



## SECTION 32 REPORT Subdivision

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Te Kaunihera-a-Rohe o Ngāmotu

**New Plymouth  
District Council**

## 1 Executive Summary

Subdivision influences the design and layout of future development and impacts how people and communities provide for their social, economic, and cultural well-being and their health and safety.

The Operative District Plan addresses both the 'mechanics' of the subdivision process, and the management of the effects of subdivision and development, including its influence on future land uses and effect on rural character in rural areas. The existing approach uses controlled activity status for most subdivision, provided that the subdivision complies with standards for minimum lot size and infrastructure, servicing and transport requirements. There are tighter controls in rural areas to maintain rural character.

To some extent, the subdivision provisions are achieving the overall Operative District Plan objective of ensuring activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities. However, some broader objectives relating to good urban form and landscape values are not being achieved and some rural subdivision is adversely affecting rural character. In addition, subdivision applications are often not thorough or comprehensive meaning not all aspects or potential adverse effects are assessed at this stage of the development process.

The key resource management issues for subdivision in the New Plymouth District are:

- Subdivision of land affects the quality and character of neighbourhoods and places where people live, work and play. Subdivision can be of a scale, size or design that is incompatible with the role, function, character and amenity of the surrounding area.
- Subdivision and subsequent use of rural land in particular can impact on the quality and functioning of the rural environment by affecting amenity values and rural character. It can also impact on the efficient and successful functioning of farming activities.
- Subdivision of land and subsequent land use can generate adverse effects on the environment, including potential adverse effects on landform, biodiversity, water quality, infrastructure, hazards, public access, cultural and heritage sites, amenity values and reverse sensitivity effects on existing land uses.

The key changes introduced in the Proposed Plan for Subdivision are:

- Inclusion of a Subdivision chapter and specific objectives and policies for subdivision.
- Reference to Council's Land Development and Infrastructure Standard (Local Amendments, Version 3), and new provisions for stormwater treatment, catchment and disposal to incorporate water sensitive and low impact design principles.
- Strengthened rules to manage the scale, design and intensity of subdivision in rural areas (rural production zone and rural lifestyle zone).
- Improved alignment with underlying zone provisions to 'close the gap' in relation to permitted baseline arguments occurring under the Operative District Plan.

The Proposed Plan will provide direction and certainty to plan users on the outcomes expected for subdivision, including good urban form, core principles in the Subdivision Design Guide, and integrated and comprehensive infrastructure provision.

## **2 Introduction and Purpose**

This report contains a section 32 evaluation of the objectives, policies and methods relating to subdivision in the Proposed New Plymouth District Plan. It is important to read this report in conjunction with the section 32 overview report which contains further information and evaluation about the overall approach and direction of the District Plan review and Proposed District Plan.

Subdivision affects the natural and physical environment and forms long-term development patterns that cannot be easily changed. The way that a site is subdivided, including its size and shape, is important as it not only determines the quality and character of development, but it also impacts on adjacent sites and the future use of the land.

This report sets out the statutory and policy context for Subdivision, the key resource management issues, specific consultation and approach to evaluation on this topic to decide on the proposed provisions. The report also includes a review of the existing plan provisions and an evaluation of alternative methods to achieve the purpose of the Resource Management Act (RMA) in relation to the subdivision topic.

This Section 32 report covers the provisions in the Subdivision Section that apply to the zones throughout the District. Other closely related sections to consider are:

- Network Utilities
- Urban Growth Areas
- Transport and Connectivity
- Overlay Area Chapters (which contain the subdivision provisions for these identified areas or features).

Given this overlap, these sections are relevant to the subdivision of land within identified areas (e.g. urban growth and overlays) or in relation to the National Grid and Gas Transmission Pipeline Corridor (Network Utilities). The evaluation for these sections are set out in the Section 32 evaluation report specific to each topic.

## **3 Statutory and Policy Context**

### **3.1 Resource Management Act**

The Resource Management Act (RMA) sets out the functions of territorial authorities in Section 31. The key function for the district council is the integrated management of the use, development, or protection of land and associated natural and physical resources of the district. "*Natural and physical resources*" includes natural landforms, buildings and structures. In particular, under Section 31 (2), the district council controls subdivision of land.

Section 6 of the RMA specifically requires that the Council recognise and provide for matters of national importance. There are no specific matters of national importance relevant to the subdivision topic apart from where they are relevant to Overlay Area

Chapters (e.g. subdivision in the coastal environment is evaluated in the Coastal Environment Section 32 evaluation report).

Section 7 of the RMA requires the Council to have particular regard to the following matters:

- (b) the efficient use and development of natural and physical resources.*
- (c) the maintenance and enhancement of amenity values.*
- (f) maintenance and enhancement of the quality of the environment.*

Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Tangata whenua, through iwi authorities have been consulted as part of the District Plan review process. This feedback has informed the section 32 evaluation, and the obligation to make informed decisions based on that consultation is noted.

Relevant to subdivision, Section 106 of the RMA also states that the consent authority may refuse subdivision consent, or grant a subdivision consent, subject to conditions, if it considers that:

- *The land in respect of which a consent is sought, or any structure on the land, is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source, or*
- *Any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris subsidence, slippage, or inundation from any source.*

These Section 106 RMA matters are addressed in the Natural Hazards Section s32 report.

Part 10 of the RMA covers subdivision, including the information that must be provided and the process that must be followed for subdivision consents (such as approval and deposit of survey plan, vesting of roads, easements).

The Resource Legislation Amendment Act 2017 amended Section 11 of the Resource Management Act making subdivision a permitted activity unless it is expressly restricted by a rule in a National Environmental Standard or District Plan. This change came into effect on 1 October 2017. This aligns with the presumption that land use is permitted unless restricted under section 9 of the RMA. This was part of a suite of changes to help increase and streamline the supply of land for housing and reduce the number of consents required for simple types of subdivision. Most district plans currently require consent for all but the simplest subdivisions, and this change by the Government sends a signal that subdivision is potentially acceptable as a permitted activity in certain circumstances, which means that councils will need to examine their district plans to determine where subdivision can be permitted.

The Resource Legislation Amendment Act 2017 (RLAA) also introduced changes to the resource consent process so that Councils cannot charge financial contributions under the RMA. This change comes into effect on 18 April 2021, five years after royal assent of the RLAA 2017.

The above matters are relevant in relation to the review of the subdivision provisions for the New Plymouth District and have been considered in the evaluation below.

### 3.2 National Policy Statement on Urban Development Capacity (2016)

The National Policy Statement on Urban Development Capacity 2016 (NPS on Urban Development Capacity) came into effect on 1 December 2016. It recognises the national significance of urban environments and provides direction to decision-makers on planning for urban environments. The NPS on Urban Development Capacity seeks to ensure there is sufficient development capacity for housing and business with a suite of objectives and policies to guide decision-making in urban areas. There is an emphasis on integrated planning of land use, development and infrastructure provision.

Policy PA1 of the NPS on Urban Capacity sets out housing and business land development capacity that local authorities are required to provide in the short, medium and long-term.

The Urban Growth Areas s32 report explains how the proposed district plan ensures that there is sufficient development capacity in the district. However, the integration between land use, development and infrastructure provision is also relevant to the subdivision topic.

### 3.3 National Planning Standards

Released in April 2019, the purpose of the National Planning Standards (planning standards) is to improve consistency in plan and policy statement structure, format and content.

The standards were introduced as part of the 2017 amendments to the Resource Management Act 1991 (RMA). Their development is enabled by sections 58B–58J of the RMA. They support implementation of other national direction such as national policy statements and help people to comply with the procedural principles of the RMA.

As discussed in the Overview Report, the Proposed District Plan will give effect to the planning standards. The District Plan Structure Standard and the District Wide Matters Standard includes direction that subdivision provisions must be located under the 'Subdivision' heading. MfE Guidance on the planning standards states that:

*When there are provisions that relate to two topics and there is not a clearly dominant District-wide matters chapter the council can determine the best location for these provisions, **depending on the primary outcomes sought**. For example, provisions that relate to signage on heritage buildings. These could be located in either a Historical heritage chapter or Signs chapter. In this case, the council **can choose the most logical location** but should provide cross-referencing from the provisions to the other relevant district-wide chapters so that they can be identified from either location.*

As such all subdivision provisions are located in the 'Subdivision' chapter, except where the primary outcome sought from a proposed provision is to protect values of an identified feature or overlay, in which case the provision (e.g. a subdivision rule) is located in the relevant overlay chapter. In addition, where the subdivision provision is directly related to a 'Development Area' then the provision is contained within the relevant 'Development Area' chapter.

The proposed subdivision provisions also use the standardised definitions from the planning standard including allotment, boundary adjustment, land, net site area, site, esplanade reserve and esplanade strip.

### **3.4 Regional Policy Statement and Regional Plans**

Under Section 75(3)(c) of the RMA, the District Plan must give effect to the Regional Policy Statement. The Taranaki Regional Policy Statement 2010 (RPS) does not have specific direction on subdivision but the 'sustainable urban development' objective, policies and methods are relevant:

#### *Sustainable Urban Development*

- *SUD Objective 1 To promote sustainable urban development in the Taranaki region.*
- *SUD Policy 1 To promote sustainable development in urban areas by:*
  - (a) Encouraging high quality urban design, including the maintenance and enhancement of amenity values.*
  - (b) Promoting choices in housing, work place and recreation opportunities.*
  - (c) Promoting energy efficiency in urban forms, site layout and building design.*
  - (d) Providing for regionally significant infrastructure.*
  - (e) Integrating the maintenance, upgrading or provision of infrastructure with land use.*
  - (f) Integrating transport networks, connections and modes to enable the sustainable and efficient movement of people, goods and services encouraging travel choice and low-impact forms of travel including opportunities for walking, cycling and public transport.*
  - (g) Promoting the maintenance, enhancement or protection of land, air and water resources within urban areas or affected by urban activities.*
  - (h) Protecting indigenous biodiversity and historic heritage, and*
  - (i) Avoiding or mitigating natural and other hazards.*
- *Territorial authorities may wish to consider the following methods:*
  - SUD Method 5 Include in district plans or resource consents, provisions or conditions that address sustainable urban development issues including among others:*
    - (a) Objectives, policies, methods, rules and performance standards controlling land use, development and subdivision*
    - (b) Building and development controls or criteria*
    - (c) Esplanade reserves or strips or access strips, and*
    - (d) Designations or other provision for public works.*
  - SUD Method 11 Generally promote good planning, building design and urban design that give effect to the New Zealand Urban Design Protocol (2005) including the strategic integration of local, regional and national infrastructure and land use.*

### 3.5 Iwi Environmental Management Plans

For the purposes of the District Plan Review, Iwi Environmental Management Plans must be taken into account under Section 74 (2A) of the RMA. The following iwi management plans are relevant:

#### 3.5.1 An Iwi Environmental Management Plan for the Taranaki Rohe (2018) (lodged with Council) which includes:

- Objectives for sustainable land management (11.2.2.1 and 5).
- Policies for new urban development to be designed in a manner which reflects the environmental and cultural values of the site, including that the design and density of development will reflect and respect the natural landforms and natural processes of the site (11.2.3.11).
- Policies that Taranaki iwi will not support subdivision and associated land uses that cannot demonstrate they will not adversely affect Ranginui, Papatūānuku, Taranaki Mouna, Tāne, Tangaroa-Ki-Uta and Tangaroa-Ki-Tai (11.2.3.14), including:
  - any subdivision or land use that will result in the loss or restriction of access to sites of significance (including wāhi tapu), on Taranaki Iwi;
  - any subdivision or land use that adversely impacts the important cultural values associated with landscapes of importance to Taranaki Iwi (hapū, marae/pā).
  - Taranaki Iwi will not support any residential subdivision and development within 5km of the National Park boundaries... (11.8.3.7)

#### 3.5.2 Tai Whenua, Tai Tangata, Tai Ao, Te Atiawa Iwi Environmental Management Plan (2019) (in draft, not yet lodged with Council) which includes:

- Objective that the interests, values and protection of wāhi tapu/wāhi taonga, urupā and sites of significance to Māori are provided for in the process and design of subdivisions (Ob. TTAN4.1).
- Objective that water, stormwater and waste water solutions are co-designed with Te Atiawa to ensure Te Atiawa values associated with waterbodies impacted at the time of subdivision are protected and enhanced (Ob. TTAN4.3).
- Policies to require regional council and district councils to consider cumulative effects and future land uses when assessing applications to subdivide (TTAN4.2).
- Policies to require developers, regional council and district councils to engage kanohi kit e kanohi with Te Atiawa in the early stages of developing subdivision proposals (TTAN4.4) to ensure that:
  - Resource consent applications assess actual and potential effects on Te Atiawa values and associations;
  - Ensuring that affects on Te Atiawa values are avoided, where possible in the first instance, remedied or mitigated using culturally appropriate methods;
  - Te Atiawa values and cultural landscapes are reflected in the subdivision design to connect and deepen 'sense of place'; and
  - Protect, maintain and enhance the environment and amenity values of the subdivision in accordance with Te Atiawa values.
- Require developers, regional council and district councils to provide subdivision applications that are comprehensive and bundled upfront so all aspects of the

activity can be evaluated upfront and thus avoid issues being missed (TTAN4.5 and 4.6).

