

## 8 Subdivision and Development

### 8.1 Significant Issues

Subdivision and development can provide a catalyst for environmental protection and enhancement.

Subdivision and development can provide opportunities for people and communities to advance their well-being.

Subdivision and development can have effects on the environment, including effects on ecosystems, biodiversity, landscapes, versatile soils, amenity, natural character and heritage values.

Effects on subdivision and development on historic and cultural values including those of tangata whenua, and on heritage areas of significance to Maori.

Cumulative effects of on-going or subsequent subdivision and development, including sporadic or sprawling subdivision and ribbon development.

*Explanation and Reasons: ribbon development {development which results in a strip of building, usually only one or two allotments deep, along roads leading to and from settlements} is considered to be generally inappropriate because of the potentially adverse effects on rural character and amenity, service provisions and traffic safety. 'Sprawling or sporadic subdivision' is a term used in the New Zealand Coastal Policy Statement.*

Conflict between incompatible land use activities, including reverse sensitivity effects, can arise where new subdivision and developments occur.

Subdivision and development can have effects in relation to the provision of necessary infrastructure, including effects on the efficient, safe and effective servicing of land use activities, and on the provision of emergency services.

Risks to people, property and the environment from natural hazards, and the exacerbation of natural hazards by inappropriate subdivision, use and development.

The effects of subdivision and development on the demand for, and the provision of, recreational areas and facilities.

### 8.2 Overview

Most of the values mentioned in the purpose and principles of the Resource Management Act 1991 (Part II) are potentially affected by subdivision and development. A particular subdivision or development may have both positive and adverse effects.

The effects and implications of subdivision and development for landscapes, ecological sites and biodiversity, historic and cultural heritage, financial contributions and esplanades (among others) are discussed in the chapters of the Plan dealing with these matters. This chapter intends only to give a general overview and must be read with the more specific chapters. The Whangarei Coastal Management Strategy, adopted by Council in September 2002, provides additional guidance on subdivision and development.

Section 6 of the Resource Management Act 1991 refers to 'inappropriate' subdivision, use and development. In this Plan, this will be taken to include inappropriate intensity, scale, character and design and inappropriate location.

Inappropriate subdivision and development, in any area, can result in increased conflict between activities and adverse effects on the amenity, heritage, landscape and other values of an area, diminished ecosystem functioning and increasing conflict between incompatible land uses, as well as placing additional strains upon services and infrastructure. In rural and coastal areas, it can result in adverse cumulative effects, such as ribbon development and loss of rural and open space character.

On the other hand, some forms of subdivision and development, if well designed and implemented, may serve to maintain or even enhance levels of natural and cultural values within the District. In business and industrial areas, residential development and associated community activities within and adjacent to these areas, can result in adverse reverse sensitivity effects, which can lead to calls for restrictions on the flexibility of business to operate in defined Business Environments.

Subdivision and development are closely related, as subdivision generally enables further development of a particular area of land to occur. Subdivision is therefore a key factor in determining future land use patterns and an area's character and sense of place and is linked to the land use expectations of land owners. In this Plan, sense of place is considered to be the feeling of attachment and belonging to a particular place or environment and is a balance of both the 'landscape' itself and the values that the community vests in these landscapes.

Most people who buy a vacant site, do so with an expectation of being able to build a house or other building on the site. However, for Maori land in multiple ownership it is recognised that there may be no desire to have a house on each apportioned lot, but to have a Papakainga development in accordance with Maori cultural values.

Subdivision provides an opportunity to construct services such as roading, water supply, sewage disposal, electricity, telecommunications, and storm water in a co-ordinated, efficient manner. Natural hazard identification, potentially affecting the suitability of land for anticipated land uses is also linked to the subdivision process. Servicing of subdivision and development is by no means the only constraint, but it is an important consideration. In regards to waste water disposal, the council has commissioned a 25-year Waste Water Strategy which outlines areas (particularly coastal) which are likely to require reticulated waste water disposal at later dates.

Subdivision and development can create additional demand for services, including emergency services. These factors need to be appropriately considered and provided for when subdivision and development is contemplated in order to help ensure community health, safety and well-being.

