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## Section 42A Officer's Report – Subdivision, Financial Contributions, Public Access

### Appendix 1 - Recommended Provisions

Recommended amendments to the provisions in response to submissions are shown in ~~strike~~through and underline.

## SUB Subdivision - Te Wawaetanga

### Overview

Subdivision is the process of dividing an allotment of land or building into one or more additional lots or units or changing an existing boundary location. The way an allotment is subdivided, including its size and shape, is important as it not only determines the quality and character of development, but it also impacts on adjacent sites and the future use of land. Subdivision affects the natural and physical environment and introduces long-term development patterns that cannot be easily changed. Subdivision should also provide for good connectivity and integration which incorporates multi-modal transport opportunities.

Subdivision will be assessed against Te Tai o Poutini Plan objectives, policies, rules and standards and any relevant development plans.

Subdivision of land that contains an identified feature, site or area of natural, cultural, historical or ecological significance, or where there are significant natural hazards will be subject to additional provisions - and assessment against the objectives and policies in the relevant Overlay chapter concerning the feature, site or area. Subdivision applications involving identified features, sites or areas may need to be accompanied by expert reports to assess the effect of the subdivision on the identified feature, site or area.

Māori land is exempt from the subdivision provisions of the Act. It is primarily controlled by the Te Ture Whenua Māori Act 1993 and administered by the Māori Land Court.

Subdivision Objectives	
SUB - O1	Subdivision achieves patterns of land development that are compatible with the purpose, character and qualities of each zone.

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<b>SUB - O2</b>	<p>Subdivision occurs in locations and at a rate that:</p> <ol style="list-style-type: none"> <li>Is supported by the capacity of existing infrastructure networks, or provides for infrastructure facilities and networks that are sufficient to accommodate growth and development that meets the standards required by the Council and the Plan;</li> <li>Facilitates the <u>safe and efficient</u><sup>1</sup> operation of critical infrastructure;</li> <li>Enables access and connectivity;</li> <li>Provide for the health, wellbeing and safety of the West Coast/Te Tai o Poutini community;</li> <li>Provides for growth and expansion of West Coast/Te Tai o Poutini settlements, <u>and businesses, and industry</u><sup>2</sup>; and</li> <li>Avoids significant natural hazards and are built to be resilient to natural hazards; <u>and</u></li> <li><u>Protects highly productive land</u><sup>3</sup>.</li> </ol>
<b>SUB - O3</b>	<p>Subdivision design and development protects significant coastal, natural, ecological, <u>landscape</u>,<sup>4</sup> historical and Poutini Ngāi Tahu <u>values, features and resources</u><sup>5</sup> and responds to the physical characteristics and constraints of the site and surrounding environment.</p>
<b>SUB - O4</b>	<p>Subdivision within the FUZ - Future Urban Zone does not result in the fragmentation of sites that would compromise the potential of land within the FUZ - Future Urban Zone to accommodate integrated and serviced urban development.</p>
<b>SUB - O5</b>	<p>Esplanade reserves and strips created through subdivision contribute to the protection of identified significant natural heritage and Poutini Ngāi Tahu values, provide natural hazard mitigation, support good water quality and provide for public access to and along rivers and the coastal marine area.</p>
<b>SUB - O6</b>	<p>Where subdivision occurs, sufficient <u>and appropriate</u><sup>6</sup> provision is made for the additional community need for open space.</p>

<sup>1</sup> KiwiRail Holdings Limited (S442.064)

<sup>2</sup> Silver Fern Farms Limited (S441.019)

<sup>3</sup> Horticulture New Zealand (S486.039)

<sup>4</sup> Department of Conservation (S602.120)

<sup>5</sup> Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.178); David Ellerm (S581.042)

<sup>6</sup> Westpower Limited (S547.345)

