

23.0 Subdivision and Development

23.1 Introduction

The Act places a responsibility upon the Council to ensure that subdivision and development occurs in a manner which avoids, remedies or mitigates the adverse effects on the environment. The Plan recognises that the subdivision of land, by itself, is not a land use but is, in effect, a procedural and legal process which produces a land tenure pattern to facilitate the subsequent development of land for various activities. The technical act of subdividing is therefore a critical first step for subsequent actions of preparing the land for use and the actual use of the land, both of which may substantially affect the environment and the community.

Subdivision is one mechanism for the provision of esplanade reserves, esplanade strips and public access strips. Thus, it performs a significant role by enhancing public access to waterways and the coastal marine area.

The Council is also required to define its policies in relation to financial contributions on subdivisions. The Plan must state the circumstances where such contributions will be imposed, the maximum amount or means for their determination, and the general purpose for such contributions.

23.2 Issues

The development of land has environmental implications. Within the Marlborough Sounds Resource Management Plan area there are a number of issues which have been identified and which assist in identifying constraints and opportunities to resource use and development. These issues are:

- Recognising the inherent constraints of the natural environment, eg; wetlands, bush, slope, natural hazards, amenity, drainage and access, and managing the effects of subdivision accordingly;
- Recognising the potentially significant effects arising from stormwater and waste disposal, on coastal and fresh water quality in the Sounds, and managing subdivision accordingly;
- Identifying and understanding infrastructural constraints (effluent disposal in particular) and how land use activities and subdivision inter-relate with them.
- Allowing the market to decide on appropriate activities which follow on from subdivision whilst avoiding environmental effects;
- Understanding the effects of the cultural and strategic constraints imposed by existing settlement patterns;
- Recognising the nature and extent of existing roading and how it provides for future subdivision opportunities;
- Recognising that a high proportion of all lands in the Plan area are part of the coastal environment;
- Ensuring land use opportunities are preserved by an appropriate subdivision pattern;

- Recognising and maintaining the existing quality of life and lifestyle associated with living in the Sounds by providing a diverse range of subdivision opportunities;
- Ensuring that new subdivision and development contributes in a fair and reasonable way towards the costs associated with the additional servicing demand it creates or the environmental costs it imposes; and
- Recognising the principles of the Treaty of Waitangi in relation to the subdivision of land.

Under the Act no person may subdivide land unless the subdivision is expressly allowed by a rule in a Plan. Thus the Plan must serve two purposes. The first is enabling, that is it must provide the circumstances under which subdivision may occur. The second purpose is to avoid and mitigate possible future adverse effects that subdivision may generate.

23.3 Objectives and Policies

Objective 1	Provision for the subdivision of land in a manner which recognises and is appropriate to the natural form and environmental characteristics of the Plan area.
Policy 1.1	Ensure that subdivision of land provides for an appropriate range of future uses and opportunities.
Policy 1.2	Promote subdivision which reflects the natural and physical capability of the land by regulating the type and intensity of development by applying a variety of zones, based on this resource base.
Policy 1.3	Provide for the creation of allotments which protect the natural environment including bush, riparian lands, wetlands, headlands, heritage features, ridges and hazard areas, and archaeological and cultural heritage sites.
Policy 1.4	Ensure appropriate subdivision that avoids, remedies or mitigates adverse effects on the natural character of the coastal environment and wetlands, lakes, rivers and their margins.
Policy 1.5	Recognise the diverse lifestyles, cultures and quality of life associated with the Plan area community, by providing flexible options for settlement.
Policy 1.6	Provide opportunities to create special purpose allotments that protect the natural environment, in tandem with widening and diversifying opportunities for land use activities.
Policy 1.7	Ensure that rural character and amenities are protected and enhanced in parallel with providing for appropriate land use activities.
Policy 1.8	Consider the effects on soil conservation from subdivision of land and avoid or mitigate any adverse effects.

Policy 1.9	Consider the effects of the subdivision on the sustainable management of land resources in so far as this contributes to the character of the Plan areas, and avoid or mitigate any adverse effects.
Policy 1.10	Avoid or mitigate any adverse effects on water quality in the Plan area, arising from subdivision.
Policy 1.11	Recognise the principles of the Treaty of Waitangi in relation to subdivision and development of land.
Policy 1.12	Provide for innovative subdivision, such as energy efficient subdivision design, which is responsive to landscape character and which avoids adverse effects.

The objective and policies address the layout and form of the Marlborough Sounds area as it relates to subdivision. They seek to promote subdivision which takes into account the natural form and environmental characteristics of the Sounds. Council also seeks to ensure that subdivision, being the first step for a lot of development, promotes rather than limits the orderly and efficient use of the land resource.

Subdivision can have impacts on the natural character of certain areas. The Plan seeks to protect natural character and significant indigenous vegetation through avoiding, remedying and mitigating adverse effects of subdivision on these values. Subdivision can also impact on general amenities and character. In some rural areas, for example, the dominant character is one of openness. The Plan seeks to avoid, remedy or mitigate adverse effects on this openness.