## **8.3 Objectives**

### **8.3.1**

Subdivision and development that achieves the sustainable management of natural and physical resources whilst avoiding, remedying or mitigating adverse effects on the environment.

### **8.3.2**

Subdivision and development that does not detract from the character of the locality and avoids conflicts between incompatible land use activities.

### **8.3.3 [Deleted]**

### **8.3.4**

Subdivision and development that provides for the protection of, and where appropriate enhances, the District's:

- versatile soils;
- mineral resources:
- water quality;
- nature features;
- landscapes (including coastal landscapes);
- open spaces;
- significant ecological areas;
- biodiversity;
- public access to coast, lakes and rivers;
- historic, cultural and amenity values, including the cultural values of tangata whenua.

#### 8.3.5

Subdivision and development that allows for the efficient and orderly provision of services and infrastructure, including the roading hierarchy and airport.

#### 8.3.6

The avoidance of subdivision and development in areas where the existing and potential adverse effects, in particular of, noise and natural hazards, cannot be avoided, remedied or mitigated.

#### 8.3.7

Subdivision and development that provides for comprehensive development of land with a range of allotment sizes and is appropriate to the character of the Environment in which it is located.

*Explanation and Reasons: Overall environmental quality can be compromised by inappropriate subdivision and development. Such effects include reverse sensitivity effects where closer subdivision and development compromises existing activities such as roads, sewage treatment plants, airports, and a range of farming or business activities. Subdivision and development that is sensitive to the surrounding environment is an important means of achieving sustainable management. Ongoing and subsequent subdivision and development of land, can potentially result in cumulative adverse effects as the volume of development exceeds the carrying capacity of the environment to absorb these effects. Higher density subdivision can potentially result in conflict between existing and potential land uses. Adverse effects generated by inappropriate subdivision and development can undermine Airport operations and the primary function of the state highway network to provide for a safe and efficient state highway system throughout the District. Provision of onsite mitigation between such activities, particularly through larger lot sizes, is therefore desirable. It is important in achieving sustainable management that subdivision and development is serviced in an efficient and environmentally sensitive manner. The council has a responsibility, under section 106 of the Resource Management Act 1991, to decline consent to any subdivision in areas where hazards exist, unless they can be adequately mitigated.*

#### 8.3.8

To ensure that the design of subdivision and development minimises potential risk to people and property from fire hazards.

**8.3.9 [Deleted]**

**8.3.10**

Subdivision and development that avoids, remedies or mitigates adverse effects on tangata whenua values.

*Explanation and Reasons: In accordance with section 5 of the Resource Management Act 1991, the sustainable management of natural and physical resources includes the avoidance, remediation or mitigation of any adverse effects of activities on the environment. The definition of the term 'environment' is very wide, and includes those values which are culturally significant to tangata whenua.*

**8.4 Policies**

**8.4.1 Incompatible Land use Activities**

To design and locate subdivision and development so as to avoid, as far as practicable, conflicts between incompatible land use activities.

*Explanation and Reasons: Cross-boundary effects can impact adversely on neighbouring activities. Some activities are seen to be generally incompatible, for example, residential development and heavy industry/airport. The design and location of subdivision and development should attempt to separate potentially conflicting activities or ensure that cross-boundary effects are adequately avoided or mitigated.*

**8.4.2 [Deleted]**

**8.4.3 Density of Development**

To ensure that subdivision and development results in a pattern and density of land use which reflects flexibility in allotment size, and is of a density appropriate to the locality.

*Explanation and Reasons: The density of development impacts on natural, cultural (including tangata whenua) and amenity values, and on the efficient and orderly provision of infrastructure and services. It is important that this scale is in proportion to existing development or be at such a level that it does not detrimentally affect the existing character, amenity, natural processes or ecological values of an area, and does not preclude efficient and orderly provision of infrastructure and services. This is particularly so in the case of environmentally sensitive areas or areas that are inadequately serviced. It is also important in the rural areas, where existing and future rural activities can be adversely affected by more intense development.*

Subdivision and higher density development is avoided in areas of high aircraft noise and controlled in areas subject to moderate levels of aircraft noise in order to protect public health and amenity.

