

Section 17 – Subdivision

17.1 Background

Due to its topography, natural values and natural processes the District has a limited area of land available for subdivision and development. Historically, subdivision and development has been largely contained within the main serviced settlements of Thames, Whitianga, Whangamata, Pauanui, Tairua, Matarangi and Coromandel Town.

Intensification within these settlements has led to changes in the character and amenity of some settlements. This has particularly occurred where subdivision design and layout has not taken into account the character of the neighbourhood or wider settlement to which they relate. In these cases intensification has led to poor design outcomes in terms of how the subdivision and development is expressed on the ground. Intensification which has been carefully planned and managed offers many benefits including efficient use of infrastructure, protection of rural and coastal values and a variety of housing opportunities.

Since notification of the previous District Plan (1997) development in the District has led to increased demand on existing and new utilities. As a result the Council has invested significant resources into new infrastructure to accommodate this growth.

The District has also experienced development in its small coastal settlements, which are generally within the Coastal Environment (refer to Section 7 Coastal Environment and Section 16 Settlement Development and Growth). The [New Zealand Coastal Policy Statement 2010 \(NZCPS\)](#) seeks to encourage the consolidation of coastal settlements where this will assist with the avoidance or mitigation of sprawling or sporadic patterns of settlement or urban growth. Subdivision in undeveloped areas of the Coastal Environment must be carefully managed to protect its special character and values.

This Plan seeks to provide for development and growth where it uses capacity in existing or planned, water, wastewater and stormwater infrastructure. Outside of these areas development is enabled where it is self-sufficient and offers significant environmental benefits for the District (refer to Section 6 Biodiversity and the Conservation and Environmental Benefit rules in Section 41).

Matters of national importance ([Section 6 of the RMA](#)) are provided for in this Plan through the use of overlays and district-wide rules that afford targeted protection for areas with high landscape, natural character, biodiversity and historic heritage and cultural values. Specific objectives and policies relating to subdivision are located in the Plan section for each overlay.

Rural Subdivision Design Principles and Guidelines in [Appendix 4](#) have also been developed to ensure that development outside of settlements happens in a manner that enhances the environment, rather than detracting from it.

Many of the District's settlements are located on or near to high class soils (LUC Class II, and Class IIle1 and IIle5 soils). Settlement expansion and unmanaged subdivision in the Rural Area can result in a loss of opportunity to use these soils for productive purposes. Subdivision in the Rural Area needs to balance the protection and enhancement of special values, including biodiversity, the productive capacity of soils, maintenance of rural character and amenity and opportunities for economic growth.

17.2 Issues

1. Subdivision of land in the Rural Area can result in fragmentation, the loss of high class soils available for primary production and adverse effects on rural character and amenity.
2. Opportunities for public access to and along the coast and other water bodies, and protection of conservation values can be lost if esplanade reserves, strips or development setbacks are not provided for at the time of subdivision.
3. Poorly planned subdivision can compromise local amenity values and lose opportunities for the provision of public recreation space.
4. Ad-hoc subdivision that does not make use of and connect with existing and planned infrastructure can:
 - a) Reduce pedestrian safety;
 - b) Create barriers to convenient vehicle and pedestrian travel;
 - c) Impose greater infrastructure costs;
 - d) Offer fewer land choices;
 - e) Reduce or remove walking or cycling as viable transport options;
 - f) Provide low levels of on-site privacy and amenity.
5. Access to known mineral resources can be compromised by subdivision and subsequent land use opportunities.

17.3 Objectives and Policies

Objective 1

Subdivision is located, designed and implemented to provide for activities anticipated in the zone while maintaining the amenity values of the surrounding landscape, and protecting or enhancing biodiversity, natural character and historic heritage.

Policy 1a

Subdivision design shall be consistent with the relevant principles in Appendix 4 Rural Subdivision Design Principles and Guidelines.

Policy 1b

Subdivision in the Rural Lifestyle Zone shall maintain the low density character and amenity of the locality in which it is located.

Policy 1c

Subdivision in the Rural Zone shall maintain the character of the Rural Area.

Policy 1d

Subdivision within the Residential Area shall maintain the existing character, style and amenity of the locality in which it is located.

Policy 1e

Forms of subdivision that protect, restore or enhance indigenous biodiversity including underrepresented ecosystems are incentivised.

Objective 2

Subdivision recognises the location of existing activities and does not result in reverse sensitivity effects.

Policy 2a

Subdivision shall be designed to take into account the location of existing quarries, regionally significant infrastructure and other lawfully established activities and ensure that future land use activities will not result in reverse sensitivity effects.

Policy 2b

Subdivision shall be designed to ensure that resulting land use activities (including building platforms) will not affect the operation, maintenance and upgrading of regionally significant infrastructure.

Policy 2c

Subdivision should consider the location of significant mineral resources identified on a publicly available map held by the Council and not restrict access to them.

Objective 3

Subdivision provides convenient, safe routes and connections for vehicles, cyclists and pedestrians within the subdivision and to surrounding transport networks.

Policy 3a

Subdivision shall provide transport infrastructure that connects to existing and planned networks/nodes, areas of public space and community focal points while maintaining the safety and efficiency of the network.