- Require certain methods to facilitate engagement with Te Atiawa where a subdivision may have actual or potential adverse effects on cultural values and interests.

### 3.5.3 The Maniapoto Iwi Environmental Management Plan (Ko Tā Maniapoto Mahere Taiao) (2016) (under revision, not yet lodged with Council), which includes:

- Avoidance of activities and uses that adversely affect significant cultural, spiritual, natural and ecological landscapes, features or locations in the Maniapoto rohe, and Maniapoto relationships with those landscapes, features or locations are maintained or restored (policy 19.3.2.1).
- That plan layout and design of subdivisions and developments provide, enable and promote access to more sustainable means of transport (policy 22.3.4.4).

### 3.5.4 Ngāti Mutunga Iwi Environmental Management Plan (2014 update) (under revision, not yet lodged with Council), which includes a section on subdivision, development and changing land use section (page 76). This section recognises that subdivision is more than drawing lines on the map; it enables changes in land use, which may result in damage to the environment and our cultural values. This section includes and objective and policies to:

- Encourage well-planned development that avoids adverse effects on cultural values, protects the environment and provides a great quality of life for everyone – now and in the future.
- Require engagement with Ngāti Mutunga on proposed subdivision and building locations in early stages to ensure that they do not impact on wāhi tapu or sites of significance, and through council planning processes to identify areas where subdivision is not appropriate.
- Encourage application for consent for all activities involved in subdivision at the same time, to enable Ngāti Mutunga to understand and comment on all aspects of the proposal.
- Require the council to consider cumulative effects and future land uses when assessing applications to subdivide.

The direction in these Iwi Management Plans, in relation to subdivision, has been taken into account in the evaluation below.

## 3.6 Other Legislation, Policy and Guidance Documents

### 3.6.1 New Plymouth District Strategic Framework

The vision for the New Plymouth Strategic Framework is Building a Lifestyle capital (He Whakatutu Haupū Rawa Hei Ahua Noho). The community outcomes this will achieve are: Putting people first (Aroha kit e Tangata), Caring for our place (Manaaki whenua, manaaki tangata, haere whakamua) and Supporting a prosperous community (Awhi mai, Wahi atu, tatou katoa).

### 3.6.2 The New Plymouth District Blueprint

The New Plymouth District Blueprint first adopted in June 2015 is a 30-year spatial plan that provides eight key directions for Council.

All of the key directions and associated high-level initiatives in the Blueprint are relevant to the Subdivision chapter, and were considered during the review of the provisions. These are:

- Nature – enhance the natural environment with biodiversity links and clean waterways.
- Communities – strengthen and connect local communities.
- Citizens – enable engaged and resilient citizens.
- Growth – direct a cohesive growth strategy that strengthens the city and townships.
- Economy – secure and strengthen the rural economy, industry, the port and airport.
- Talent – grow new economies that attract and retain entrepreneurs, talented workers, and visitors.
- City Centre – champion a thriving central city for all.
- Destination – become a world class destination.

### 3.6.3 Tapuae Roa: Make Way for Taranaki - Taranaki Regional Economic Development Strategy and Action Plan (2017)

Tapuae Roa is a culmination of work undertaken by the Taranaki district councils and regional council in partnership with Ngā Iwi o Taranaki. The strategy is designed to feed into their respective Long Term Plans, influence private sector investment decision-making and contribute to the future activities and investment decisions of Ngā Iwi o Taranaki. Specific 'enablers' targeted for acceleration in the document that are relevant to the subdivision topic include:

- Major hard infrastructure: infrastructure that provides access – sea port, airport, roads and broadband.
- Major sector supports: sector-related infrastructure that supports growth – science, research, and technology, plus accessibility and connectivity.
- Investment: assembling the investment capital required to facilitate development – drawing on diverse and not just traditional sources.
- Energy futures: including new forms of energy (clean energy) and the production of value-add energy derivatives. The industry capability to underpin these priorities already resides in the energy sector.

### 3.6.4 Development and Financial Contributions Policy 2018

The current policy was developed as part of the Council's Long-Term Plan 2018-2028, and was adopted by Council on 27 June 2018.

The policy explains how New Plymouth District Council will use development contributions to recover from those persons undertaking development a fair, equitable, and proportionate share of the total cost of capital expenditure necessary to service growth in the district. The policy covers development contributions and summarises the provisions that relate to financial contributions as required by section 106(2)(f) Local Government Act 2002.

The reviewed policy recognises the changes to the RMA which provides for a transitional removal of the recovery of financial contributions as a requirement of District Plans. In 2022 the ability to require financial contributions under the RMA will cease under the Resource Legislation Amendment Act 2017.

The policy explains how Council will continue to use development contributions to recover costs.

### 3.6.5 Councils' Land Development and Infrastructure Standard

Council's Land Development and Infrastructure Standard (based on NZS4404 with local amendments) contains the detailed technical and engineering requirements. This document is the key technical standard that is applied when new infrastructure assets are constructed, and existing infrastructure assets are upgraded. The Council's adopted Land Development and Subdivision Infrastructure Standard encourages sustainable development and best practice design while emphasising liveability and environmental quality. The key areas covered in the standard include requirements for earthworks and geotechnical needs, roads, stormwater, waste water, water supply, landscape and network utility facilities. The standard includes up to date design principles such as:

- Low impact design (LID) solutions for stormwater management and;
- Urban design principles for roading design.

Council's Land Development and Infrastructure Standard has recently been updated to ensure that Council maintains best practice and meets technological advancements. It ensures the Standard complies with evolving national and international standards and responds to local issues observed since its original adoption in 2013. A summary of the changes is provided below:

#### *Roads:*

- The road types have been modified to better accommodate trenched services, street trees, parking bays and stormwater treatment.
- Mechanistic design methods (more in-depth design and construction processes) are now required for all road types in order to increase durability.
- All new urban local roads are to be constructed with asphaltic concrete of a thickness that is fit for purpose. This will make them smoother and harder wearing, and will result in less vehicle noise and reduced whole of life costs.

#### *Stormwater*

- Stormwater system design will use recently updated NIWA rainfall data. Stormwater assets are required to be future proofed based on climate change outcomes and associated rainfall predictions.
- Stormwater shall be directed to on-site soakage areas, such as soakpits, vegetated swales, soakage basins, rainwater tanks, etc.
- Connection to the Council's stormwater network will only be permitted where no on-site options are available, and the local public network has sufficient capacity.

### *Wastewater*

- Every new lot will require its own connection to the NPDC sewer network. This is to address the issues of common/shared private sewer connections, which cost NPDC time and money when resolving blockages and disputes amongst multiple owners of pipework.

The Draft local amendments were released in February 2019 for feedback. No feedback was received and the standards are in progress to be adopted by Council and are included as a reference document in the Proposed District Plan.

#### 3.6.6 Other Legislation, Regulations and Guidance Documents

Other legislation and regulations that are relevant to Subdivision, which have been considered in preparing the Proposed Plan, are:

- Building Act 2004 - The Council, as the building consent authority, is responsible for ensuring notices are registered against properties which are subject to one or more natural hazards (erosion, falling debris, subsidence, inundation, and slippage). Section 71(1) of the Building Act requires the Council to refuse a building consent for building work or major alterations to a building, if the land is subject to 1 or more natural hazards, or if the building work will accelerate or worsen the adverse effects because of the natural hazard on that land or other property. Local Government Act 2002 (LGA 2002) - Section 102 requires the Council to adopt a policy on development contributions or financial contributions.
- NZS4431 Earth Fill for Residential Development – describes earth fill practices which experience has shown to produce fills of satisfactory stability for residential development.
- Guidelines for Earthworks in the Taranaki Region (October 2006).
- New Plymouth District Council Draft Earthworks and Green Infrastructure Design Guidelines for Built Development (May 2012).
- Quality Planning Guidance on Subdivision under the Resource Management Act.
- New Zealand Urban Design Protocol – New Plymouth District Council is a signatory to the NZUDP, which means it has made a commitment to create quality urban design through its own actions.

## **4 Context, Research and Trends**

Subdivision affects the natural and physical environment and introduces long-term development patterns that shape the form of urban areas and to a lesser extent the rural environment. The way that a site is subdivided, including its size and shape, is important as it not only determines the quality and character of development, it impacts on adjacent sites, the future use of the land and influences the amenity values of the surrounding environment. Subdivision of land should be of an appropriate size, scale and character for the intended land use.

There are three main types of subdivision; greenfield urban subdivision, rural subdivision and infill urban development subdivision:

- Greenfield urban subdivision typically involves large-scale, staged subdivision on vacant land to create new or expanded settlements, usually on the edge of existing urban areas. This type of subdivision is usually for residential purposes, and also includes subdividing land for commercial and industrial purposes. This land can

be either existing undeveloped residential land or land that is newly zoned for residential development. This type of subdivision has the potential to create significant adverse effects if not carefully planned from the outset.

- Infill urban development subdivision typically involves subdividing existing urban land residential sections or developing former commercial or industrial sites. Specifically, infill housing is a general term that refers to new housing within existing urban areas. It covers both 'backyard' infill, new houses built within an existing suburb of older houses, and more intensive housing such as apartments and townhouses, creating higher levels of residential density. These subdivisions can be beneficial in terms of managing growth and making use of existing infrastructure, however the layout does play a role in the quality of housing that can be built.
- Rural subdivision includes lifestyle blocks or higher intensity, typically residential land use. These subdivisions generally have minor effects on their own, but cumulatively the effects may be significant, especially on established rural land uses and rural character. This type of subdivision can be ad hoc and have infrastructural implications if not carefully planned from the outset.

Other types of subdivision include 'brownfields' subdivision where existing urban land is converted for a new land use (e.g. conversion of older and smaller 'brownfields' industrial sites for residential use), unit titles (multi-party property ownership for apartments, commercial developments and other intensive developments), cross-leases (where owners privately own an undivided share in the land and each dwelling is leased to the owner by the other landowners), specialised subdivision (for utility or reserve purposes), or boundary adjustments (the reconfiguration of existing lot boundaries).