**8.4.4 Cumulative Effects**

To ensure that the cumulative effects of on-going subdivision and development do not compromise the objectives and policies of this Plan, in particular those objectives and policies relating to reducing conflicts between incompatible land use activities, the consolidated and orderly development of land and the density of development.

*Explanation and Reasons: Ongoing or subsequent subdivision and development of land can result in cumulative effects on the values of an area. Where land has previously been subdivided, any further applications to subdivide must be carefully assessed so as to ensure that the overall density of an area does not exceed the environmental capacity of the land to absorb the effects of potential development.*

#### 8.4.5 Reverse Sensitivity

To ensure that subdivision and development in, or adjacent to:

- rural areas;
- existing commercial, industrial and mineral extraction activities;
- land zoned for commercial, industrial, or mineral extraction activities;
- existing infrastructure, including the state highway network and airport.

is designed and located to avoid, remedy or mitigate reverse sensitivity effects on existing or permitted activities. Such effects can include noise, odour, spray drift and dust, vibration and traffic.

*Explanation and Reasons: The location of some land uses, such as rural-residential living, or residential development near to existing commercial, industrial or mining activities, or existing infrastructure, can result in actual or perceived nuisances to those activities from the effects of existing rural, commercial, industrial and mining activities, or existing infrastructure including the state highway network and Airport.*

*The same principle applies to those areas of land which are not currently developed but are identified for future business growth within the Business Environments. This can lead to pressure being placed on these latter activities to reduce or eliminate such effects, which in many instances is impossible or impracticable and could potentially constrain both present and future operations.*

#### 8.4.6 Buildings and Activities

To ensure that allotments are capable of accommodating complying buildings and activities.

*Explanation and Reasons: Sustainable land management requires that the allotments are of a useable size and shape for a wide range of uses. A proposed subdivision should allow land uses to proceed in accordance with any bulk and location requirements. Size and shape of allotments can have considerable impacts on the natural and amenity values of a particular area, and the subdivision design should take these impacts into account. In addition, applicants may be required to provide evidence that a site can accommodate a suitable building platform.*

#### 8.4.7 Design and Location

To ensure subdivision and development is designed and located so as to avoid, remedy or mitigate adverse effects on, and where appropriate, enhance:

- Natural character of the coastal environment, indigenous wetlands, lakes and rivers and their margins;
- Landscape values;
- Ecological values;
- Amenity values and sense of place;
- Archaeological, cultural (including tangata whenua) and heritage features;
- Sites of Significance to Maori;
- Heritage areas of significance to Maori;
- The relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;
- Infrastructure, particularly roads and the Airport;
- Water and soil quality;

- Versatile soils;
- Mineral resources;
- Business growth and development opportunities within defined Business Environments;
- Cross boundary coordination;
- Human health and safety.

*Explanation and Reasons: The design and location of subdivision and development may have significant irreversible effects on the values listed. Subdivision should therefore have regard to the surrounding environment, particularly in environmentally sensitive areas or adjacent to Business Environments for which it is accepted that character and amenity standards differ; applicants are advised to refer to the Design Guide produced by the Whangarei District Council Riparian Management*

#### 8.4.8 Riparian Management

To ensure that adverse effects of subdivision and development on riparian areas and adjacent water bodies and freshwater fish habitats are avoided, remedied or mitigated by appropriate riparian management and protection, which may include co-management with tangata whenua and the provision of esplanade reserves or strips where necessary.

*Explanation and Reasons: Proper care and attention to riparian areas can have significant positive effects on water quality and ecological values by buffering water bodies and the coast from storm water and sediment discharge, and other effects resulting from adjacent land subdivision and development. There is a range of methods available to achieve beneficial outcomes, including public ownership, earthworks and vegetation clearance limits, and development set-backs. The policy leaves the specific method open to ensure that the most appropriate technique is applied, according to the merits of any particular situation.*

#### 8.4.9 Protection of Features

To secure permanent protection and/or enhancement of:

- Stands of indigenous vegetation or indigenous fauna habitat, including indigenous wetlands;
- Areas of appropriately designed indigenous re-vegetation or enhancement;

in return for Environmental Benefit lots subject to a separate subdivision rule in the Countryside and Coastal Countryside Environments. Where such protection/enhancement is offered the number of environmental benefit lots that can be obtained is related to the value and areal extent to the items that are to be protected.

