  - i) The extent of any headworks contribution, taking account of the likely sewage disposal from the subdivision and the potential land use activities that could be permitted on the land.
  - j) Where any proposed subdivision in any zone is to be connected to a sanitary sewage disposal system that has been constructed or upgraded by the Council within the previous 5 years, using financial contributions from an adjoining landowner paid to the Council in accordance with the subdivision rules; the need for the benefiting applicant to pay to the Council a fair financial contribution towards the costs that have been incurred by the Council in constructing or upgrading the sanitary sewage disposal system. Such financial contribution shall not exceed the extent to which the sanitary sewage disposal system serves or is intended to serve the subdivision.
  - k) The need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for sanitary sewage disposal purposes.
  - l) Takata Whenua values in relation to the proposed site and/or system.

#### **9.10.9 Trade Waste Disposal**

- a) Whether any proposal to create allotments for any business activity or other activity generating trade wastes will have the potential to discharge to trade waste outfalls.
- b) Whether the volume or type of trade waste generates a need for appropriate outfalls to be provided.
- c) Where a reticulated system is not available, any consent that may be required for discharge permits from the Canterbury Regional Council in conjunction with the subdivision consent.
- d) The provisions of the Council's Code of Practice for Subdivision in respect of the installation of trade waste sewers.

#### **9.10.10 Stormwater Collection and Disposal**

- a) The provisions of the Council's Code of Practice for Subdivision.
- b) The adequacy of any proposed means of disposing of collected stormwater from the roofs of all buildings and impermeable surfaces.
- c) The adequacy of any proposed means for screening out litter, the capture of chemical spillages, and containment of contamination from roads and paved areas and siltation.
- d) The ability to retain open natural waterway systems for stormwater disposal in preference to piped or canal systems and any adverse impacts on existing waterways.

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- e) The availability of an approved outfall where stormwater can be directed, whether such an outfall is capable of absorbing increased run-off and the need for and desirability of requiring a connection to such an outfall.
  - f) Whether the existing stormwater disposal systems, to which any connection will be made, have sufficient capacity to service the subdivision, and if not whether the subdivider should contribute towards the upgrading of the system based on the cost of supplying the incremental increase in demand by the subdivision, in addition to installing the extensions of the supply within the subdivision.
  - g) Any necessity to provide an onsite retention basin to contain surface run-off where the capacity of the outfall is incapable of accepting flows, and where the outfall has limited capacity, any need to restrict the rate of discharge from the subdivision to the same rate of discharge that existed on the land before subdivision takes place.
  - h) Any adverse effects of the proposed subdivision on drainage on, or from, adjoining properties and mitigation measures proposed to control any adverse affects.
  - i) For stormwater pipes and open waterway systems, the provision of appropriate easements in favour of either the registered user or in the case of the Council, easements in gross, to be shown on the survey plan for the subdivision, including private connections passing over other land protected by easements in favour of the user.
  - j) Where it is not possible to dispose of stormwater by way of gravity pipelines, due to topography, the adequacy of alternative pumping systems.
  - k) Where stormwater disposal cannot be obtained by gravity outfall, the necessity for land to be filled against the fall of the land, solely to obtain such an outfall, and whether it is practical to provide easements through adjoining owners' land to other frontage outfall systems.
  - l) Where any proposed subdivision in any zone is to be connected to a stormwater disposal system that has been constructed or upgraded by the Council within the previous 5 years, using financial contributions from an adjoining landowner paid to the Council in accordance with these subdivision rules; the need for the benefiting applicant to pay to the Council a fair financial contribution towards the costs that have been incurred by the Council in constructing or upgrading the stormwater disposal system. Such financial contribution shall not exceed the extent to which the stormwater disposal system serves or is intended to serve the subdivision.
  - m) The need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for stormwater disposal purposes.

#### **9.10.11 Energy Supply and Telecommunications**

- a) Where the subdivision involves construction of new roads or formed rights of way, the installation of an extended electrical supply or telecommunication system (at the

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subdividers responsibility) having regard to the Code of Practice and the networks operators requirements.

- b) The adequacy of the proposed electrical or telecommunication system to be installed by the subdivider.
- c) Confirmation from Telephone and Electric Power providers that such services can be installed.

#### **9.10.12 Land, Contributions, and/or Facilities for Open Space And Recreation**

- a) The need for and extent of any financial contribution in terms of the rules above, for the provision of land and/or facilities for open space and recreation either within, or to serve, the subdivision or the land use.
- b) The extent to which the provision of land and/or cash contributions towards land and/or facilities, for open space and recreation is consistent with the objectives and policies of the District Plan relating to the requirements for reserve contributions from subdivision; and the use of cash received as contributions.
- c) Whether the intended land use of the allotments being created is for the housing of the elderly, and whether a reduction in the contribution assessment is, therefore, reasonable.
- d) Where the contribution towards the provision of land and/or facilities for open space and recreation is not to be paid to the Council before a Conditions Certificate is issued pursuant to Section 224 of the Act, a requirement for the applicants to enter into a bond.

(Note: documentation will be registered against the Certificates of Title issued for the allotment(s), preventing their sale until contribution is paid, and subject to the following:

- payment of the prescribed fee, including all legal costs;
- the assessed amount for payment being adjusted in accordance with the Valuation NZ Index if not paid within two years of the assessment;
- payment shall be either:
  - the total assessment being paid on the sale of half the number of allotments in the subdivision less one; or
  - an instalment system based on the assessment being divided by the total number of allotments less one, with payment commencing at the first transfer.)
- e) Whether the undertaking of works, including the planting of trees or the regrading or levelling of reserve land that will vest in the Council, or the setting aside of a reserve or other legal mechanism to protect any natural features or heritage item, should be taken into account when assessing the value of the contribution towards land and/or facilities for open space and recreation.

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### 9.10.13 Easements

- a) Whether there is a need for easements -
- where a service or access is required by the Council;
  - for stormwater passing through esplanade reserves where drainage will be to the river;
  - to meet network operator requirements;
  - in respect of other parties in favour of nominated allotments or adjoining Certificates of Title;
  - for private ways;
  - for stormwater, sanitary sewer, water supply, electric power, gas reticulation, telecommunications;
  - party walls and floors/ceilings;
  - for servicing with sufficient width to permit maintenance, repair or replacement;
  - for Takata Whenua accessibility to waahi tapu or waahi taoka.
- b) Whether any easements provided are in efficient locations e.g. not affecting access.

### 9.10.14 Building Location

- a) The local ground conditions or the situation applying to the allotment and the suitability of the site of the building.
- b) The relationship and size of the allotments in terms of their solar advantage including the alignment and layout of the allotment, the location of building platform, relationship to adjoining lots.
- c) Whether or not an allotment should be restricted from development on parts of the site.
- d) The minimum floor height for buildings in situations where inundation is likely and damage to structures could occur, but the land may not necessarily be filled.

### 9.10.15 Ashburton Business Estate

- a) The extent to which development is in conformity with the ODP and Structure Plan and the effects of any non-compliance with these guiding documents.