Subdivision itself does not alter the land use but it is generally undertaken to facilitate a new land use (e.g. enabling the construction of residential houses in a previously rural area). It is important that the effects of the likely land use change are addressed at the time of subdivision, rather than through later consenting processes. The effects of subdivision will vary depending on the nature of the receiving environment and the nature of the proposed subdivision. Potential adverse effects include those identified below:

- Landform – Earthworks associated with the construction of building platforms, the provision of infrastructure including roads, loss of productive soils, and loss of natural landscape character.
- Biodiversity – Vegetation clearance and associated effects on fauna.
- Water quality – Vegetation clearance, release of silt and containment loadings, stormwater runoff, on-site effluent treatment and disposal systems.
- Infrastructure – Increased demand on stormwater, sewerage, roading, energy and water supply.
- Hazards – The creation of additional allotments within an area susceptible to natural hazards.
- Public access – Reduced public access to reserves, the coastal marine area, lakes and rivers.
- Cultural and heritage sites – Earthworks or development associated with subdivision has the potential to modify or damage historic, archaeological or cultural sites or landscapes.

- New boundaries – The height of buildings in relation to boundaries, vehicular access, parking spaces, the provision of public and private infrastructure and the physical changes associated with increased density.
- Social and economic – The use of land for different purposes can cause increased demand for infrastructure, community facilities, public and private transport, and a change in amenity values or social coherence.
- Restrictions on future land use – consent notices, covenants and encumbrances on the new allotments (often intended to mitigate adverse effects flowing from subdivision) may dictate the type or nature of any future development.
- Land use expectations – Subdivision creates an expectation that subsequent occupation and development will be permitted.
- Reverse sensitivity – For example, the establishment of residential settlements which may be sensitive to the adverse effects of existing activities (e.g. dust, odour and noise) which in turn results in complaints about the existing activities which could lead to operational constraints or closure of the existing activities.

## **4.1 Operative District Plan Approach**

### 4.1.1 Context

The Operative District Plan does not contain a chapter of provisions (objectives, policies, rules) specific to Subdivision. Instead the objective and policies for each zone occasionally contain subdivision-related policies and references that are used when assessing subdivision applications. In addition, the objectives and policies for 'works and services' are considered and applied to subdivision applications.

### 4.1.2 Plan Changes

The Plan Changes relevant to the subdivision topic that have occurred since 2006 are summarised below.

#### 4.1.2.1 Plan Change 27: Changes to Subdivision and Land Use Provisions relating to maintaining Rural Character (2012)

Plan Change 27 amended the subdivision and land-use provisions relating to maintaining rural character in the Rural Environment Area by strengthening the policy context under Issue 4 and related objective, policies and associated rules to control the scale, location, density and design of land use and subdivision in the Rural Environment Area. The Plan change was introduced to respond to the issues discussed in the New Plymouth District Council Rural Review: Landscape Assessment and Assessment of Coastal Strategy Actions for New Plymouth District Council, prepared by Mary Buckland (June 2010). This report found that:

*These rules (the Operative Plan rules) have the potential to allow quite dense development throughout the rural area, thereby adversely affecting the rural character of New Plymouth District and breaking up existing farms in ways that are contrary to the objectives and policies in the District Plan.*

The main changes to the subdivision provisions were to strengthen them to ensure the rural character is not compromised, as summarised below:

- Subdivision of one small allotment (minimum area of 4000m<sup>2</sup>) provided there is at least a 20-hectare balance remaining is assessed as a controlled activity (resource consent must be granted).
- Subdivision of up to three small allotments (minimum area of 4000m<sup>2</sup>) provided there is at least a 20-hectare balance remaining is assessed as a restricted discretionary activity.
- Subdivision of up to four small allotments (less than 20 hectares) provided there is at least a four-hectare balance remaining is assessed as a full discretionary activity (if the balance allotment is between 4ha-20ha a 5<sup>th</sup> allotment can be applied for provided that there are not more than five allotments in total).
- The number of allotments that can be applied for is calculated from the certificate of title as it existed on 5 March 1999 (the 'parent title').
- Minor boundary adjustments are assessed as a controlled activity.
- All other subdivisions are assessed as a non-complying activity.

Amongst other things, this Plan Change introduced a (non-regulatory) Rural Design Guide to help guide subdivision and other development in the rural areas.

#### 4.1.2.2 Plan Change 15: Future Urban Development Overlay (2013)

Plan Change 15 added a Future Urban Development Overlay, including associated rules, to provide a level of control to land use activities and subdivision within, and land use activities adjacent to, the future urban growth areas identified by the Council's Framework for Growth (2008), Oakura Structure Plan (2006) and Urenui Structure Plan (2006) including Bell Block Area Q (Wills Road to Airport Drive), New Plymouth Area N (Egmont Road to Henwood Road), New Plymouth Areas S, K and L (Smart Road), Waitara, Oakura, Okato, Egmont Village, Onaero and Urenui.

#### 4.1.2.3 Plan Change 35: Updating of Land Development and Subdivision Infrastructure Provisions (2014)

Plan Change 35 to the Operative District Plan updated the provisions relating to the use of the Codes of Practice being applied in respect of land development and subdivision infrastructure in the district, which became operative as of 28 March 2014. For the most part, the Plan Change replaced the District Plan's references to the Council's 1997 'Codes of Practice' with Council's adopted 'Land Development and Subdivision Infrastructure Standard'.

#### 4.1.3 Operative Plan Provisions

The issues, objective, policies (where applicable) and rules for subdivision in each environment area are duplicated throughout the chapters of the Plan.

The relevant management strategy issues and approach (corresponding objectives and policies) that make specific reference to or are directly relevant to subdivision are summarised as follows:

- Issue 4: Loss or reduction of rural amenity and character.
  - Approach: to ensure that subdivision maintains the elements of rural character, by controlling the density, scale, location and design of subdivision

by providing for one small allotment, where there is a large balance area, which promotes spaciousness and a low density, production orientated environment.

- Issue 5: Adverse effects of activities on the pleasant and coherent nature of the urban environment.
  - Approach: To maintain and enhance the natural character and coherence of the urban areas of the New Plymouth District, by recognising and providing for the importance of open space areas.
- Issue 6: Reduction of residential amenity.
  - Approach; to ensure sufficient space is available to protect residential amenity, visual amenity is protected, by ensuring that subdivision in residential areas ensures that sufficient space is available to enable residential living and to protect amenity values.

Generally, across all Environment Areas, subdivision is a controlled activity if it complies with the requirements for minimum allotment size, vehicular access, provision of services (stormwater disposal, water supply and sewage disposal), provides stable and flood free building platform for each allotment, and complies with the requirements for financial contributions.

The operative subdivision rules are contained in the relevant environment area chapter. The rules that are repeated in each environment area chapter are:

- Controlled activity status for:
  - Subdivision that complies with the minimum allotment size and, where relevant, maximum number of allotments for the applicable zone.
  - Requirement to provide practicable vehicular access in accordance with the requirements in Appendix 22.2A.
  - Requirement for services (stormwater disposal, water supply and sewage disposal).
  - Requirement for existing buildings to meet standards in relation to the new boundaries.
  - Requirement for a stable, flood free building platform, in accordance with Appendix 22.1.
- Discretionary activity status for:
  - Subdivision of an allotment that will require a road to be vested as legal road or requires access via a right of way.

The specific subdivision standards to be met for building platform, services and access are contained in Appendix 22 – Subdivision of Land.

The minimum lot sizes for subdivision in each zone, and associated activity status are summarised below.

Table 1: Minimum lot size and activity status for subdivision in urban areas in Operative New Plymouth District Plan

<b>Environment</b>	<b>Controlled Activity</b>	<b>Discretionary Activity</b>
Residential A	450m <sup>2</sup>	400m <sup>2</sup>
Residential B	300m <sup>2</sup>	250m <sup>2</sup>
Residential C	700m <sup>2</sup>	650m <sup>2</sup>
Business A, B and C	No minimum	N/A
Business D	300m <sup>2</sup>	250m <sup>2</sup>
Open Space A	500m <sup>2</sup>	400m <sup>2</sup>
Open Space B and C, or Port Taranaki	No minimum	N/A
Industrial	No minimum	N/A

Table 2: Minimum lot size and activity status for subdivision in rural areas in Operative New Plymouth District Plan

<b>Controlled Activity</b>	<b>Restricted Discretionary Activity</b>	<b>Discretionary Activity</b>
20 hectares. One small allotment (minimum area of 4,000m <sup>2</sup> ) provided there is at least a 20 hectare balance remaining.  Minor boundary adjustments.	Up to three small allotments (minimum area of 4000m <sup>2</sup> ) provided there is at least a 20 hectare balance area remaining.	Up to four small allotments (less than 20 hectares) provided there is at least a four hectare balance remaining.

The number of allotments that can be created in the Rural Environment Area are determined by the 'parent title' as set out in the below note in the Operative District Plan:

*Terms to determine PARENT TITLE Allocation:*

1. Go back to the PARENT TITLE to determine what existed on 5 March 1999. Use this as a basis to determine how many ALLOTMENTS the PARENT TITLE is entitled to.
2. Count the number of small lots (less than 20ha) that have been taken from the PARENT TITLE to establish how many further small ALLOTMENTS the PARENT TITLE is entitled to (up to four).

*To determine balance area:*

1. Refer to the Computer Freehold Register (CFR) that is subject to subdivision and determine if there will be more than 4ha remaining after the subdivision.
2. The balance area must come from the same CFR as the subdivision application and must be held in one CFR. 2. When the balance ALLOTMENT is between 4ha and 20ha and where there will be no more than five ALLOTMENTS subdivided from the PARENT TITLE in total, a further small ALLOTMENT can be provided so there is a total of four ALLOTMENTS and a balance area.

A non-regulatory Rural Design Guide is also available on the Council's website to help guide subdivision and other development in the rural areas (see other methods).

## **4.2 Other Methods**

In addition to the Operative District Plan regulatory approach, the Council uses the following other methods in relation to managing the effects of subdivision.

### **4.2.1 New Zealand Technical Standards**

Council's Land Development and Infrastructure Standard provides local authorities and developers with criteria for design and construction of land development and subdivision infrastructure, including earthworks and geotechnical requirements and incorporates up-to-date design principles such as low impact design principles.

NZS4431 Code of Practice for Earth Fill for Residential Development is used to ensure earth fill practices are of satisfactory stability for residential development.

### **4.2.2 New Plymouth Rural Subdivision and Development Design Guidelines (May 2012)**

The Rural Subdivision and Development Design Guideline (May 2012) and other Rural Design Guidelines (Parts Two, Three and Four) have been prepared by Council to assist with rural and urban developments. While they are not enforceable, they encourage people to consider the wider environmental aspect of their projects. The design guidelines cover matters such as land types, sensitive landscapes, rural character, rural design considerations, design and layout, building location, landscaping and vegetation, and servicing, all of which are relevant and apply to the subdivision topic. These guidelines do not have statutory weight under the operative District Plan but provide useful guidance on subdivision design and layout in the Rural Environment.

## **4.3 State of the Environment**

There are a number of physical effects from activities associated with most types of subdivision (e.g. forming of roads, accessways, earthworks and contouring). In addition, the amount of building coverage and respective open space areas on each allotment is determined by the size and dimension of the allotment. Therefore, consideration of effects resulting from subdivision layout and design is particularly important at subdivision stage. The subdivision process should allow for the creation of allotments which are of sufficient size for the establishment of buildings and activities to meet the intended use for that zone, while allowing enough open space so as to not detract from the amenity of the area.

There are various types of subdivision occurring in the New Plymouth District. The main types are infill urban development and/or brownfields subdivision, greenfield urban subdivision and rural subdivision. The general trends for each of these types of subdivision are discussed in detail below.