**Note:** In all cases, the whole of the feature worthy of protection on the property must be made subject to legal and physical protection at the time of consent and no area of the feature can be left out or divided for the purposes of obtaining additional lots at some later date.

*Explanation and Reasons: The District has an interesting and varied landscape. Parts of it, together with its ecologies, are of outstanding and notable quality. It is important to give permanent protection to these features. The protection of such features (including the use of bonds and covenants) may allow additional development potential, by way of one or more 'Environmental Benefit' allotments during the subdivision process. One bonus lot may be approved as a restricted discretionary activity. If the feature to be protected is particularly large and/or valuable, applications for more than one Environmental Benefit lot per feature protected will be considered as a discretionary activity [refer to Rule 73.3.2 (e)].*

#### 8.4.10 Indigenous Vegetation

To ensure that adverse effects of subdivision and development on indigenous vegetation and habitats of indigenous fauna that contribute to the natural character of the rural and coastal environment, the values of Outstanding Natural Features, Outstanding and Notable Landscape Areas and Significant Ecological Areas are avoided, remedied or mitigated.

*Explanation and Reasons: Indigenous vegetation near the coast and in rural areas is an essential part of the natural character of rural and coastal areas, as well as contributing to the quality of landscapes and supporting the functioning of ecosystems. It is therefore important for this vegetation to be protected where activities are carried out in these areas and restored where it is damaged.*

#### 8.4.11 Traffic and Aircraft Noise

To ensure that control, design and location of subdivision and development are designed and located so as to avoid, remedy or mitigate the impact of traffic noise from existing state highways or arterial roads and the impact of aircraft noise on the health and amenity of present and future residents.

*Explanation and reasons: Noise from traffic and aircraft is known to be a significant cause of annoyance and sleep disturbance, as well as a detraction from the general amenities of residential environments. To preserve existing amenity levels and prevent exposure of more people to aircraft noise, it is appropriate to retain average density levels and restrict subdivision, accordingly inside the Air Noise Margin. Applications for subdivision and development which go beyond the subdivision requirements must demonstrate that the proposal will not be adversely affected by aircraft operations, in terms of its location and topography in relationship to the airport.*

*It is appropriate, when determining the design and location of residential subdivision and developments, that among other criteria, the ability of a subdivider or developer to avoid, remedy or mitigate adverse noise effects, be considered. It is considered that the extent of such effects can be determined in part by the desirability of achieving a standard at the perimeter of any proposed residential building site.*

*With respect to noise, new development should achieve an appropriate internal design level, which for habitable rooms in a residence is generally 40dBA<sub>1dn</sub>, irrespective of the source of the noise. With respect of this Standard, Council will produce a set of "Acceptable Solutions to Achieve an appropriate internal dBA<sub>1dn</sub> design level" so that sub-dividers, developers or designers have an option between utilising these acceptable solutions, or obtaining a certificate of Acoustic Compliance.*

#### 8.4.12 Services and Infrastructure

To ensure that all subdivision and development is capable of being provided, by the subdivider or developer, with adequate services and infrastructure having regard to Whangarei District Council's Environmental Engineering Standards 2010 (except where the subdivision or development is for specific protection purposes), including:

- Vehicle access, including emergency service vehicle access;
- Water supply, (including for fire fighting purposes), storm water and sewage disposal;
- Energy and telecommunication connections;
- Useable open space in urban areas;
- During the design and construction of the subdivision, measures to reduce storm water run off.

