

CHAPTER 8 – SUBDIVISION

- 8.1 Introduction..... 1**
- 8.2 Resource Management Issues 2**
- 8.3 Objectives and policies..... 2**
- 8.4 Rules..... 6**
 - 8.4.1 Restricted Discretionary Activities 6
 - 8.4.2 Discretionary Activities..... 11
- Appendix 8.1 Precinct 4 Structure Plan..... 12**
- Appendix 8.2 Precinct 4 Overland Flow Paths..... 13**

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8.0 SUBDIVISION

8.1 Introduction

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

The **effects** of subdivision include:

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

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

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

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

8.2 Resource Management Issues

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

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

8.3 Objectives and policies

Objective 1

The following urban design outcomes are achieved for **Growth Precinct 4**:

- a. A well-integrated and coordinated development that creates strong connectivity between new and existing development.
- b. Connectivity with existing infrastructure and transportation networks is achieved.
- c. Subdivision design that recognises and responds to the topographical and physical features of the land, including waterbodies.
- d. A range of residential densities.

- e. Efficient utility services are provided including roading, reticulated wastewater, water supply, stormwater networks and power and **telecommunication** networks.
- f. Neighbourhood focal points which provide meeting points within the precinct.
- g. Open space networks that comprise stormwater attenuation networks, a range of recreation opportunities and stream side **esplanade reserves** all designed in consultation with tangata whenua so that ancestral connections to that water body and its margins are appropriately recognised and provided for.
- h. Areas identified as high risk for flooding hazards and stormwater inundation hazards are avoided or managed to minimise the risk of damage to property or human life.

Policies

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

Objective 2

An attractive and sustainable urban neighbourhood is achieved for **Growth Precinct 4**.

Policies

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

Guidance Note: Refer also to Policy 3A 1.3 which encourages all new cables and lines, including electricity distribution lines to be installed underground.

Objective 3

In the development of **Growth Precinct 4** the potential risk to people and **buildings** from natural hazards and stormwater inundation is managed.

Policies

- 3.1 To manage natural hazard risk by requiring setbacks.
- 3.2 To require the mitigation of risk of stormwater inundation outside of Flood Channel **Zone** areas through subdivision design layout.
- 3.3 To manage stormwater inundation by:
 - a. Ensuring adequate pervious surface is available for every residential lot in the subdivision, taking into consideration built and hard surfaces.
 - b. Requiring **building** platforms and minimum floor levels for **buildings** to protect against flooding and stormwater inundation from a 0.5% Annual Exceedance Probability (AEP) (1:200 year) flood event other than as a result of the failure of the Reids Line Floodway.
 - c. Requiring an integrated approach to stormwater management that recognises and utilises the capacity of existing systems and existing

overland flow paths within **Growth Precinct 4** as identified in Appendix 8.2.

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

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

- 3.6 To require an integrated Stormwater Management Plan to be lodged at the time of subdivision that demonstrates:
 - a. how stormwater collection, attenuation and discharge is managed onsite to achieve **stormwater neutrality** for the proposed development at subdivision stage; and
 - b. low impact design practices to reduce stormwater runoff volumes and peak flow rates, and improve the quality of stormwater runoff is achieved; and
 - c. how stormwater detention areas are maintained and managed.
- 3.7 To require consent notices on titles outlining measures required to implement recommendations from any technical reports to achieve water sensitive stormwater designs within **Growth Precinct 4**, including requirements to maintain all measures.

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

Objective 4

A comprehensive spatial layout and an efficient and well integrated infrastructure network is delivered for **Growth Precinct 4**.

Policies

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

- 4.3 To ensure subdivision and development contributes to and does not undermine the integrated and comprehensive spatial layout for **Growth Precinct 4** as identified in the Structure Plan in Appendix 8.1.
- 4.4 To restrict subdivision and development within **Growth Precinct 4** where **Council’s essential infrastructure** is not in place and of sufficient capacity to service the subdivision.
- 4.5 To ensure all **road** design is consistent with form, function and amenity of **roads**, including provision for vehicles, walking and cycling, consistent with requirements in Chapter 3B – Transport.

