

PART 9	SUBDIVISION
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SUBDIVISION AND DEVELOPMENT OF LAND

9.1 INTRODUCTION

This part of the District Plan sets out the provisions in respect of the subdivision and development of land in the urban part of the District. It sets out the strategy for subdivision and development and the related objectives, policies and rules.

In addition to the matters set out below, the Council has adopted a Code of Urban Subdivision and Engineering Standards. Prior to any subdivision being undertaken, developers should make reference to that Code.

9.2 OVERVIEW

Subdivision is the legal mechanism by which areas of land are legally defined. This allows changes in boundaries, sizes and ownership of parcels of land. Of itself, the subdivision of land does not have any direct physical effects; it is merely a process by which the legal boundaries of separate parcels of land are defined. At the same time, there is the expectation that subdivision is the precursor to the use and development of the land concerned.

As a result, subdivision is the mechanism by which the physical development of the District is initiated. Such development creates both opportunities and responsibilities for developers and the Council. This is particularly the case with subdivision for urban purposes where new residential, industrial or commercial lots often create a demand for additional, complementary infrastructure.

The subsequent development of such lots or allotments produces change to the natural and physical environment. The removal of vegetation, earthworks, road building, infrastructure development and the creation of house lots represent real examples of changes or effects upon the environment. Some of these impacts are such that provisions are necessary to ensure the impacts of subdivisions and development are subject to review and control.

The provisions of this part of the District Plan have been formulated to avoid and mitigate any possible future adverse effects which subdivision may generate. The relationship between subdivision and other activities and the retention of acceptable levels of environmental quality is recognised through the establishment of rules seeking usable lots in terms of the provisions of this plan relating to permitted activities.

In particular, the provisions are directed at securing and enhancing the amenities of the District. The objectives, policies and rules also seek to ensure that subdivision is integrated with surrounding development. Importantly, these provisions seek to ensure that subdivision creates allotments which are suitable for the proposed use and that it allows the orderly and economic servicing of such allotments.

Accordingly, all subdivision, with the exception of certain boundary adjustments, will require consent from the Council by way of an application. This will enable proper consideration to be given to the effects of consent and the manner in which any adverse impacts of the proposed subdivision might be mitigated, avoided or remedied.

9.3 RESOURCE MANAGEMENT ISSUES

The relationship between subdivision and other activities.

The achievement of a coherent regime of subdivision in accordance with related resource management objectives and policies.

The integration of strategic policies for subdivision with zoning provisions.

The use of subdivision as a tool to achieve strategic resource management objectives and policies.

The retention of future opportunities for activities through a rational strategy for subdivision.

The suitability of land for further subdivision with respect to geo-technical conditions, infrastructure natural hazards, stormwater quality and existing future amenities.

The design and implementation of subdivision, including the provision of essential infrastructure.

9.4 RESOURCE MANAGEMENT STRATEGY

The strategy for subdivision is as follows:

to enable the present and future conduct of activities while securing and maintaining environmental quality.

to allow the subdivision of land in all zones subject to the discretion of the Council.

to enable flexibility in the calculation of lot sizes for subdivision.

to require usable lot sizes, calculated by applicants on the basis of:

- ❖ the relevant zone rules which set out the performance standards for permitted activities;
- ❖ the provisions of the Council's Development Code; and
- ❖ the necessary compliance with the provisions of the Building Act 1991.

to require development impact fees and reserve contributions as set out in Part 10 including provisions relating to the taking of land for esplanade reserves.

to encourage reference to the Council's Development Code where essential infrastructure is required to be provided.

9.5 OUTCOMES

The outcome sought by this strategy is the continuation and enhancement of an urban environment which retains a high level of local amenity throughout all zones and where the direct effects of the subdivision of land are minimised.

9.6 OBJECTIVES AND POLICIES

Objective

9.6.1 *To use the process of the subdivision of land to produce an urban environment which retains high levels of local amenity.*

Policies

9.6.1.1 To enable subdivision in all zones subject to controls designed to create usable lots.

9.6.1.2 To require the undergrounding of utility services where practicable.

Objective

9.6.2 *To facilitate the efficient subdivision of land.*

Policies

9.6.2.1 To provide for boundary adjustments as permitted activities provided these are in compliance with the performance standards for permitted activities as set out in the relevant zone provisions.

9.6.2.2 To provide for subdivision for cross-lease titles, unit titles and company leases as controlled activities.

9.6.2.3 To provide for all other types of subdivision as discretionary activities.

Objective

9.6.3 *To integrate the subdivision and development of undeveloped land with existing subdivision and development.*

Policies

9.6.3.1 To seek integrated provision of roading and access and utility services.

9.6.3.2 To ensure the compliance of any existing buildings within a subdivision with all relevant zone rules except in relation to boundaries that will remain unchanged by the new subdivision.