### **4.3.1 Infill urban development and brownfields subdivision**

Infill subdivision and multi-unit development is the most prominent type of subdivision in Residential areas, primarily in New Plymouth. The minimum lot size requirements for subdivision as a controlled activity (450m<sup>2</sup> in Residential A, 300m<sup>2</sup> in Residential B, and 650m<sup>2</sup> in Residential C) can impede higher density development. In addition, compliance with the minimum lot size and other standards can sometimes lead to inappropriate outcomes and missed opportunities for good quality urban design outcomes (such as a lack of variety of housing types, sizes and tenures to respond to community needs). This matter is discussed in detail in the Residential Zone section 32 Report. The introduction of the new Land Subdivision and Infrastructure Standard

has resulted in some examples of improved patterns of development and more efficient use of land resulting through the subdivision process (particularly due to the increased emphasis on connectivity).

Under the Operative District Plan framework, conversion of older and smaller 'brownfields' industrial sites for residential use has been facilitated by subdivision, particularly in central New Plymouth. It is noted that under the Operative District Plan, resource consent is not required for the change in land-use in these cases so subdivision becomes the key mechanism facilitating this change. Related to this matter, a recent trend has seen residential subdivision in the Industrial Zone or Business Zone where there is no minimum allotment size (an example being the corner site between Katere Road and Egmont Road, and the Quarterdeck apartments on Buller Street in the Business B environment area near the Port). This seems to be a reflection of cheaper land availability. When inappropriately located this can lead to land-use conflict and reverse sensitivity, impacting the potential use of the land for its intended industrial and/or business use.

#### 4.3.2 Greenfield urban subdivision

Over the past decade, most large-scale greenfield subdivision has occurred in Bell Block and proportionally there is less greenfield subdivision within New Plymouth city, southern growth area boundaries or other settlement towns. Development of greenfield land at the periphery of urban areas has not proven effective in terms of meeting people's needs or protecting rural resources. There are a considerable number of properties located throughout the District that have been subdivided resulting in fragmentation of land that is neither suitable for typical suburban residential living, nor useful or viable for ongoing rural production purposes.

In addition, there has been little control over the effect of activities located at or near the boundaries between urban and rural areas of the District. Growing awareness of the effects of both rural and residential activities on adjoining land users (reverse sensitivity), and the adverse impact on rural land from residential activities has made the effective separation of activities important.

#### 4.3.3 Rural subdivision

The New Plymouth District saw a shift in subdivision trends in the late 1990s resulting in more lifestyle sections in rural areas. This led to more built form and particularly an increase in houses whose occupiers are not associated with traditional rural practices, resulting in a reduction in rural character and amenity. Rural houses are part of the rural experience; however, it is important that their numbers are managed.

The fragmentation of rural land results from the desire of existing and future landowners to facilitate development, lifestyle choice or changes in land ownership. When land is subdivided to such an extent that activities are able to establish at a density that is incompatible with the rural character, fragmentation also adversely affects rural character. It also affects the future availability of productive land and therefore the future viability of rural related land uses establishing in the rural environment. The changing expectations of rural dwellers can, and does, create a demand for increased services leading to physical changes to the environment and increased costs, e.g. road widening and demand for rubbish collection.

Prior to Plan Change 27 becoming operative, rural fragmentation occurred as the plan rules allowed dense development throughout the rural area, thereby adversely affecting the rural character of the District, fragmenting farms in ways that were contrary to the objectives and policies of the District Plan.

The intent of Plan Change 27 was to ensure that subdivision in the rural environment is of a design, size, scale and intensity that is comparable with the rural landscape and can maintain rural character. The key aim of the changes to strengthen the rural subdivision provisions were to assist in ensuring sustainable use and development of the rural land resource while allowing for appropriate use and development. Requiring the large balance area of 20 hectares protects the spacious and low-density elements of rural character while still allowing a range of traditional 'rural activities' that have a productive basis, such as agriculture, horticulture or forestry, to occur without significant reverse sensitivity effects. Since Plan Change 27 was introduced in 2012, the amount of rural fragmentation has decreased albeit there is still some small-lot subdivision occurring in rural areas, and ribbon style small-lot development occurring along rural roads which adversely affects rural character.

Since its implementation in 2012, and as discussed below, the number of applications for rural-residential development and the level of fragmentation of rural land has reduced. Since the plan change, the District Plan has become more effective and directive in controlling the scale, location, density and design of land use and subdivision to maintain rural character, but the District is still experiencing small lot subdivision in some rural areas.

#### 4.3.4 Resource Consent Trends/Data

The below observations were made in reviewing the subdivision consent data trends from 2008-2018 under the Operative Plan framework.

The Council received an average of 135 subdivision applications per year over the past 11 years. Subdivision applications are mostly for the Residential and Rural Environment Areas. Prior to Plan Change 27, the majority of subdivisions were located in the Rural Environment Area. Once the Plan Change came into effect in 2012, the number of subdivision applications in the Rural Environment Area decreased and the number of subdivision applications in the Residential Areas significantly increased (especially between 2015 and 2018). However, there are still a large proportion of subdivision applications for the Rural Environment Areas (44 - 62 received by Council per year in the past three years) (refer Figure 1).

Based on the data reviewed, the majority of subdivision applications are for discretionary activity consent, however the number of controlled activity consents being applied for has increased since 2015 (which now makes up 23% of all applications). It is likely that many subdivision applications are Discretionary activities due to non-compliance with one or more standard, or because they are located in the Rural Environment Area and fail to comply with the maximum number of allotments and/or balance area requirements.

In terms of trends that have been observed, both rural and residential subdivisions are primarily discretionary. However, the applicant will use the argument frequently that the lot size may be controlled but another matter makes the activity discretionary (e.g. access). The applicant considers that the discretion should be focused on the rule non-compliance, not the activity as a whole. This approach has generally been accepted by

NPDC reporting officer and can make the discretionary consenting process more streamlined.

There has also been an increase in the number of non-complying activity consents received by the Council over recent years (Figure 2). It is understood that the majority of subdivision applications received by the council under the Operative District Plan framework are approved, subject to conditions, with the exception of the occasional subdivision application which is withdrawn, and three rural subdivisions which were declined (for reasons discussed in greater detail below).

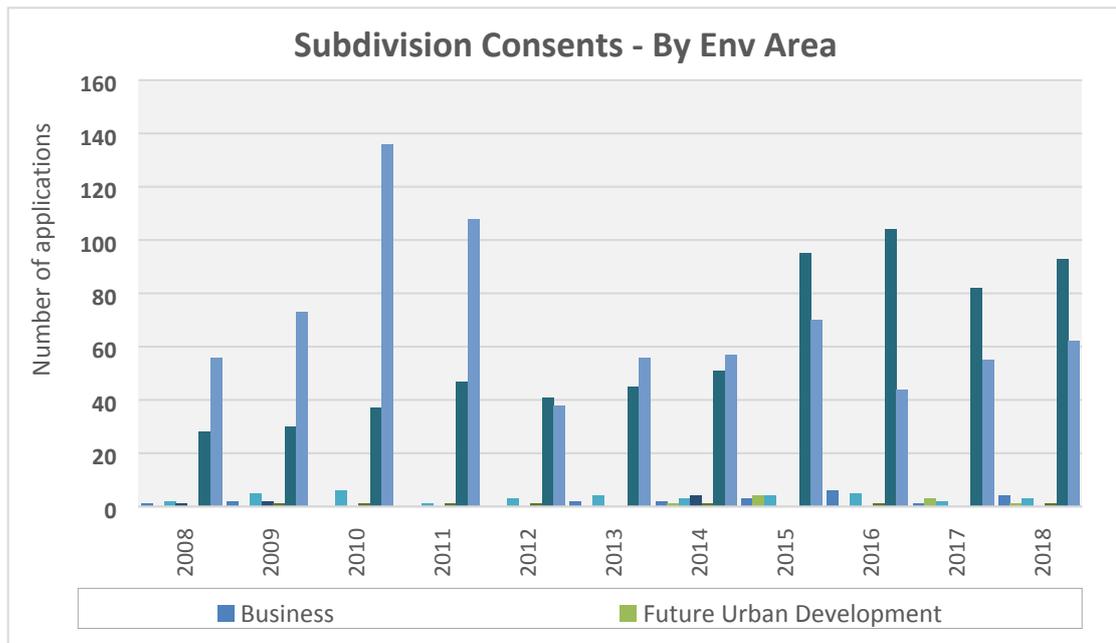


Figure 1 Subdivision consent applications by Environment Area

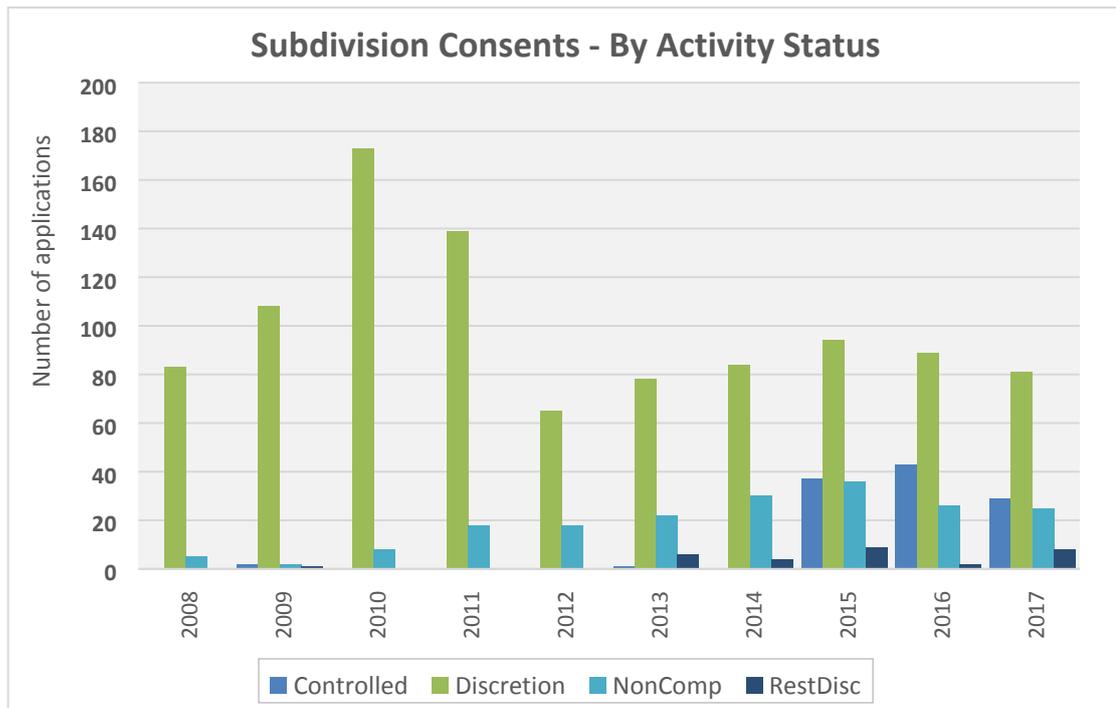


Figure 2 Subdivision consent applications - By Activity Status

#### 4.3.4.1 Residential subdivision resource consent trends

In residential areas, discretionary activity subdivisions are common and are almost always approved. The quality of urban design for subdivision and associated development varies depending on the nature of the receiving environment (greenfield locations or existing neighbourhoods) and the scale of the proposed development.

In relation to infill development and increased residential density, Council has experienced an increase in subdivision consents in residential areas that trigger land use rules, such as daylighting angles and boundary setbacks (associated with a technical breach from subdividing around an existing house, or from a proposed house (building platform)). This is primarily because the plan framework was not set up to anticipate higher density development (such as town houses).