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

8.4 Rules

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

8.4.1 Restricted Discretionary Activities

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

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

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

- The size, shape and arrangement of lots.
- Provision of water supply and disposal of water, wastewater and stormwater.
- The number, location and formation of vehicle crossings.
- Safe and efficient operation of the roading network, including walking and cycling.
- Suitability of proposed lots for subsequent **buildings** and future use.
- Avoidance or mitigation of flood hazard and stormwater inundation.
- The provision of open space networks.
- Availability of **Council** infrastructure.
- Consistency with **Council’s** Engineering Standards.

Performance Standards

- a. Lot Size
 - i. Any subdivision must comply with an average lot size of 600m².
 - ii. Any subdivision must ensure lot sizes are sufficient in size to achieve **site coverage**, outdoor space and **permeable surface** area requirements for the Residential **Zone** in Rule 15.4.2.
- b. Access and **Road** Design
 - i. Access and **Road** Design and construction must comply with **Council** Engineering Standards. Common access to eight or more lots must be provided by **road** formed to **Council** standards.
 - ii. Access must comply with the provisions in Rule 3B.4.2 and 3B.4.3.
 - iii. **Roads** must comply with the design requirements of Appendix 3B.2 **Road** Cross Sections.
- c. Shape Factor

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

- d. Comprehensive Development Plan

Any development and subdivision must have a Comprehensive Development Plan that demonstrates how the proposal:

- i. demonstrates a connected internal roading network that facilitates movement demands within the area while also providing a block structure that supports a high quality urban **environment**.
- ii. shows the location, width and design of publicly accessible **roads**, laneways and accessways having regard to vehicles, public transport, pedestrians and cyclists that are intended to use them.
- iii. outlines the servicing required for the development, and ensures suitable sizing of infrastructure to service the wider **Growth Precinct**.
- iv. includes a spatial layout plan showing how the development achieves connectivity and integration to the wider area including public access along the Makino (Mangakino) Stream and its margins.
- v. Includes a spatial layout plan showing how the development achieves connectivity and integration to the wider area including public access along the Makino (Mangakino) Stream and its margins.
- vi. Identifies the location of natural watercourses and overland flow path and how these will be managed or enhanced.

- vii. provides clear reference to:
 - a. The objectives and policies of the **Zone**.
 - b. Current and anticipated future built form and uses.
 - c. Anticipated future capacity of the activity area.
 - d. Relationships and connections within **Growth Precinct 4**.
- e. **Earthworks**
 - i. All subdivisions must comply with the provisions in Rules 3D.4.1 and 3D.4.2.
 - ii. Existing overland flow paths as shown in Appendix 8.2 are maintained and not filled in, dammed or diverted.

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

- f. **Building Platforms**

Building platforms must be identified which are at or above the flood and stormwater inundation level predicted for a 0.5% annual exceedance probability (AEP) (1 in 200 year) flood event.

Guidance Note: Council has a model for stormwater that can be used to predict flood levels for areas within **Growth Precinct 4**. Liaison with **Council's** Land Development Manager is recommended. Refer to Manawatu Whanganui **Regional Council** for flood information on the Makino (Mangakino) Stream.

Guidance Note: Calculations for this performance condition shall exclude flooding as a result of the failure of the Reids Line Floodway.

- g. Infrastructure
 - i. All cables and pipes, including for gas, power and **telecommunications** must be placed underground, except where they are required to be above ground for connection to associated infrastructure.
 - ii. All **Council's essential infrastructure** must be available for connection within 30 metres of the nearest point of the land being subdivided.
 - iii. Any subdivision must be connected to reticulated services designed and constructed to comply with **Council** Engineering Standards.
 - iv. All **Council's** new **essential infrastructure** proposed in a subdivision must be located within **road** reserve and vested in **Council**.

- v. Development must only occur in areas where **Council’s essential infrastructure** is available and of sufficient capacity for the subdivision.