The Act also requires Council to control land uses for the purpose of soil conservation [section 30(1)(c)(i)]. Soil conservation encompasses those matters contained in Chapter 13: Soil Conservation, namely maintaining the productive potential and life-supporting capacity of soil by minimising erosion from activities which disturb land. In relation to subdivision though, soil conservation is more broad reaching. Subdivision, where it is used to facilitate urban development, generally does not promote soil conservation at all. The covering of land with structures and impervious surfaces destroys the soil and its fertility, structure and drainage. It is not practical to attempt to protect all soil from urban use, nor is this consistent with soil conservation. But rather, the protection of the higher quality soils, being the more important part of the soil resource, from these effects, will achieve the overall conservation of soil.

Council seeks to ensure that subdivision is carried out in such a way that the contribution made by productive use of land to the character of the Sounds is maintained. As well, that subdivision respects important soil conservation values. In seeking to ensure this though, Council does not wish to give preference to any particular future land uses and types of development. This is something which the market will determine. These ideas merely indicate the types of issues which need to be addressed in order to determine whether a subdivision promotes sustainable management of resources in the context of the Sounds environment, as based on the subsequent effects of development.

With subdivision being a critical first step which often facilitates the design and form of future development, it is important that the effects of such future development are considered at the time of subdivision. Therefore, there will be a number of other very relevant objectives and policies contained throughout the Plan, which also need to be considered in conjunction with those above.

Objective 2	Protection of the environment from the adverse effects of site works associated with subdivision and the promotion of effective and efficient servicing of development.
Policy 2.1	Reduce the need to remedy or mitigate any avoidable adverse effect by ensuring that the site is suitable prior to commencement of site works or subdivision.
Policy 2.2	Recognise the need to integrate subdivision practice with the environmental requirements for resource use and development contained throughout the Plan.
Policy 2.3	Recognise the absence of infrastructure such as reticulated sewage disposal systems at the time of subdivision and allow the use of alternative solutions and/or technologies where adverse environmental effects are avoided, remedied or mitigated.
Policy 2.4	Ensure that subdivision is either restricted, or avoided where it affects or is affected by natural hazards, including areas subject to flooding, subsidence and slippage.
Policy 2.5	Ensure the provision of vehicle access to new allotments does not adversely affect the safety and efficiency of the roading network by requiring compliance with appropriate intersections and access standards.

Subdivision itself, is a legal process, which does not have direct environmental effects. But the subsequent site development works and effects relating to site servicing requirements can have an adverse impact on the environment. Specific objectives, policies and methods of implementation are provided throughout the Plan, which relate to site development and servicing effects brought about by the subdivision of land. Effects need to be addressed at the time of subdivision and in a way which is consistent with effects from development that occurs without subdivision. Policy 23.3.2.2 in particular, recognises this relationship and directs users to other policies and requirements contained throughout the Plan. This direction also avoids repetition and provides for consistency of interpretation through out the Plan.

Examples of relevant sections include, Chapter 13 Soil Conservation in relation to erosion and land disturbance arising from site development work, and, Chapter 14 Discharges of Waste to Land which contains policies and requirements relating to on-site waste treatment. Chapter 16 Natural Hazards contains policies and methods to manage development (including subdivision) in relation to natural hazards.

Objective 3	<p>The acquisition of reserves and financial contributions in order to achieve any of the following:</p> <ul style="list-style-type: none"> • Protection or enhancement of amenities, ecological values, landscape values, natural character, functioning of riparian margins, wetlands, archeological or iwi values; • Avoiding, remedying, mitigating or off-setting any adverse effects from subdivision or development; • Provision of public access to or along the coast, lakes or rivers, or public land;
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	<ul style="list-style-type: none"> • Provision of public services, roads or utilities; • Creating or improving open spaces, recreation areas and/or amenity areas; and • Creating a financial resource to be used for any of the above purposes.
Policy 3.1	Ensure that the acquisition of reserves is undertaken to enhance landscape, conservation and open space amenities, provide recreational areas, enable heritage protection and facilitate public access.
Policy 3.2	Ensure that esplanade reserves are taken in order to facilitate public access, promote recreation values, manage landscape characteristics, protect conservation values, and take into account principles of the Treaty of Waitangi.
Policy 3.3	Ensure that all contributions are directly related to the public costs likely to be generated by the subdivision or development.
Policy 3.4	Administer financial contributions in a transparent and effective way.
Policy 3.5	Ensure that financial contributions are generally used to benefit the area within which the development or subdivision is located. A portion of reserve fund contributions will be utilised for district facilities and reserves.
Policy 3.6	Apply financial contributions in a consistent way to subdivision consents, resource consents for development, and development arising from plan change requests.
Policy 3.7	Council will waive or reduce contributions in relation to any particular proposal where the subdivider/developer suggests alternatives to avoid, remedy or mitigate the adverse effects of that proposal.