Greenfield subdivision has greater opportunities for good urban design outcomes, however, as discussed in the Residential Zone section 32 report under the Operative District Plan framework there are often missed opportunities (through the subdivision process) for subdivision layout and design to relate to the local landform and natural character, and to enhance neighbourhood identity. In addition a general trend is lack of access and connections to surrounding neighbourhoods (with cul de sacs common, when connections to adjacent neighbourhoods would provide better urban design outcomes).

#### 4.3.4.2 Rural subdivision resource consent trends

In the rural environment, discretionary and non-complying subdivisions are frequently being approved. This is due to a number of reasons, but a common argument is the permitted baseline assessment, where the applicant argues that another dwelling could be erected on a farm as of right (if it is over 20ha in size), or meets the secondary dwelling requirements, and therefore a proposed subdivision may be able to locate a dwelling in a more suitable location with appropriate controls/mitigation that wouldn't be achieved with a permitted second dwelling.

A recent example of a subdivision on Carrs Road, Urenui where neighbours would not give affect party consent and the consent went to a hearing. The reporting officer recommended decline based on rural character effects, however the subdivision was subsequently approved because the commissioner considered it appropriate to apply the permitted baseline to undertake a "reasonable comparison of adverse effects" of habitable buildings. This is undermining the original intention of the rules regarding rural subdivision.

Another frequent argument for rural subdivision being approved (including non-complying applications) is the character of the area that the subdivision relates to being no longer of a primary rural nature and more of a lifestyle character. A landscape assessment is usually always provided with rural non-complying subdivision and these assessments frequently rely on the character of the existing environment and that is no longer overtly rural due to frequent lifestyle development and that the proposed development will be consistent with the existing 'lifestyle' rural character.

In some cases significant weight has been placed on the visual effects of a proposal. Therefore if a proposed dwelling/allotment can be screened and not visible to a road then there is no adverse effect, provided adjacent landowners have provided their written approval. This approach of screening an activity is often successful in obtaining non-complying subdivision consents under the Operative District Plan framework.

The relevant objectives and policies in the District Plan support the consideration of mitigation measures like single storey dwelling and low reflectivity coloured dwellings to retain rural character. If a subdivision can retain rural character elements, with one allotment retaining farming type activities and a new smaller allotment can provide mitigation measures it is often considered that subdivisions are consistent with the objectives and policies of the District Plan.

During the last six years, there have been three queries and one complaint relating to Subdivision that are recorded in the Customer Request Management System. All are site-specific and either request information on completed subdivisions or requirements for future subdivision.

#### 4.4 Effectiveness of the Operative District Plan Approach

The subdivision provisions of the District Plan address both the 'mechanics' of the subdivision process, and the management of the effects of subdivision and development including the design and how this may have an influence on the quality of the neighbourhood.

To some extent, the subdivision provisions are achieving the overall Operative District Plan objective of ensuring activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities. However, some broader objectives relating to good urban form and landscape values are not being achieved, especially in urban areas, and some rural subdivision is adversely affecting rural character. As demonstrated in the resource consent data above, some small-lot rural subdivision (even that which is a non-complying activity) is still being applied for and approved in rural areas.

A number of implementation issues specifically relating to the subdivision provisions have arisen. The key implementation issues that are being experienced with the Operative District Plan subdivision provisions, which are limiting their effectiveness, are summarised below.

Issue	Comment	Response
Issue 1: Inadequate provision for good neighbourhood design, accessibility, connectivity and integration with surrounding context.	<p>Limited policy guidance, direction or emphasis to encourage subdivision design and layout that responds positively to and is integrated with the surrounding context, good neighbourhood design and connectivity through subdivision.</p> <p>The Operative District Plan subdivision chapter falls short of achieving good subdivision design, particularly for greenfield subdivision in undeveloped residential land on the urban edge, which</p>	<p>Policy guidance and direction to achieve subdivision design and layout that responds positively and is integrated with the surrounding context, and promotes good neighbourhood design and connectivity.</p> <p>Update and include Council's Land</p>

Issue	Comment	Response
	<p>is a reoccurring problem in subdivision applications received by Council.</p> <p>Focus on compliance with the controlled activity framework (minimum lot sizes), leading to missed opportunities for integrating subdivision into the surrounding context (e.g. streets and neighbourhood), responding to the topography and good connectivity.</p> <p>Lack of integration between District Plan and infrastructure standard, and difficulty implementing low impact design principles.</p>	<p>Development and Subdivision Infrastructure Standard (local amendment version 3) as a reference document.</p> <p>Develop and include Subdivision Design Guidelines and Residential Design Guidelines as reference documents in the District Plan.</p> <p>Better integration of urban design principles, connectivity, low impact design and urban form within District Plan framework.</p>
<p>Issue 2: Inadequate consideration of natural landforms and natural features</p>	<p>Inadequate management of effects on significant natural landforms and natural features under the RMA (e.g. coastal, ridgelines, wetlands and river margins).</p>	<p>Enable greater emphasis/consideration of effects of subdivision on significant natural landforms and natural features.</p> <p>Enable consideration of any public access, ecological, cultural or heritage values present, cumulative effects, and any potential for natural hazards (especially possible erosion/flooding issues).</p>
<p>Issue 3: Cumulative effects on rural character and fragmentation of productive land from 'rural lifestyle' type subdivision in rural areas.</p>	<p>Rural subdivision applications (including non-complying applications) and subsequent land use are adversely affecting rural character and fragmenting productive rural land under the Operative District Plan framework.</p>	<p>Strong objective and policy direction focussed on the role, function and predominant character of the underlying rural zones rather than the existing character.</p> <p>Need to 'close the gap' to remove the ability to argue the permitted baseline to support rural subdivision (e.g. align the maximum number of residential units with the proposed subdivision rules).</p>

## **4.5 Effectiveness of Other Methods**

The issues experienced with the Council's Land Development and Infrastructure Standard and associated amendments to address these issues are explained in Section 3.6.5 above. The updates will ensure that Council maintains best practice and meets technological advancements, complies with evolving national and international standards and responds to local issues observed since its original adoption in 2013.

The effectiveness of the existing design guidance material explained in 4.2.2 has been limited to date, given that there has been inadequate integration between the Operative District Plan and design documents. Because the design guidance documents do not carry statutory weight, opportunities to achieve higher quality design through resource consent processes are often missed.

## **5 Consultation**

### **5.1 General Consultation**

Extensive consultation with key stakeholders and the local community was undertaken as part of this District Plan Review process. Refer to the General Overview Section 32 Report for details on the methods that were used to carry out that consultation.

The first Draft District Plan was released for public comment in 2016, which contained draft objectives, policies and a summary of rules for each chapter. Comments received on the subdivision chapter were generally that subdivision of large land holdings should be managed and controlled in relation to their effects on the wider environment, including effects of stormwater and run-off into watercourses and use of low impact design principles to avoid these effects.

The comments received on the Draft District Plan (2016) informed the redrafting of the provisions and were reflected in the amendments to provisions in the updated Draft District Plan released for further public comment in 2018.

High level stakeholder feedback with the development/surveyor community leading up to the Proposed Plan has seen general support for "raising the bar" for subdivision and proving clearer direction for the expectations around subdivision.

Based on the consultation and feedback received through the second Draft District Plan (February 2018), further scenario testing (including GIS data analysis) of the draft provisions was undertaken, resulting in some amendments to the provisions. The following commentary is provided:

- Amendments have been made to subdivision policies to align the terminology with the RMA, following feedback from Forest and Bird. Reference to "scheduled features" has also been replaced with "identified features".
- The policies have been restructured to provide for general policies and also separate urban and rural policies to further clarify expectations for different types of subdivision. This change resulted in new policies specific to rural subdivision only.
- Rule SUB-R3(1) and (2) were amended to further strengthen the rules for subdivision in Rural Production Zones to make subdivision of up to three allotments in the Rural Production Zone a Discretionary activity, where it was

previously Restricted Discretionary in the Draft Plan. The rule has also been tied back to the “parent title” with an associated definition and has been simplified.

- Following concerns regarding the scale and extent of subdivision that could be allowed as a controlled activity in the Rural Lifestyle Zone under the Draft Plan, subdivision of land in the Rural Lifestyle Zone was revised to a Restricted Discretionary activity status to enable further control over subdivision and to encourage a variety in density and lot size. The revised rule includes a maximum of four allotments less than 1 ha, with minimum allotment size of 4,000m<sup>2</sup> and a requirement that for each new allotment less than 1 ha, a corresponding allotment over 1 ha (10,000m<sup>2</sup>) in area is provided.
- A new definition was included for “minimum lot size” in response to concerns of the consultant planning and surveying community regarding the differences between cross-lease and fee simple titles. The minimum lot sizes have been moved to the effects standard but has been retained in the rule where it is required. It is therefore both in the rule and the standards for the Rural Lifestyle Zone and the Rural Production zone.
- Revisions have been made to the subdivision chapter to provide for a range of lot sizes which can support a range of housing typologies, including policy guidance. In addition, the residential zone chapter includes policies which support the provision of diversity in housing choice, affordability and increased density, and the residential zone objectives also seek to increase variety of housing types, sizes and tenures available.
- Increased emphasis has been put on connectivity throughout the objective and policy sections of the subdivision chapter, as well as the matters of control/discretion. Consistent reference to the Subdivision Design Guide throughout is also provided and includes access and connections as a key theme.
- To ensure the matters raised are addressed within the rules, provision has been made for minimum landscaped permeable areas (within the zone chapters) and maximum number of residential buildings per lot/site.

## **5.2 Consultation with Iwi Authorities**

Ngā Kaitiaki provided feedback on the Draft District Plan (2016) Subdivision chapter. The comments from Ngā Kaitiaki on the Draft Plan (2016), including some comments on the effectiveness of the Operative District Plan, are summarised below:

- Insert new objective or additional wording to SUB-02 regarding the acknowledgement/respecting of the relationship Tangata Whenua have with the area through subdivision design (not just waahi tapu, Tangata Whenua have wider interests).
- Subdivision resulting in significant land disturbance should not be excluded from earthworks provisions (e.g. resource consent should be required for earthworks).
- Introduce minimum requirements around accidental discovery protocol (e.g. agreed accidental discovery protocol to District Plan, which condition precedents in subdivision consents, should unrecorded Māori historic heritage be re-discovered).
- Consider specific objectives for urban subdivision vs rural subdivision.
- Insert new policy highlighting specific engagement/collaboration/consultation requirements for subdivision.
- Preference for alignment of subdivision, land use/development, regional resource consent requirements and Heritage New Zealand processes.

- Supports the use of low impact design principles for management of stormwater and suggests new policy to elevate the importance of this issue and to support input of Tangata Whenua into subdivision and stormwater systems.
- Request new policy for development proposals which provide a mix of allotment sizes and building typologies.
- Request for greater emphasis on connectivity in the subdivision provisions.
- Consider different rule approaches/performance standards to address the issues discussed above, for example:
  - Introduction of a minimum permeable surfaces rule. This is to support on-site primary treatment of stormwater through retention of green space, rain gardens etc.
  - Conditions to limit the size of built development, ensuring enough permeable surfaces to provide for stormwater runoff proportionate to the quantity of runoff from impermeable surfaces.
  - Location of roads and proximity to waterbodies, and the consideration of the types of material being used to build roads/access legs.
  - Density controls for subdivision. Consider the use of a maximum number of dwellings per hectare for different catchments as opposed to blanket minimum allotment size resource consent triggers. This would also assist in supporting development to provide a range of section sizes, and subsequent residential dwelling typologies.