## Subdivision Policies

<p><b>SUB - P1</b></p>	<p>Enable subdivision that creates allotments that:</p> <ol style="list-style-type: none"> <li>Are consistent with the purpose, character, and qualities of the applicable zone;</li> <li>Maintains the integrity of the zone with lot sizes and dimensions sufficient to accommodate intended land uses;</li> <li><u>Are integrated and connected to the immediately surrounding area and road network<sup>7</sup>;</u></li> <li>Minimises natural hazard risk to people's lives and properties;</li> <li>Protects significant cultural, historical, natural and ecological features sites and areas identified on the planning maps and in the Schedules in the Plan; <del>and</del></li> <li><u>Protects the safe and efficient operation and maintenance of infrastructure<sup>8</sup>; and</u></li> <li>Have legal, physical and safe access to each allotment created by the subdivision.</li> </ol>
<p><b>SUB - P2</b></p>	<p>Ensure subdivision is appropriately serviced and integrated with existing or planned infrastructure that is provided in an efficient, integrated and coordinated manner by ensuring:</p> <ol style="list-style-type: none"> <li>Infrastructure networks have sufficient capacity to accommodate the additional development, and requiring any necessary upgrades to be completed at the time of subdivision;</li> <li>Infrastructure is installed at the time of subdivision, except for on-site infrastructure that cannot be determined until the allotment is developed;</li> <li>Sufficient provision has been made for legal and physical access to each allotment created by the subdivision;</li> <li>Provision of safe and <del>efficient</del> <u>effective transport connections and linkages, including pedestrian, cycling linkages, public transport and<sup>9</sup> vehicle access;</u></li> <li>Provision for open space and reserves, including pedestrian and cycle linkages;</li> <li>Drinking water compliant with New Zealand Drinking Water Standards;</li> <li>Adequate water supply for firefighting;</li> <li>Treatment and safe disposal of stormwater that does not result in increased flooding and erosion risk;</li> <li>Treatment and safe disposal of wastewater with a preference for land-based treatment where no reticulated network is in place;</li> <li>Where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal;</li> <li>Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including off-grid renewable electricity supply / wireless /satellite <del>where deemed reasonable by the Council<sup>10</sup>;</del></li> </ol>

<sup>7</sup> David Ellerm (S581.045)

<sup>8</sup> Westpower (S547.346)

<sup>9</sup> Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.408)

<sup>10</sup> Chris & Jan Coll (S558.184), Chris J Coll Surveying Limited (S566.184), William McLaughlin (S567.259), and

	<p>l. Connections are made to wastewater, water supply and stormwater systems where they are available and there is capacity; and</p> <p>m. Where new community infrastructure is developed, that there is adequate provision for ongoing maintenance either by the vesting of the infrastructure in the relevant Council, or in the case of papakāinga developments, that an ongoing hapū entity may be responsible for maintenance;</p> <p>n. In all RESZ - Residential, INZ - Industrial and CMUZ - Commercial and Mixed Use Zones requiring:</p> <ul style="list-style-type: none"> <li>i. Roads to a sealed standard;</li> <li>ii. Underground reticulation of services;</li> <li>iii. Sealed footpaths;</li> <li>iv. Streetlights in urban areas; and</li> </ul> <p>o. Financial contributions are provided where additional or upgraded network utility infrastructure is required to service development.</p> <p><b>Advice Note:</b> The standards for road construction can be found in Appendix One: Transport Performance Standards.</p>
<b>SUB - P3</b>	<p>Provide for the subdivision of land within or containing riparian margins, outstanding natural features and landscapes, the coastal environment, areas of significant indigenous biodiversity, sites and areas of significance to Māori or historic heritage settings, where it can be demonstrated that the design and layout of allotments and the location of any building platforms will:</p> <ul style="list-style-type: none"> <li>a. Not compromise the identified characteristics and values of the Overlay Chapter it is located within; and</li> <li>b. Achieve the relevant objectives and policies for the Overlay Chapter.</li> </ul>
<b>SUB - P4</b>	<p>Manage significant risks from natural hazards by restricting subdivision that:</p> <ul style="list-style-type: none"> <li>a. Creates new or exacerbates existing natural hazards including coastal hazards, erosion, slippage, subsidence, falling debris, fault rupture, severe ground shaking or flooding; or</li> <li>b. Results in adverse effects on the stability of land and buildings; and</li> <li>c. Does not provide safe, flood free and stable building platforms at the time of subdivision.</li> </ul>
<b>SUB - P5</b>	<p>Avoid subdivision within the FUZ - Future Urban Zone that may result in one or more of the following, <u>unless subdivision occurs in accordance with a Structure Plan adopted by the relevant District Council</u><sup>11</sup>:</p> <ul style="list-style-type: none"> <li>a. A compromise in the efficient and effective operation of the local and wider transport network;</li> <li>b. The need for significant upgrades, provisions or extensions to the reticulated wastewater, reticulated water supply or stormwater networks, or other infrastructure <del>in advance of integrated urban development</del><sup>12</sup>;</li> <li>c. The efficient provision of infrastructure being compromised;</li> <li>d. Reverse sensitivity effects when urban development occurs;</li> <li>e. Reverse sensitivity effects on existing rural activities or infrastructure;</li> </ul> <p>or</p>