Policy 3b

New road networks shall be consistent with any applicable structure or concept plan and have multiple connections to adjacent road networks.

Objective 4

Subdivision does not unnecessarily or inappropriately alter the contours of the existing landform.

Policy 4a

Subdivision design shall respond to the natural landform by ensuring building platforms and road configuration nestle into the site's topography without breaking the natural skyline, and in the Coastal Environment, are located away from headlands and ridgelines that are visually prominent from public places. Where it is not practicable to locate building platforms and road configurations away from headlands and ridgelines subdivision design shall as far as practicable and reasonable apply controls or conditions to avoid adverse visual effects.

Policy 4b

Where appropriate, physical and legal access to new lots should follow the natural contour of the land.

Objective 5

Subdivision design maintains water quality in wetlands, waterways and groundwater.

Policy 5a

Planting and enhancement of wetlands and the margins of water bodies shall be encouraged through subdivision.

Policy 5b

Subdivision located within a community water supply catchment shall protect water quality and the availability of an existing water take.

Policy 5c

Subdivision design shall ensure that stormwater does not adversely affect water quality or the capacity of existing natural systems.

Objective 6

Subdivision provides for the maintenance and enhancement of conservation values, recreational use of, and public access to or along, the District's water bodies.

Policy 6a

An esplanade reserve/strip shall be established at the time of subdivision where it will:

- a) Enhance linkages and connectivity to or along the existing esplanade areas; or
- b) Provide public access to or along the District's water bodies; or
- c) Enable recreational use of the esplanade reserve or strip and the adjacent District's water bodies where the use is compatible with conservation values; or
- d) Maintain or enhance aquatic habitats and ecosystems; or
- e) Mitigate natural hazards; or
- f) Maintain or enhance water quality; or
- g) Protect the natural character and/or amenity values associated with a riparian area.

Policy 6b

An esplanade reserve/strip may be reduced below 20 m when:

- a) There is a lawfully established structure located within the reserve/strip; and
- b) The reduction will not limit the opportunity to provide public access, and recreation opportunities where this is compatible with the conservation values; or
- c) The reduction will not limit the opportunity to maintain or enhance the natural functioning of the water body; water quality or aquatic habitats; or
- d) The reduction will not limit the opportunity to protect the natural values of the water body and surrounding area or mitigate natural hazards.

Policy 6c

An esplanade reserve/strip may be greater than 20 m when:

- a) The area has special values that require protection greater than a 20 m reserve/strip can provide; or
- b) The topography requires a larger area for it to be effective to enable public access, recreational opportunities and protection of conservation values; or
- c) It will assist with the management of natural hazards; and
- d) Compensation will be payable for the area over 20 m.

Policy 6d

An esplanade reserve may only be waived when:

- a) The land is already protected in perpetuity by a Queen Elizabeth II National Trust Covenant, consent notice, memorandum of encumbrance with the Council or another covenant, and alternate provision is already or will be made for public access to the water body concerned; or
- b) Vesting an esplanade reserve has no environmental or public benefit; or
- c) Special values exist that would be compromised by public access; or
- d) The area is remote, public access is not desirable and the conservation values can still be maintained without a reserve.

Policy 6e

An esplanade strip may be established instead of an esplanade reserve when:

- a) Significant erosion or accretion is known to occur; or
- b) The area is remote and inaccessible; or
- c) Public access needs to be managed.

Policy 6f

Subdivision in the Coastal Environment should consider development setbacks to protect natural character, open space, public access and amenity values of the coastal marine area and other water bodies.

Objective 7

Utility and infrastructure services are provided to meet current and future subdivision demand.

Policy 7a

Provision shall be made through the subdivision process for existing and proposed lots to be connected to reticulated wastewater, water and stormwater services, where these services are available and the lots are outside of the Rural Area.

Policy 7b

Where a reticulated wastewater system is not available for proposed lots to connect to, it shall be demonstrated that each lot can be serviced with a wastewater treatment and disposal system that meets the requirements of the Waikato Regional Council.

Policy 7c

Subdivision should demonstrate that it can be serviced by electricity and telecommunications suppliers. Where one or more of these services are not available or feasible, information shall be provided to demonstrate what alternative means of sustainable supply will be available to the lots.

Policy 7d

Staged subdivision shall specify on the survey plan the extent of all the stages proposed and the order of those stages.

Policy 7e

Subdivision should demonstrate that principles of Low Impact Urban Design and Development have been considered and incorporated where appropriate.

Policy 7f

Subdivision may use staging as a means to overcome lack of existing infrastructure.

Objective 8

Subdivision of land does not result in additional infrastructure costs to the community.

Policy 8a

Subdivision creating lots outside of the Rural Area shall be required to pay for infrastructure upgrades where there is not sufficient capacity or infrastructure available to service it.

Objective 9

High class soils are available for primary production activities.

Policy 9a

Subdivision in the Rural Area shall not reduce the availability of high class soils to be used for primary productive purposes except where land is retired for the restoration or enhancement, and protection of indigenous biodiversity.