The feedback from Ngā Kaitiaki was considered during redrafting of the provisions and consequent amendments to the provisions were made. In particular, the proposed provisions comprise:

- Rules for earthworks also apply to earthworks associated with subdivision. Earthworks associated with approved subdivision consents are no longer exempted under the rule framework, which allows consideration of the full effects of subdivision of land and associated earthworks through the resource consent process (this matter is addressed in detail in the section 32 Report for Earthworks).
- Policy guidance and matters of control/discretion for the protection, maintenance, or enhancement of natural features and landforms, historic heritage, sites of significant to tangata whenua, archaeological sites or other scheduled features. Minimum requirements around accidental discovery protocol can be included on conditions of subdivision consents.
- Matters of control/discretion for subdivision including “the design and location of building platforms, in particular, to minimise the volume of earthworks and land disturbance”.
- The inclusion of Nga Kaitiaki’s suggested policy SUB-P7 (on low impact design principles) into the policy framework. When stormwater disposal to waterbodies is proposed, tangata whenua has the opportunity to be involved.
- Reference to Subdivision Design Guide in the introduction, policies, and matters of control or discretion, which encourages a mix of allotment sizes and building typologies, and a greater emphasis on connectivity (albeit there are still minimum lot sizes for some residential zones and rural zones).
- Minimum landscaped permeable surface area standards are contained within the zone chapters.

Based on further engagement with Ngā Kaitiaki since the Draft District Plan, further amendments have been made to address key feedback and concerns, including the following:

- Policy SUB-P2 has been revised to encompass the wider interests and values of tangata whenua beyond the presence of wahi tapu sites. The policy covers “sites of significance to tangata whenua” which is not limited to those sites identified in the plan and can be identified during engagement with tangata whenua. Further, policy SUB-P8(7) requires that rangatiratanga is incorporated into the design for greenfield subdivision and layout.
- More detailed provision has also been made for policy guidance and matters of control/discretion required at the subdivision stage with regard to natural features and landforms, historic heritage, waterbodies, sites of significance tangata whenua and archaeological sites.
- There are more restrictive subdivision provisions for “identified features” (i.e. subdivision of land containing a heritage item, site of significance) to enable a full assessment of effects. These are contained within the relevant Overlay chapters.
- Concerns regarding unrecorded Māori historic heritage are addressed through the minimum requirements around accidental discovery protocol provided in the earthworks provisions. Policy guidance is also provided under Policy HH-P11 of the historic heritage chapter.
- The policies have been separated into ‘urban’ and ‘rural’ and provides specific direction of stormwater management and control to appropriately reflect the different outcomes expected in urban and rural subdivisions. The matters of control/discretion also require assessment of natural and cultural items at the time of subdivision.
- A specific policy was sought for engagement and collaboration with tangata whenua. Such a provision is more appropriate in the Strategic Objectives and it is considered that the policy guidance and matters of control/discretion within the subdivision chapter enable an assessment of effects of the subdivision on the spiritual or cultural values of tangata whenua as kaitiaki.
- Objective SUB-O3 has been amended to require that infrastructure supporting subdivision and development is planned and integrated in a comprehensive manner. Policies SUB-P4 and SUB-P8 also support this integrated approach.

## **6 Key Resource Management Issues**

The key resource management issues for subdivision in the New Plymouth District are:

- Subdivision of land affects the quality and character of neighbourhoods and places where people live, work and play. Subdivision can be of a scale, size or design that is incompatible with the role, function, character and amenity of the surrounding area.
- Subdivision and subsequent use of rural land in particular can impact on the quality and functioning of the rural environment by affecting amenity values and rural character. It can also impact on the efficient and successful functioning of farming activities.
- Subdivision of land and subsequent land use can generate adverse effects on the environment, including potential adverse effects on landform, biodiversity, water quality, infrastructure, hazards, public access, cultural and heritage sites, amenity values and reverse sensitivity effects on existing land uses.

It is for these reasons that it is imperative that subdivision in the New Plymouth District is managed in an integrated, appropriate way to ensure that any adverse effects are avoided, remedied or mitigated.

Following identification of the key resource management issues, the evaluation involved a review of the existing objectives, policies and methods to determine whether they effectively addressed the issues. The details below summarise this evaluation.

## **7 Proposed District Plan Provisions (Objectives, Policies and Methods/Rules)**

The proposed provisions are set out in the Subdivision Section of the Proposed Draft New Plymouth District Plan. These provisions should be referred to in conjunction with this evaluation report. The strategic objectives, including HC-1 – HC-3 in relation to historic and cultural matters, strategic objectives NE-4 – NE-7 in relation to natural environment matters, strategic objectives TW-8 – TW-12 in relation to tangata whenua matters, and strategic objectives UFD-13 – UFD-24 in relation to urban form and development, are all relevant to the subdivision provisions.

In summary, the proposed provisions comprise:

### **7.1 Objectives and policies**

- Subdivision that results in efficient use of land, and achieves patterns of development that deliver good quality community environments, that are compatible with the role, function and predominant character of each zone.
- Subdivision is designed to minimise any adverse effects on the environment, and occurs in a sequenced and coherent manner, which responds to the site context, is accessible, recognises natural system values and protects or enhances natural features and landforms, waterbodies, indigenous vegetation, historic heritage, sites of significance to tangata whenua and identified features.
- Infrastructure supporting subdivision that is planned in an integrated and comprehensive manner, and provided at the time of subdivision.
- Allow subdivision that results in efficient use of land and supports the policies of the District Plan for the applicable zones, where subdivision design reflects development patterns of the zone and maintains the zone integrity.
- Manage subdivision of land containing significant natural features and landforms, waterbodies, indigenous vegetation, historic heritage, sites of significance to tangata whenua and/or other identified features to ensure their protection and enhancement.
- Manage significant risks from natural hazards by restricting subdivision that, creates new, or exacerbates existing hazards, results in adverse stability effects, and does not provide flood free building platforms.
- Require efficient and sustainable stormwater control and disposal systems to be designed and installed at the time of subdivision that incorporates water sensitive and low-impact design principles, mitigates the effects of development on-site, avoids increase in sediment and contaminants entering waterbodies or downstream effects, and provides an opportunity for tangata whenua to be involved where stormwater disposal to waterbodies is proposed.

- Allow subdivision that does not comply with the minimum lot design and parameters when the site size and configuration is appropriate for development intended by the zone, and the site size and shape supports a range of housing types and sizes, allows sufficient sunlight to living and outdoor spaces and maximises opportunities for buildings to face public spaces.
- Infill residential subdivision that complements residential density anticipated for the zone, allows sufficient sunlight, on-site amenity and privacy, and maximises opportunities for buildings to face the road and overlook public spaces.
- Greenfield subdivision which is in accordance with the principles of the Subdivision Design Guide, is safe, connected and accessible to neighbourhoods, incorporates site characteristics and minimises earthworks, incorporates rangatiratanga and tangata whenua values in subdivision design, maximises sunlight access, and promotes water sensitive and low impact design solutions.
- Promote safe, connected and accessible neighbourhoods by supporting subdivision that minimises the proliferation of vehicle crossings, limits cul-de-sacs, provides a variety of travel modes and connections, and provides space for social interaction.
- Manage the scale, design and intensity of subdivision in the Rural Production zone by allowing one small allotment only where there is a large balance area and avoiding subdivision that would compromise the role, function and character of the zone.
- Manage the scale, design and intensity of subdivision in the Rural Lifestyle zone by allowing four small allotments only where there are corresponding larger lots, and avoiding subdivision that would compromise the role, function and character of the zone.
- Only allow subdivision that does not comply with the minimum lot design and parameters in the Rural Lifestyle or Rural Production zones where the size and configuration is appropriate for the land use intended by the zone, is compatible with the role, function and predominant character of the zone and is consistent with the quality and types of development envisaged by the zone.
- Subdivision design and layout in the Rural Lifestyle or Rural Production zones respond positively to, and is integrated with the surrounding context by incorporating site characteristics, minimising earthworks, avoiding inappropriate building and access locations, incorporating sufficient separation distances, incorporating rangatiratanga and tangata whenua values, and promoting sustainable stormwater management.
- Ensure that all subdivision in the Rural Lifestyle or Rural Production zones maintains or enhances the attributes that contribute to rural character, including varying forms, scales and separation of structures, maintaining natural features, landforms and vegetation, low population density and on-site servicing.

The above objective and policy framework is consistent with the strategic objectives set out in the 'Strategic Objectives' section of the Proposed Plan, in particular those for urban form and development, for growth and land supply. The 'Strategic Objectives' are evaluated in the Overarching Section 32 Report.

## **7.2 Rules**

7.2.1 Controlled activity rules provide for the following, subject to standards:

- Boundary adjustments.
- Subdivision of land solely for the purpose of public works, network utilities, reserves or access.
- Subdivision of land to create allotments in the Future Urban Zone, provided one new allotment is created from the parent title of 20 ha, subject to effects standards.
- Subdivision of land to create allotments within the Rural Production Zone, provided one new allotment is created, with a minimum lot size of 4,000m<sup>2</sup> and the balance allotment will have a minimum area remaining of at least 20 ha, subject to effects standards.
- Subdivision of land to create allotments within all other zones, subject to effects standards.

7.2.2 Restricted Discretionary activity for:

- Subdivision in the Rural Lifestyle Zone, subject to standards, and requirements for minimum lots sizes and corresponding allotment size.
- Subdivision of land that result in an increase of allotments being accessed via an existing right of way.
- Subdivision where the allotment contains or is located within 20m of the edge of an indicative transport network.

7.2.3 Discretionary activity for:

- Subdivision of land to create two or three new allotments from the parent title in the Rural Production zone.
- Subdivision of land that will require a road to be vested as legal road.

7.2.4 Non-complying activity for:

- Subdivision in the Rural Lifestyle Zone where the subdivision is a further subdivision of an allotment created under Restricted Discretionary or Discretionary activity rule; or
- Subdivision in the Rural Production Zone not meeting the requirements for a controlled or Discretionary activity.
- Subdivision in the Future Urban Zone not meeting the requirements for a controlled activity.

The revised approach to rural subdivision is summarised in Table 4 below.

## **7.3 Effects Standards**

The effects standards cover a range of parameters and are relatively similar to the standards applied to subdivision within the Operative District Plan (albeit simplified). The standards include minimum lot size for the General Residential Zone, Low Density Residential Zone and Rural zones. Some changes from the Operative District Plan minimum lot sizes for the Residential Zones are proposed, as explained in Section 7.1.4 of the Residential Zone Section 32 Report. The revised minimum lot sizes to achieve controlled activity status are summarised in Table 3 below. There are no minimum lot

sizes for zones that are not residential or rural, and there is no minimum lot size in the Medium Density Residential Zone to provide greater flexibility and opportunities for medium density residential development.