Laura Coll McLaughlin (S574.185)

<sup>11</sup> Chris & Jan Coll (S558.192), Chris J Coll Surveying Limited (S566.192), William McLaughlin (S567.265), and Laura Coll McLaughlin (S574.192)

<sup>12</sup> Chris & Jan Coll (S558.191), Chris J Coll Surveying Limited (S566.191), and William McLaughlin (S567.264)

	f. Fragmentation of sites in a manner that may compromise the appropriate form or nature of future urban development.
<b>SUB - P6</b>	<p>Avoid subdivision:</p> <ul style="list-style-type: none"> <li>a. In the RURZ - Rural Zones that could result in the creation of an unplanned new settlement, <u>unless the subdivision is to establish papakāinga by Poutini Ngāi Tahu<sup>13</sup></u>;</li> <li>b. <u>In the RURZ – Rural Zones unless the requirements of clause 3.8 of the National Policy Statement for Highly Productive Land are met<sup>14</sup></u>;</li> <li>c. In the Earthquake Hazard Overlay that could result in the creation of new allotments;</li> <li>d. Where detached minor residential units in RURZ - Rural Zones become legally separated from the main residential unit thereby creating cumulative effects on rural character and productivity;</li> <li>e. Where this could create <u>significant<sup>15</sup></u> reverse sensitivity issues in relation to the MINZ - Mineral Extraction Zone or Energy Activities;</li> <li>f. In the Coastal environment outside of areas that are already modified unless adverse effects on the natural character of the coastal environment can be avoided or mitigated; and</li> <li>g. In areas of significant risk of natural hazards, where this is for the purposes of accommodating and/or servicing people and communities.</li> </ul>
<b>SUB - P7</b>	<p>Allow subdivision in the RESZ - Residential Zones that does not comply with the minimum lot design and parameters when:</p> <ul style="list-style-type: none"> <li>a. The site size and configuration is appropriate for development intended by the zone;</li> <li>b. The subdivision design maintains residential character and amenity;</li> <li>c. The increased density does not create adverse effects on critical infrastructure; and</li> <li>d. It can be demonstrated that it is consistent with the quality and types of development envisaged by RESZ - Residential Zone Objectives and Policies and any residential or medium density housing design guides in place for the zone.</li> </ul>
<b>SUB - P8</b>	Provide for subdivision around existing or approved residential development where it enables creation of sites for uses that are in accordance with an approved land use consent or building consent.

<sup>13</sup> Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.181)

<sup>14</sup> Horticulture New Zealand (S486.041)

<sup>15</sup> Westpower Limited (S547.354)

<b>SUB - P9</b>	<p>To require esplanade reserves or esplanade strips for allotments of less than 4 ha <del>to enable public access, reduce natural hazard risk, and contribute to the protection of natural character and biodiversity values,</del><sup>16</sup> except that the width of the esplanade reserve or strip may be varied from 20 metres or waived if:</p> <ol style="list-style-type: none"> <li><del>The natural values</del> <u>The protection of conservation values, or the enabling of public access, or the enabling of public recreational use that is compatible with conservation values, or reduction of natural hazard risk</u><sup>17</sup> warrant a wider or narrower esplanade strip or esplanade reserve; or</li> <li>Topography, or the siting of any building or other feature, renders the 20-metre width inadequate or excessive; or</li> <li>The protection of Sites and Areas of Significance to Māori or other taonga requires an esplanade reserve or esplanade strip of greater or lesser width than 20 metres; or</li> <li>The protection or enhancement of biodiversity values or water quality requires an esplanade reserve or esplanade strip of greater or lesser than 20 metres; or</li> <li>The land is within a natural hazard area of where there is an identified risk from one or more natural hazards (such as coastal erosion).</li> </ol>
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**It is also important to refer to the relevant policies for the particular zone and any overlays in which the subdivision occurs.**