*Explanation and Reasons: Subdivision provides an opportunity to provide the necessary services to the allotments, efficiently and in a manner that minimises*

*adverse effects on the environment. Generally, it is the expectation of the purchaser that the effects of the anticipated activity will have been taken into account before the new title was allowed to be created. In situations where no public services are available, it must be demonstrated that the sites are suitable for on-site servicing. Where reticulated services are unavailable, further development in some areas may not be feasible. (Financial contributions are covered in Chapter 9).*

#### **8.4.13 Natural Hazards**

To avoid subdivision and development in areas where natural hazards, including erosion, falling debris, subsidence, slippage, inundation, flooding and sea level rise may occur, unless adverse effects on health, safety and property can be avoided, as far as practicable, or otherwise, remedied or mitigated.

*Explanation and Reasons: Many areas within the District may be subject to natural hazard. The likelihood and extent of damage may be aggravated by human activity. Major risks include erosion, flooding and inundation from the sea. The Regional Policy Statement for Northland requires both the Northland Regional Council and the Whangarei District Council to provide information on areas which have known natural hazard-related problems.*

*The Regional Policy Statement for Northland also requires the Northland Regional Council to undertake monitoring of coastal hazards and areas of possible flooding. The policy also reflects the requirements of section 106 of the Resource Management Act 1991.*

#### **8.4.14 Fire Safety**

To ensure that subdivision and development provides for fire safety matters (including appropriate design to ensure access for emergency service vehicles and an appropriate water supply for fire fighting purposes), in order to ensure the safety and well-being of the community.

#### **8.4.15 Maintenance of Primary Industry**

To sustain a viable primary industry community within the District by maintaining opportunities for diversity of rural land use, without significant interference from adjacent residential, lifestyle or rural residential activities.

#### **8.4.16 Environment Boundary Interface**

To carefully manage the interface between rural areas and adjacent residential or rural-residential areas and between rural land and the land managed for conservation purposes.

#### **8.4.17 [Deleted]**

#### **8.4.18 [Deleted]**

#### **8.4.19 [Deleted]**

#### **8.4.20 Natural and Heritage Resources**

To identify and protect resources and areas of high amenity value, environmental quality and heritage value that contribute to a diverse sense of place (including notable view shafts, notable trees, heritage buildings, areas of wilderness and sites and resources).

#### 8.4.21 Natural Character

To maintain, and where appropriate, restore or rehabilitate, the natural character of the coastal environment by avoiding inappropriate building development:

- Adjoining Mean High Water Springs ;
- On notable ridgelines; or
- That which is incompatible in scale and character with the surrounding coastal landscape values.

*Explanations and Reasons: The Whangarei District coast line is considered to be the district's most significant feature, a major proportion having been classified as Outstanding Landscape. The preservation of the natural character of the coastal environment is a matter of national importance [section 6(a) of the Resource Management Act 1991] , to be protected from inappropriate subdivision and development (Policy 1.1.1. of the New Zealand Policy Statement). Building bulk and colour are particularly conspicuous at the water's edge, on ridgelines and where there is presently little or no development. The rehabilitation of the coastal environment is encouraged, where appropriate, and can also be achieved by mitigation measures associated with development proposals.*

#### 8.4.22 Development Practice

To ensure that best environmental practice is followed, including the selection of location, when undertaking:

- Earthworks;
- Land clearance;
- Subdivision; or
- Site development.

#### 8.4.23 Design and Location

To ensure that subdivision and development does not detract from, or compromise, identified landscape features (including the natural character of the feature(s) when viewed from the sea), or significant ecological features identified in the Plan or through assessment against Appendix 3 of the Regional Policy Statement.

#### 8.4.24 Environmental Engineering Standards

To ensure that all infrastructure, servicing and engineering design has regard to Whangarei District Council's Environmental Engineering Standards 2010.

#### 8.4.25 Joint Processes

To encourage greater co-operation, consistency and co-ordination with Northland Regional Council in the processing of inter-related resource consent applications.