Table 3: Minimum lot size and activity status for subdivision in Proposed New Plymouth District Plan

<b>Environment</b>	<b>Controlled Activity</b>
Rural Production Zone	20 hectares
Rural Lifestyle Zone	4,000m <sup>2</sup>
General Residential Zone	400m <sup>2</sup>
Low Density Residential Zone	750m <sup>2</sup>
All other zones	No minimum

Table 4: Minimum lot size and activity status for subdivision in rural areas in Operative New Plymouth District Plan

<b>Zone</b>	<b>Controlled Activity</b>	<b>Restricted Discretionary Activity</b>	<b>Discretionary Activity</b>	<b>Non Complying Activity</b>
Rural Production Zone	20 hectares. One small allotment (minimum area of 4,000m <sup>2</sup> ) provided there is at least a 20 hectare balance remaining (and effects standards are complied with) Boundary adjustments.	N/A	Up to three small allotments (minimum area of 4000m <sup>2</sup> ) provided there is at least a 20 hectare balance area remaining; or Effects standards are not complied with.	Any subdivision that is not a Controlled or Discretionary activity.
Rural Lifestyle Zone	N/A	Up to four allotments between 4,000m <sup>2</sup> and 1 ha in area, provided that for each allotment less than 1ha, a corresponding allotment of over 1 ha is provided (and effects standards are complied with)	Up to four allotments between 4,000m <sup>2</sup> and 1 ha in area, provided that for each allotment less than 1ha, a corresponding allotment of over 1 ha is provided; or Effects standards are not complied with.	The subdivision is a further subdivision or any allotment created pursuant to subdivision consent granted after the Proposed Plan becomes operative; or Any subdivision that is not a Restricted Discretionary or Discretionary activity

The effects standards also include requirements for stable and flood free building platforms, to demonstrate that lot size and configuration can achieve compliance with underlying zone rules and standards, compliance with Councils Land Development and Infrastructure Standard, stormwater treatment, catchment and disposal, water supply, sewage disposal, network utility services, transport, and access and connectivity.

#### 7.4 Other Guidance Documents

In conjunction with the District Plan objectives, policies and any relevant structure plans, assessment matters for controlled and discretionary activities will be assessed against the Subdivision Design Guide, and where relevant, the Residential or Rural Design Guides. The Subdivision Design Guide will provide guidance best practice infrastructure and subdivision design guidelines and outlines the type and quality of outcomes the Council is seeking for new subdivisions within the district. These design guides are appended to the Proposed District Plan.

### 8 Approach to Evaluation

Section 32(1)(a) of the RMA requires that this report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal.

This section of the RMA requires that:

- New proposals must be examined for their appropriateness in achieving the purpose of the RMA.
- The benefits and costs, and risks of new policies and rules on the community, the economy and the environment need to be clearly identified and assessed.
- All advice received from iwi authorities and the response to the advice needs to be summarised.
- The analysis must be documented, so stakeholders and decision-makers can understand the rationale for policy choices.

#### 8.1 Evaluation of Scale and Significance

	Minor	Low	Medium	High
Degree of change from the Operative Plan			✓	
Effects on matters of national importance			✓	
Scale of effects – geographically (local, district wide, regional, national).		✓		
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).			✓	
Scale of effects on those with specific interests, e.g., Tangata Whenua			✓	
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects		✓		

	Minor	Low	Medium	High
addressed by other standards/commonly accepted best practice?				
Likelihood of increased costs or restrictions on individuals, communities or businesses.			✓	

## 8.2 Explanation Summary

In summary:

- The degree of change from the Operative District Plan is medium, considering that the activity status and technical standards for subdivision throughout the District are generally being retained (albeit simplified and streamlined), but there is greater policy direction and emphasis on good quality subdivision design, integration of natural features and landforms, and low impact design solutions.
- The geographic scale of effects applies to the whole District, however, the wider community and tangata whenua are likely to be affected positively by the proposal as it is expected to result in improved subdivision design that is compatible with the role, function and predominant character of each zone, and greater consideration of natural features and landforms, and low impact design principles.
- The development community may be affected by the proposal with the emphasis on good quality design, and consideration of natural landforms could lead to potentially larger lot sizes and less yield (and associated economic benefits and costs).
- The proposal does not directly relate to a s6 matter of national importance; however, the following Section 7 other matters are relevant; (c) maintenance and enhancement of amenity values, and (f) maintenance and enhancement of the quality of the environment.
- The proposed subdivision provisions are considered to be in accordance with best-practice, and similar to the approach adopted in similar second generation plans throughout New Zealand.

Overall, it is considered that the scale and significance of the proposal is medium. The level of detail in this report corresponds with the scale and significance of the environmental, economic and cultural effects that are anticipated from the implementation of the Subdivision provisions.

## 9 Evaluation of Objectives

Existing Objective(s)	Appropriateness to achieve the purpose of the Act
<p>No objective specific to subdivision and reliance on zone-based 'amenity' objectives:</p> <p><i>Objective 1 To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.</i></p> <p><i>Objective 4 To ensure the subdivision, use and development of land maintains the elements of RURAL CHARACTER.</i></p> <p><i>Objective 6 To ensure:</i></p> <ul style="list-style-type: none"> <li>• <i>Sufficient space is available to protect residential amenity.</i></li> <li>• <i>Visual and aural amenity is protected</i></li> <li>• <i>Traffic generation is consistent with the character of the residential area.</i></li> </ul> <p><i>Objective 7 To ensure the attractive, vibrant, safe, efficient and convenient character of the business environment is maintained.</i></p> <p><i>Objective 8 To recognise and provide for differing open space requirements in the district in an integrated manner that ensures the character of open space areas are maintained.</i></p> <p><i>Objective 9 To maintain a level of amenity within the industrial environment which is consistent with the character of the area and provides a safe working environment.</i></p>	<p>With no objectives specific to subdivision, the expectations for subdivision are not explicitly set out in the District Plan, which provides limited guidance or direction on the outcomes that the District Plan is seeking to achieve. This hinders the ability of decision-makers to apply a consistent approach to subdivision throughout the District.</p> <p>The multiple objectives are related to character and amenity, and are not tailored to address the resource management issues identified above; in particular, that subdivision of land should achieve patterns of development that are compatible with the role, function and predominant character of each zone, achieve good quality community environments, minimise adverse effects on the environment, and that infrastructure is provided in an integrated and comprehensive manner at the time of subdivision.</p> <p>Having no objectives specific to subdivision, and reliance on the zone-based objectives relating to character and amenity could lead to inconsistent outcomes, lack of consideration of potential adverse environmental effects, inappropriate quality of design and layout, and infrastructure provision. It would also be inconsistent with the Subdivision Design Guide, would not appropriately address the resource management issues above or achieve the sustainable management purpose of the Act.</p>
Proposed Objective(s)	Appropriateness to achieve the purpose of the Act
<p><i>SUB-O1 Subdivision results in the efficient use of land and achieves patterns of development that delivers good quality community environments that are compatible with the role, function and predominant character of each zone.</i></p>	<p>The purpose of the RMA is to promote the sustainable management of natural and physical resources by managing the use, development and protection of physical resources in a way which enables people and communities to provide for their social, economic and cultural well-being. Under Section 7(c) and (f), this includes the</p>

Proposed Objective(s)	Appropriateness to achieve the purpose of the Act
<p><i>SUB-O2 Subdivision is designed to avoid, remedy or mitigate any adverse effects on the environment and occurs in a sequenced and coherent manner that:</i></p> <ol style="list-style-type: none"> <li><i>1. Responds positively to the site’s physical characteristics and context;</i></li> <li><i>2. Is accessible, connected and integrated with the surrounding neighbourhoods;</i></li> <li><i>3. Contributes to local character and sense of place;</i></li> <li><i>4. Recognises the value of natural systems in sustainable stormwater management and water sensitive design; and</i></li> <li><i>5. Protects or enhances natural features and landforms, indigenous vegetation, historic heritage, sites of significance to tangata whenua, and/or identified features.</i></li> <li><i>6. Provides accessible and well-designed open space areas for various forms of recreation, including sport and active recreation, for the health and wellbeing of communities.</i></li> </ol> <p><i>SUB-O3 Infrastructure supporting subdivision and development is planned in an integrated and comprehensive manner and is provided at the time of subdivision.</i></p>	<p>maintenance and enhancement of amenity values and the quality of the environment, which Council shall have particular regard to.</p> <p>The proposed objectives clearly set the outcomes anticipated by the plan and the expectations of Council for subdivision. The objectives specifically address the resource management issues identified above and provide greater direction to plan users on the outcomes expected under the Proposed Plan framework to address the implementation issues being experienced (e.g. to achieve good neighbourhood design, connectivity, accessibility, water sensitive and low impact design, integration with surrounding context and site layout that is sympathetic to natural landform and features, and comprehensive, coordinated and integrated infrastructure provision).</p> <p>The objectives are also consistent with the higher order direction set out in the RPS related to subdivision. Objective SUB-O1 also ensures that subdivision results in good quality development that is compatible with the role, function and predominant character of each zone (rather than the character of existing areas). As such, the objectives will sustain the potential of physical resources for current and future generations, and maintain and enhance amenity values and quality of the environment.</p> <p>The proposed objectives provide plan users and decision makers with certainty as to the outcomes that are appropriate under the District Plan provisions.</p> <p>The objectives are considered to be reasonable to address the resource management issues and will achieve the purpose of the RMA.</p>

Evaluation of Alternative Options	Appropriateness to achieve the purpose of the Act
<p>Do not define expectations for subdivision.</p>	<p>This option would hinder decision makers when assessing resource consent applications as they would have little guidance on what outcomes are expected. It would also fail to properly recognise the difficult character, role and function of each zone and appropriate types of subdivision to provide for future land use activities.</p>

Summary
<p>The proposed objectives will achieve the purpose of the RMA as they are clear statement of intent that define the expectations for subdivision. They provide certainty as to the outcomes that are anticipated and are appropriate under the District Plan provisions.</p>

## 10 Evaluation of Options to Achieve the Objectives

Options to achieve the District Plan objectives relating to Subdivision	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p><b>Option A: Proposed approach</b></p> <ul style="list-style-type: none"> <li>• Subdivision specific chapter in District Plan.</li> <li>• Strong policy direction emphasising good quality and low impact subdivision design, design guide principles, minimising effects on the environment and integrated and comprehensive infrastructure provision.</li> <li>• Allow subdivision as a controlled activity in urban areas, subject to compliance with standards.</li> <li>• Remove minimum lot sizes for zones that are not residential or rural, and remove minimum lot size in the Medium Density Residential Zone</li> </ul>	<ul style="list-style-type: none"> <li>• Specific and clear direction in policy framework on the quality and type of outcomes expected by the District Plan, consistent with those anticipated by the Subdivision Design Guide and set out in Section 4.4 of this report.</li> <li>• Gives effect to the 'sustainable urban development' policies of the RPS.</li> <li>• Clear direction means that plan users and developers will have upfront understanding of the subdivision provisions of the plan, and councils' expectations, which leads to efficient and consistent decision-making.</li> <li>• Certainty for developers with regard to process, matters to be considered, and likelihood of approval.</li> <li>• Provides for the availability of land for future development, to give effect to the NPS on Urban Development Capacity 2016.</li> </ul>	<ul style="list-style-type: none"> <li>• Slight change in approach to subdivision, in particular the policy direction in the short term, may result in higher compliance costs and associated time and uncertainty for landowners or developers involved in obtaining resource consents.</li> <li>• Stronger emphasis on subdivision layout reflecting natural landform patterns and incorporating low impact design reduces flexibility for developers, and may reduce development yield and associated financial benefits.</li> <li>• Change in plan structure and policy framework for subdivision, in the</li> </ul>	<ul style="list-style-type: none"> <li>• This approach is effective and efficient as it would allow subdivision to proceed with an appropriate and comprehensive assessment of environmental effects of the proposal.</li> <li>• Streamlined, simplified rules that are easier for plan users to interpret and apply. The reduced duplication and clear direction in policy framework and standards is expected to result in increased compliance and effective compliance monitoring.</li> <li>• This approach addresses current issues, in particular providing appropriate</li> </ul>	<ul style="list-style-type: none"> <li>• Not acting may mean that the current implementation issues with the Operative Plan approach (described in Section 4.4) continue and incrementally result in loss of amenity values and quality of the environment.</li> <li>• Overall, it is considered that there is sufficient information to act, and that risks of not acting are outweighed by the benefits of acting.</li> </ul>