9.7 EXPLANATION

The objectives and policies relating to subdivision are designed to allow the emergence of a suitable framework for land ownership that will enable the sustainable use and development of the land resources of the District. This framework for subdivision will enable the establishment of those activities appropriate and provided for in each zone and thus achieve the resource management objectives of those areas.

9.8 RULES

9.8.1 Takanini Structure Plan Area and Hingaia Structure Plan Area: Area 1a

For subdivision rules for the Takanini Structure Plan Area, refer to the relevant zones contained in Part 16 of Section Three.
For subdivision rules for the Hingaia Structure Plan Area: Area 1a refer Part 17 of Section Three.

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9.8.2 General

All lots created must provide sufficient size and appropriate shape to enable the establishment of permitted activities in accordance with the relevant zone rules.

9.8.3 Permitted Activities

Any subdivision activity to provide for a boundary adjustment shall be regarded as a permitted activity where such adjustment involves two or more lots within the same zone and where the areas of the lots so created does not vary the original lot areas by more than 5%.

9.8.4 Controlled Activities

Any subdivision activity to create cross-lease titles or units in terms of the Unit Titles Act 1972 shall be regarded as a Controlled Activity.

9.8.5 Controlled Activities – Standards and Terms

All controlled activities must meet the standards and terms set out in Rules 4.9.8.1, 4.9.8.2, 4.10.8.1, 4.10.8.2, 4.11.7.1, 4.12.8.1, 4.13.8.2, 4.14.8.1, 4.15.8.2, 16.1.3.5 and 17.1.5 as appropriate to the zone concerned.

In considering any application for a controlled activity, the Council may impose conditions in respect of any of the matters set out below in addition to those authorised by sections 108 and 220 of the Resource Management Act 1991:

1. The upgrading of any existing private drain intended to be used as a common drain and also the provision of stormwater detention tanks if these are considered necessary.
2. The provision of any utilities or services which may reasonably be expected to be required as part of the future use of the site. Compliance with the provisions of the Council's Development Code relating to utilities and services may be considered to meet this condition.
3. The removal of buildings to provide access to any building location and their replacement elsewhere on the site if necessary to meet the provisions of this Plan.
4. The Council will not approve a subdivision if the effect of the natural or man-made hazards cannot be avoided or mitigated by works or other means. The carrying out of any such works or other means may be a condition of any subdivision consent.
5. The protection of any significant environmental features.
6. Limitations on earthworks or the removal of vegetation.
7. The upgrading of any effluent disposal system.
8. Any work necessary to improve the amenity values of the property, including fencing of private open space and service courts.

9. Where considered appropriate and reasonable, any work required by a resource consent may also become a condition of the subdivision to be completed prior to the issue of a certificate under section 224(c) of the Resource Management Act 1991.
10. The provision of adequate access.
11. The provision of erosion and sediment control measures.

9.8.6 Discretionary Activities

Except where provided as a Permitted or Controlled Activity, subdivision is a Discretionary Activity.

9.8.7 Discretionary Activity Assessment Criteria

An application for a Discretionary Activity will be assessed against the following:

1. *Traffic, Health and Safety*
All applicants must outline satisfactory measures to attend to any increase in traffic volumes and to avoid any adverse effects on public health and safety.
2. *Infrastructure*
All applicants must outline adequate provision for the disposal of sewage and stormwater and network utilities.
3. *Further Matters*
Where appropriate, as in the case of multi-unit development, the matters set out in Rule 9.8.4 will also need to be taken into consideration by applicants as part of the assessment of discretionary activity applications.

9.8.8 Vehicle Access and Road Standards

Unless the Zone provisions specifically require a different standard, all Roads and Accessways shall comply with the standards set out in Schedule 9A and with the following rules (where there is any conflict between the rules and Schedule 9A and the Subdivision and Development Code of Practice, the provisions of the Code of Subdivision have precedence):

1. The minimum carriageway width referred to in Schedule 9A shall be widened at corners if necessary in order to accommodate a 90% Motorcar Tracking Curve in terms of Diagram 15A for Residential Zones or a 90% or 99% Truck Tracking Curve (as appropriate) in terms of Diagram 15D in Commercial and Industrial Zones.
2. Carriageway width referred to in Schedule 9A shall be unobstructed by any structures and overhead wires to a minimum height of at least 4.2 metres.
3. A Residential Accessway serving 3-6 units shall include provision for passing bay's at intervals not exceeding 50 metres.
4. Any access way greater than 60 metres in length shall have a turning area located at a convenient point near the end that will permit a 90 percentile truck to turn without encroaching on berms or private properties.