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

h. Stormwater Management Plan

For **Growth Precinct 4**, a report from a Chartered Professional Stormwater Engineer identifying the potential stormwater risks to the **site** and how **stormwater neutrality** will be achieved at the following scales:

- i. over the area of land that is the subject of the subdivision proposal.
- ii. over the **Growth Precinct** in which the subdivision proposal is located.

This report must cover:

- iii. A **site** specific hydrologic modelling assessment based on the proposed subdivision plan and includes assessment for how the stormwater will be collected, attenuated and managed onsite.
- iv. Scoping of all internal stormwater infrastructure and how it will interact with the existing drainage system including connection to the existing stormwater network.
- v. Treatment of all stormwater runoff prior to discharge to the primary network.
- vi. Protection of treatment devices and treatment runoff during all phases of construction.
- vii. Outline how the development will hydraulically relate to its surrounding environs, including assessment of overland flow paths and potential flood impacts of proposed and existing development.
- viii. Outline how the proposed stormwater management system will provide attenuation onsite to minimise runoff from the **site**.
- ix. Outline how the proposed stormwater management system is consistent with **Council’s** Engineering Standards and NZS 4404:2010 Land Development and Subdivision Infrastructure.
- x. How the proposed stormwater management approach recognises the Makino (Mangakino) Stream and its margins as a sensitive receiving

environment where natural, public access and tangata whenua values must be recognised and provided for by identifying and enhancing those values.

This report must also contain recommendations as to the location, design and construction of stormwater infrastructure that are appropriate to mitigate any characteristic or feature identified. Ongoing maintenance of the stormwater infrastructure recommended in the Report must also be outlined. A copy of any **site** calculations must accompany the report.

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

- i. Whether the subdivision design and layout compliments the diverse character and **amenity values** of Feilding’s residential area.
- ii. The extent to which the subdivision is designed to provide for the future development of adjoining sites, in accordance with the **Growth Precinct 4** Structure Plan in Appendix 8.1.
- iii. How the proposed development and subdivision relates and connects to adjoining sites and areas and whether it enables future staged development and or subdivision of adjoining lots by giving **effect** to the **Growth Precinct 4** Structure Plan in Appendix 8.1.
- iv. The extent to which the proposed layout takes into consideration the shape, orientation and aspects of lots, to create **building** sites and outdoor amenity areas which have a northward orientation and ability for passive solar gain.
- v. The extent to which the lot layout will allow new **buildings** to retain reasonable visual privacy and sunlight.
- vi. The extent to which all lots within the subdivision have safe and adequate vehicle access, taking into account the requirements of the access performance standards of Rules 3B.4.2 and 3B.4.3.
- vii. The extent to which natural hazards are avoided or mitigated.
- viii. The degree to which the subdivision design avoids or mitigates any likely increases in peak stormwater run-off and peak stormwater flow to achieve **stormwater neutrality**.
- ix. The consistency of the proposed subdivision with relevant subdivision engineering requirements.

- x. The extent to which stormwater inundation **effects** are managed, including overland flow paths.
- xi. The extent to which minimum floor levels are assessed and provided for.
- xii. The extent to which subdivision design and layout gives **effect** to the **Growth Precinct 4** Structure Plan in Appendix 8.1.
- xiii. The degree to which the subdivision provides for the integration of **essential infrastructure**.
- xiv. The extent to which **Council** has the ability to maintain and access infrastructure and services in the future.

Guidance Notes:

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

8.4.2 Discretionary Activities

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

- a. Any subdivision that does not meet the performance standards in Rule 8.4.1.
- b. Any subdivision not specifically provided for in this Plan.

In determining whether to grant a resource consent and what conditions to impose, the **Council** will, in addition to the objectives and policies of the Subdivision Chapter and the Residential **Zone**, assess any application within **Growth Precinct 4** in terms of the assessment criteria in Rule 8.4.1.

Guidance Note:

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

Appendix 8.2 Precinct 4 Overland Flow Paths