The provisions of the Plan relating to financial contributions are aimed at ensuring the public costs of development are contributed to in a fair and reasonable way, by the developer. Two types of contributions are required as a result:

- i) The vesting of reserves and rights over riparian strips (esplanade strips), and/or payment of reserve fund contributions (including contributions for development); and*
- ii) The vesting of roads and the contribution towards immediate servicing and the related servicing infrastructure.*

The provision of reserves and open space, along with the maintenance and development of existing reserves, is critical in the Sounds, eg, provision and maintenance of esplanade reserves, which are of district and national importance.

The securing of esplanade reserves or strips is incorporated to further improve public access to and along the coast, rivers and lakes. This will contribute to the continued development of walkways in the area.

Subdivision/development can give rise to a reduction in open space and, ultimately, as population increases, there is a greater demand for open space, recreational and community facilities. Council administers a “Reserves and Recreation Policy”. The Annual Plan process, sets out objectives and policies to mitigate the adverse effects of subdivision/development by acquiring land and maintaining and developing existing reserves and facilities.

Fundamental to these objectives is the acquisition and development of community facilities and reserves from reserve fund contributions and development levies.

The Council has elected to continue with a percentage of land value approach, previously available under the Local Government Act 1974. The percentages to be applied have been reviewed against the Council’s “Reserves and Recreation Policy”. It is the Council’s view that the use of percentages is the fairest and most cost-effective means of avoiding, remedying or mitigating adverse effects on the community’s cultural and amenity resources.

This approach is based upon the standard of open space and community facilities (both at the local and district level) put in place under the Local Government Act provisions. This standard has set a level of amenity expectation for the Marlborough community. Consequently, the Marlborough community anticipates that the cultural and amenity resource aspects of the district will be sustained to present standards. Further, the Council’s long term planning strategy in this area (which is in place and is being implemented) is based upon sustainably providing for/managing these resources to this historic and expected level. The alternative of a lesser standard is not acceptable to the community.

Reserves and/or reserve fund contributions are therefore required at the time of subdivision. These will be determined and calculated in accordance with the criteria set out in Volume Two: Chapter 28 Standard Requirements for Subdivision and Development. Refer also to Chapter 12: Open Space, which further explains the importance of providing reserves.

With roading, the financial contributions will reflect the demand created by the subdivision or development and will include: the need for kerb and channel for amenity value as well as stormwater drainage; the need for footpaths for pedestrian traffic generated by the subdivision; road widening to cater for traffic movement as well as off carriageway parking; the provision of grass berms for amenity value for the adjoining properties; and, the sealing of the carriageway for amenity value for the adjoining properties. Work beyond the frontage of the subdivision or development may also be included.

Where subdivision creates additional stormwater disposal demand the financial contribution will reflect the costs involved in providing for the disposal of stormwater or the upgrading of existing systems to adequately cater for the additional discharge created by the subdivision.

Where water supply and sewerage systems are already in place, and where a subdivision will require connections to that existing system there will be a recoupment of costs. This will provide for future users to buy into the existing facility, and extension of those facilities. The contributions will be based on the depreciated value of the facility taking into account any debt outstanding so that the net value is shared across all users who benefit from the system. There may also be a contribution required for the upgrading of existing systems to adequately cater for the additional demands created by the subdivision.

23.4 Methods of Implementation

Rules	Rules relating to subdivision are included in Volume Two of the Plan. Assessment criteria and performance standards have been incorporated into the subdivision rules.
Code of Practice	The Council has developed a Code of Practice for Subdivision and Land Development. The Code of Practice sets out specific methods by which the subdivision requirements of the Plan can be met.
Reserves Strategy	The Council, as part of its integrated management practice has prepared a Reserves Strategy. The contribution levels have been designed to integrate with this strategy.
Annual Plan	<p>The Council's Annual Plan, which is the subject of public participation and submission, forecasts specific expenditure of the funds obtained from financial contributions both for reserves and services.</p> <p>This process provides for the transparent implementation of capital works in the context of giving effect to the Reserves Strategy and strategic works and servicing initiatives.</p>
Non Regulatory Method	Consultation with applicants over requirements for financial contributions on non-notified resource consents prior to a formal decision being made on the application.

Rules are necessary to enable the process of subdivision to occur. In adopting particular rules the Council has been guided by the purpose of the Act, the objectives and policies of the Plan, the requirements of the New Zealand Coastal Policy Statement and the Marlborough Regional Policy Statement.

23.5 Anticipated Environmental Results

Implementation of the policies and methods relating to subdivision is expected to result in:

- A subdivision pattern which respects and allows for the retention and enhancement of environmental values, including the preservation of natural character;
- The constraints of the environment being recognised at the time of subdivision;
- Efficient provision of services and infrastructure;
- Site development which does not adversely affect the environment;
- Reasonable contribution by developers to costs associated with the provision of services, infrastructure and reserves;
- Enhancement of public access to and along the coast, lakes and rivers; and
- Social and cultural benefits through the progressive development and improvement of community facilities and reserves.