Options to achieve the District Plan objectives relating to Subdivision	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<ul style="list-style-type: none"> <li>• Manage the scale, design and intensity of subdivision in rural areas (rural production zone and rural lifestyle zone), through maximum number of allotments, and minimum allotment size requirements which correspond to the role, function and predominant character of the zones.</li> <li>• Standards for minimum lot design and parameters, stable and flood free building platforms, compliance with Councils Land Development and Subdivision Infrastructure Standard, stormwater treatment, catchment and disposal, water supply, sewage disposal, network utilities services, network utilities services, transport,</li> </ul>	<ul style="list-style-type: none"> <li>• Better quality subdivision design, connectivity, and associated neighbourhood and community environments which results in economic and social benefits for new residents.</li> <li>• The matters of control and discretion accurately reflect consideration of the full range of likely adverse effects from subdivision, which provides Council with greater control, full assessment, and improved and effective management of subdivision.</li> <li>• Certainty for neighbours that subdivision on adjacent sites will be compatible with the role, function and predominant character of the zone (opposed to existing character).</li> <li>• Provides greater flexibility and opportunities for medium density residential development in the Medium Density Residential Zone.</li> <li>• Coordinated and integrated resource consent processes for large scale subdivisions, including for earthworks and infrastructure provision.</li> </ul>	<p>short term, may result in higher compliance costs and associated time and uncertainty for landowners and developers involved in obtaining resource consents.</p>	<p>assessment criteria to enable a complete assessment of possible environmental effects based on experience. The approach achieves the proposed objective in an efficient and effective manner by providing a balance between management of adverse effects and enabling appropriate activities to occur.</p> <ul style="list-style-type: none"> <li>• Resource consent process enables the efficient and effective management of adverse effects on the environment resulting from subdivision, and provides certainty to the developer and community with regard to process and confidence that good quality subdivision proposals supported by</li> </ul>	

Options to achieve the District Plan objectives relating to Subdivision	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p>access and connectivity.</p> <ul style="list-style-type: none"> <li>Discretionary or non-complying activity status for subdivision not meeting scale, design and intensity standards in the Future Urban Zone, rural production zone or rural lifestyle zones.</li> </ul>	<p>Developers are more likely to design subdivision layout to reflect natural landforms.</p> <ul style="list-style-type: none"> <li>Approach is in accordance with the comments from Nga Kaitiaki (in particular need for greater control of earthworks associated with subdivision and emphasis on low impact design principles) which has regard to kaitiakitanga in accordance with the purpose of the RMA.</li> <li>Streamlined, simplified rules that are easier for plan users to interpret and apply. The reduction in ambiguity is expected to result in increased compliance and effective compliance monitoring.</li> </ul>		<p>appropriate applications will be granted.</p> <ul style="list-style-type: none"> <li>This option is considered to be the most efficient and effective to achieve the objectives.</li> </ul>	
<p><b>Option B: Status Quo Approach</b></p> <ul style="list-style-type: none"> <li>Retention of Operative Plan approach.</li> <li>Duplicate subdivision rules across zone chapters and rely on objectives and policies relating to character and amenity for each Environment Area to</li> </ul>	<ul style="list-style-type: none"> <li>Plan users and landowners are familiar with current provisions, resulting in reduced costs in understanding and complying with the subdivision sections of the plan.</li> <li>Increased flexibility for developers to re-work the natural landform to enable a more efficient use of land for subdivision and associated future development. Greater</li> </ul>	<ul style="list-style-type: none"> <li>Limited policy guidance, direction or emphasis on design and connectivity resulting in varied outcomes, some low-quality design outcomes, poor connectivity, and limited consideration of natural features and landforms.</li> </ul>	<p>The evaluation set out in Section 4.4 of this report demonstrates that the existing approach is not effectively or efficiently achieving the purpose of the RMA.</p> <p>Due to limited policy guidance and lack of integration between the District Plan, design documents and</p>	<p>The current policy framework lacks detail and specific direction on management of effects of subdivision.</p> <p>The rules are not effectively being implemented, are not well-integrated with design and infrastructure guidance, and/or Council's ability to</p>

<b>Options to achieve the District Plan objectives relating to Subdivision</b>	<b>Benefits</b>	<b>Costs</b>	<b>Efficiency and Effectiveness</b>	<b>Risks of acting/not acting</b>
inform decisions on subdivision.	development yield and associated economic benefits.	<ul style="list-style-type: none"> <li>• Lack of integration and inconsistent application of design documents/guidance, infrastructure standard, and difficulty implementing low impact design principles.</li> <li>• Limited control of large-scale earthworks associated with subdivision, resulting in adverse effects on visual amenity and alterations to stormwater runoff creating stormwater disposal issues.</li> <li>• Ineffective consideration of adverse effects and poor-quality environmental outcomes.</li> <li>• High economic cost if stormwater disposal is not effectively managed, causes instability or restricts stormwater flows that</li> </ul>	<p>infrastructure standards, subdivision design often fails to implement design principles including low impact design and connectivity.</p> <p>Further, the lack of direction in the plan leads to inconsistent decision-making and lack of control over certain activities.</p> <p>Therefore, this option is not considered to be the most efficient, effective or appropriate option to achieve the objectives.</p>	<p>manage certain effects is limited.</p> <p>The ineffectiveness of the current planning framework is demonstrated in Section 4.4 of this report, and is no longer considered to be best practice.</p> <p>It is considered that the risk of acting on these provisions outweighs the risk of not acting. There is sufficient information not to act on this approach.</p>

Options to achieve the District Plan objectives relating to Subdivision	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
		<p>damages property or exacerbates flooding.</p> <ul style="list-style-type: none"> <li>• Impedes potential opportunities for medium density residential development in the Medium Density Residential Zone.</li> <li>• Due to all of the above factors, there is greater potential for a reduction in amenity values and quality of the environment.</li> </ul>		
<p><b>Option C: Restrictive approach with no minimum standards</b></p> <ul style="list-style-type: none"> <li>• Subdivision specific chapter in District Plan.</li> <li>• Objectives and policies specific to management of effects generated by subdivision.</li> <li>• District-wide Discretionary activity status for subdivision without minimum lot sizes or technical standards (appropriate lot size and servicing</li> </ul>	<ul style="list-style-type: none"> <li>• Greater flexibility for developers without specified minimum lot sizes, resulting in a variety of lot sizes and different housing typologies in accordance with relevant design guides.</li> <li>• Council has greater control and discretion over subdivision applications and ability to decline a resource consent application if it does not achieve the objectives or is inconsistent with the policies. Also avoids instances where the controlled activity status</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of certainty for developers with regard to process, matters to be considered, and likelihood of approval.</li> <li>• Potential financial cost associated with designing and applying for subdivision applications that may be declined (including financial burden for landowners who undertake small-scale subdivisions).</li> </ul>	<p>This approach would require discretionary activity consent for all subdivision applications regardless of their size, scale or compliance with various standards.</p> <p>In comparison to Option A which uses a range of standards to achieve controlled activity status to encourage subdivision in urban areas, and manage the potential adverse effects of subdivision, Option C</p>	<p>The risk of acting on these provisions is that the effectiveness of the option would rely on effective communication between developers and council to determine expectations on a case by case basis. Lack of standards and direction in the plan may lead to varied outcomes.</p> <p>It is considered that the risk of acting on these provisions outweighs the risk of not acting. There is sufficient information</p>

Options to achieve the District Plan objectives relating to Subdivision	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p>determined on a case by case basis).</p>	<p>establishes an unrealistic expectation that any subdivision consent meeting standards will be approved.</p> <ul style="list-style-type: none"> <li>• Focuses on good quality subdivision design rather than compliance with standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Greater potential for inconsistent decision making.</li> <li>• Slower release of land and uncertainty on yield and capacity for future development and risk of failing to give effect to the NPS on Urban Development Capacity 2016.</li> <li>• Perceived loss of development rights.</li> <li>• Change in approach to subdivision, in the short term, may result in higher compliance costs and associated time and uncertainty for landowners and developers involved in obtaining resource consents.</li> </ul>	<p>approach would provide council with greater control over all potential effects of subdivision through a case-by-case assessment. However, it could lead to varied and inconsistent outcomes, lack of certainty for developers, and has potential to be overly restrictive and onerous for small-scale subdivision.</p> <p>Therefore, this approach is not considered to be the most efficient or effective approach to achieve the proposed objectives.</p>	<p>not to act on this approach.</p>
<p><b>Quantification</b>  Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.</p> <p>As stated in Section 4.3.4, the number of subdivision applications received with Option B (Status Quo) is approximately 135 per year, mostly for subdivision in the Rural Environment and Residential Environment Areas. A large proportion of subdivision applications are for the Rural Environment Areas (44 - 62 received by Council per year in the past three years) (refer Figure 1). Option A provides stronger policy direction regarding subdivision in the rural environment areas, greater integration between the subdivision and Rural Production Zone provisions to close the gap regarding permitted baseline arguments, and the introduction of the Rural Lifestyle zone. It also encourages higher density subdivision in certain Residential areas. Therefore, the number of subdivision applications for the Rural Production Zone are likely to decrease. The number of</p>				

<b>Options to achieve the District Plan objectives relating to Subdivision</b>	<b>Benefits</b>	<b>Costs</b>	<b>Efficiency and Effectiveness</b>	<b>Risks of acting/not acting</b>
<p>subdivision applications for the Rural Lifestyle Zone may be similar to what is currently experienced for rural areas. The number of subdivision applications received in the Residential and other urban areas is not expected to change significantly as a result of the proposal. Given the assessment of the scale and significance of the proposed changes above it is considered that quantifying costs and benefits further would add significant time and cost to the s32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs was not considered necessary, beneficial or practicable.</p>				
<p><b>Summary</b></p> <p>The above table has demonstrated that Option A is the most appropriate method for ensuring that subdivision results in an efficient use of land, achieves patterns of development that reflect good quality community environments, are compatible with the role, function and predominant character of the area, and minimises any adverse effects on the environment. The option would also address many of the implementation issues currently being experienced with the Operative Plan subdivision provisions as set out in Section 4.4. A revised approach as set out in Option A and Section 6 is proposed.</p>				

## 11 Summary

This evaluation has been undertaken in accordance with Section 32 of the Act in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- The objective and policies provide direction and certainty to plan users on the outcomes expected for subdivision, including:
  - A focus on patterns of development that reflect good quality community environments (e.g. quality urban design, accessibility, connectivity and integration with surrounding context).
  - Integrated and comprehensive infrastructure provision, in accordance with Councils Land Development and Subdivision Infrastructure standards.
  - Incorporation of the core principles set out in the Subdivision Design Guide (including connectivity and low impact design, good stormwater management, greater consideration of natural landforms and features).
  - Clear expectations and matters to be assessed for subdivision that does not comply with minimum lot design and parameters, and improved support for good quality subdivision design and provision for a range of lot sizes
  - Improved alignment with underlying zone rules and standards to 'close the gap' for permitted baseline arguments that support unfavourable outcomes, and a greater focus on the role, character and purpose of the underlying zone rather than the character of the existing area.
- The provisions generally allow subdivision as a controlled activity in the urban zones subject to standards.
- The provisions generally manage the scale, design and intensity of subdivision in rural areas (rural production zone and rural lifestyle zone), through maximum number of allotments, and minimum allotment size requirements which correspond to the role, function and predominant character of the zones.
- Proposed subdivision is required to comply with standards are met for minimum lot design and parameters, stable and flood free building platforms, compliance with Councils Land Development and Subdivision Infrastructure Standards, stormwater treatment, catchment and disposal, water supply, sewage disposal, network utilities services, network utilities services, transport, access and connectivity.

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.