5. The reduction of the Legal or Carriageway width requirements for Commercial and Industrial Zones in accordance with any approved Land Use Resource Consent for the full development of land is subject to a Discretionary Subdivision Resource Consent.
6. Engineering standards of all works required by Schedule 9A shall otherwise be in accordance with the standards of the Papakura District Council Development Code.
7. Schedule 9A and Rule 9.8.8 does not apply to use or subdivision of land when other rules in the Plan specifically exempt compliance or when Zone provisions require a different standard of compliance.
8. Any Road, Private Way, Service Lane or driveway not complying with Schedule 9A or Rule 9.8.8 shall be a Discretionary Activity.

9.9 SUBDIVISION AND THE CODE OF URBAN SUBDIVISION

The physical construction of every subdivision shall be carried out in accordance with the performance standards set out below. While various methods may be employed to satisfy these criteria, compliance with the Council's Development Code is deemed to satisfy the particular performance standard applying to that matter.

Vehicle Access

Each site must be able to obtain adequate physical access for vehicles to an existing formed road maintained by the Council

provided that

the Council may approve of no vehicular access or access by foot only where it considers that such access is unnecessary or, because of topographical features, it is impracticable, or for any other reason pursuant to section 321 of the Local Government Act 1974 or any Act in substitution therefore.

All entrance strips shall be not less than the width specified in Schedule 9A for all their length. Additional width may be required for reasons of topography or land stability.

Access may be gained over a jointly owned access lot or right-of-way for the benefit of the lots or a combination of both provided that access is in accordance with Schedule 9A and Rule 9.8.8.

Road Standards

Whenever a proposed subdivision makes provision for new roads or service lanes to be formed, and whenever existing roads are to be re-formed, these roads and/or service lanes shall generally comply with the road classification and standards shown in Schedule 9A and the planning maps.

Upon development or subdivision of undeveloped residential, commercial or industrial zoned land, the Council may require adjacent existing formed roads to be widened to comply with the roading standards and classifications set out in Schedule 9A.

The Council may consent to a discretionary application seeking the dispensation of this rule if the exercise of such discretion would encourage the better development of the land or would not detract from the amenities of neighbourhood. In this regard, the Council will have regard to particular features such as steep or unusual topography, the beneficial effects on the amenities of the neighbourhood from a reduced road or carriageway width and other

features which may, in the opinion of the Council, make a particular area environmentally sensitive to or impractical for strict compliance with the specified roading standards.

Services

Where any lot cannot be connected to reticulated services, each lot shall be capable of being adequately serviced for on-lot water supply and sewerage and stormwater disposal and telecommunication lines.

Each lot shall be capable of being provided with adequate electric power supply. The subdivider shall ensure that such services are placed underground unless either the power company deems that it is not practicable for specified technical, economic or physical reasons or the Council resolves that it is not practical to make such supply available.

Land to be Suitable

Notwithstanding that a plan of subdivision may comply with the specific requirements for the particular zone within which the subdivided land is located, the Council shall not approve the subdivision if the lot so created is not suitable for any subsequent activity proposed in accordance with the provisions of the relevant zone.

In determining whether a lot is suitable, the Council shall have regard to:

- i. the zone in which the lot is situated and the objectives and policies of the District Plan;
- ii. the economic servicing and development of the lot; and
- iii. liability to erosion, subsidence, slippage, inundation from any source, adequate access, and safety, health and amenities.

Public Works and Network Utilities

Nothing in this or any other rule shall prevent the subdivision of land for a public work or network utility that is allowed. A network utility is exempt from the minimum requirements for subdivision in the respective zones.

The provision of network utilities and infrastructure shall be in accordance with the relevant Rules in Part 11 of this Section of the Plan *Network Utilities*.

Existing Buildings to Conform

Notwithstanding any other provisions of this District Plan, any scheme plan of subdivision of land on which buildings exist shall be so designed or the buildings modified so that the buildings conform with the standards for permitted activities or be in accordance with the terms of a Discretionary Activity consent.

SCHEDULE 9A

Road Standards Constructional Standards for Roads

Road Classification	Minimum Width in Metres	
	Road / Legal	Carriageway
Accessway serving 1 Residential unit	3.0	2 impermeable strips each greater than 600mm in width
Accessway serving 2 Residential units	3.2	2.7
Accessway serving 3-5 Residential units	4.5	3.0 plus passing bays
Accessway serving 6-15 Residential units	6.5	4.5
Service Lane (Commercial)	4.5	4.5
Accessway (Industrial) serving 1 unit	6.5	6.5
Accessway (Industrial) serving 2-4 units	6.5	6.5
Cul-de-sac: serving up to 15 household units	12.6	6.0 Footpath needed one side only
Cul-de-sac: serving up to 30 household units	16.5	7.5 provided that traffic parks on one side of the road only with an 11.0 metre turning head radius
Local Road (includes cul-de-sac serving more than 30 household units)	21.0	11.0 Council may consider reducing carriageway width and it may require more than 7.8m around curves
Through Road	22.4	12.0
Industrial and Commercial Roads	23.6	12.2
Principal Road	30.4	19.0
Arterial Road	30.9	19.5