*Explanation and Reasons: District and regional councils have distinct but inter-related jurisdictions with respect to the management of the effects of activities, and the processing of applications for resource consents' permits. Section 102 of the Resource Management Act provides for joint hearings by district and regional councils for notified applications. It is desirable, however, that the Whangarei District and Northland Regional Councils work co-operatively in the processing of all inter-related resource consent applications, whether notified or non-notified.*

**8.4.26 [Deleted]**

**8.5 Methods**

**8.5.1 Regulatory Methods**

- Environment rules relating to number of residential units and site development (Policy 8.4.1).
- Subdivision rules relating to servicing requirements and allotment size and shape (Policy 8.4.8).
- Resource Area rules relating to buildings, vegetation clearance, storm water, natural hazards, Outstanding and Notable Landscape Areas, Sites of Significance to Maori and Heritage Trees, Buildings, Sites and Objects.
- (Policies 8.4.1, 8.4.11, 8.4.8, 8.4.9, 8.4.10, 8.4.11).
- Resource consent conditions (all Policies under 8.4).
- Subdivision rules providing for increased development rights where areas of significant indigenous vegetation and significant habitats of indigenous fauna, Outstanding Natural Features and Landscapes, or Sites of Significance to Maori are protected as part of the subdivision process.
- To consider transfer of powers under Section 33 of the Resource Management Act 1991 to an iwi authority with respect to riparian management and protection (Policy 8.4.8).

**8.5.2 Other Plans and Legislation**

- Building Act 2004 (Policy 8.4.1).
- Historic Places Act 1993 (Policy 8.4.10).
- Hapu Environmental Management Plans (Policy 8.4.2).
- Regional Water and Soil Plan (Policy 8.4.5).

**8.5.3 Information, Education and Advocacy**

- Liaison with Transit New Zealand regarding subdivision and development fronting state highways (Policy 8.4.2).
- Promote voluntary protection of heritage, ecological and landscape features through use of protective covenants (Policy 8.4.2, 8.4.7).
- Liaison with the Northland Regional Council (Policy 8.4.2).
- Provide illustrated educational material that demonstrates methods for avoiding, remedying or mitigating potential adverse effects of subdivision and development (Policy 8.4.2).
- Refer to “Whangarei District Council Versatile Land” report (Agriculture New Zealand Limited, 1997).

**8.5.4 Economic Instruments**

- Financial contributions regarding provision of services (Policy 8.4.12).

**8.5.5 Council Works and Services**

- Provision of works and services (Policy 8.4.12).

## 8.6 Anticipated Environmental Results

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangarei District Council Monitoring Strategy.

- A pattern of land use and development complementary to the character of the locality, whilst at the same time avoiding conflicts between incompatible land use activities.
- A pattern of consolidated land use and development that allows for the efficient use and development of natural and physical resources, avoids sporadic subdivision and ribbon development, particularly along the coast, and ensures a density of development appropriate to the location.
- The provision and maintenance of capacity, efficiency and safety of services and infrastructure, including the roading hierarchy and Airport.
- The avoidance of subdivision and development in areas of high risk from noise levels and from natural hazards.
- Preservation of appropriate internal noise levels.
- The protection of the District's versatile soils, water quality, natural features, landscapes, open spaces, significant ecological areas, biodiversity, public access to coast, lakes and rivers, heritage, cultural and amenity values from inappropriate subdivision and development.

Revision and Sign-off Sheet

<b>Date Approved</b>	<b>Author</b>	<b>Paragraph</b>	<b>Change Reference</b>	<b>Decision Date</b>
22 June 2009	FP	8.3.3 8.3.9 8.4.2 8.4.17-8.4.19 8.4.26	Hyperlinked to WDC website proposed Plan Change 92 - Urban Form & Development chapter 6 consequential changes (proposed deletions)	ES 11 June 2009
23 Sep 2009	FP	8.4.9	Reference to Rule 50.4A (e) (ref. from proposed DP ) now reads Rule 73.3.2 (Operative DP).	Customer email 31/8/09
11 August 2011	FP	8.3.3 8.3.9 8.4.2 8.4.17 to 8.4.19 8.4.26	These paragraphs were moved to Chapter 6 as per Council decision on Plan Change 92 Built Form & Development.	Council decision 10 August on Consent Order - Operative date 24 August 2011
	FP	8.4.12 and 8.4.24	Approved Plan Change 76 Environment Engineering Standards	12 October 2011 Operative 26 October 2011
8 April 2014	MD	8.4.24 and 8.4.25	Minor administration error corrected (policy numbering incorrect)	Staff email 31/03/2014

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