### Subdivision Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

<sup>16</sup> John Brazil (S360.017), Chris & Jan Coll (S558.196), Chris J Coll Surveying Limited (S566.196), William McLaughlin (S567.269), and Laura Coll McLaughlin (S574.196)

<sup>17</sup> Federated Farms (S524.083)

## Permitted Activities

SUB - R1	General Residential Zone and General Rural Zone <sup>18</sup> - Boundary adjustments	
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. The boundary adjustment does not alter:               <ol style="list-style-type: none"> <li>a. The permitted activity status of any existing permitted activities occurring on the allotments and/or the ability of an existing permitted activity to continue to comply as a permitted activity under <del>the</del> <u>all</u><sup>19</sup> rules and standards in this Plan;</li> <li>b. The extent or degree to which any consented or otherwise lawfully established activity occurring on the allotments does not comply with a rule or standard in this Plan; and</li> <li>c. <del>The ability of an existing permitted activity (including on adjacent lots) to continue to comply with the Plan</del><sup>20</sup>.</li> </ol> </li> <li>2. No new roading or access points are required;</li> <li>3. All existing vehicle access points comply with the requirements of Rule TRN - R1;</li> <li>4. No new Council services are required; and</li> <li>5. In the GRUZ - General Rural Zone the boundary adjustment does not result in potential additional residential units as a permitted activity.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Controlled</p>	
SUB - R2	All Zones - Subdivision for a Network Utility or Critical Infrastructure	
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. Any new lot created is solely for a network utility or critical infrastructure which is either a Permitted Activity under the Energy Chapter, Infrastructure Chapter or Transport Chapter or is approved as a result of a land use consent;</li> <li>2. Any existing buildings comply with the relevant zone Permitted Activity standards <u>or the conditions of any land use consent</u><sup>21</sup>;</li> <li>3. All existing vehicle access points comply with the requirements of Rule TRN - R1;</li> <li>4. <del>Where the</del> <u>The</u><sup>22</sup> site is less than 4ha <u>and</u><sup>23</sup> adjacent to a river &gt;3m wide or <u>adjacent to</u><sup>24</sup> the coast, the provision of an esplanade reserve or strip of 20m;</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Controlled</p>	

<sup>18</sup> Potential for future amendments to this rule as part of / following the rural hearing stream

<sup>19</sup> Westpower Limited (S547.356)

<sup>20</sup> Buller District Council (S538.245)

<sup>21</sup> Westpower Limited (S547.357)

<sup>22</sup> Buller Conservation Group (S552.114); Frida Inta (S553.114); Buller District Council (S538.246)

<sup>23</sup> Buller District Council (S538.246)

<sup>24</sup> Buller District Council (S538.246)

5. No new roading or access points are required; and
6. No new Council services are required.

## Controlled Activities

### SUB - R3

### All Zones and All Overlays - Boundary Adjustments

#### Activity Status Controlled

Where:

1. These are not Permitted Activities under Rule SUB - R1;
2. All Subdivision Standards are complied with; and
3. The existing or proposed buildings must:
  - a. Comply with all permitted activity standards relevant to the zone and any overlays ~~and a building consent has been issued for any proposed buildings~~<sup>25</sup>; or
  - b. Be subject to an approved resource consent for any non-compliances; or
  - c. Where there is an existing building that does not comply with the current district plan, the subdivision must not increase the extent to which the existing building fails to comply.

#### Matters of control are:

- a. The design and layout of allotments, including space for a compliant building platform within any vacant allotment,<sup>26</sup> and the ability to accommodate permitted and/or intended land uses;
- b. The design and provision of access;
- c. The provision, design and construction of infrastructure and services;
- d. Any requirements which arise from the location in relation to natural hazards;
- e. Effects of development phase works on the surrounding area; ~~and~~
- f. Management of adverse effects on Protection, maintenance or enhancement of<sup>27</sup> outstanding<sup>28</sup> natural features and landforms, areas of significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites, coastal features, natural character, landscapes<sup>29</sup>, or any other identified features; and
- g. The ability to access, operate or upgrade existing infrastructure activities, is retained<sup>30</sup>.

#### Activity status where compliance not achieved:

Discretionary where Standard 2 is not complied with.

Refer relevant zone and overlay subdivision rules where not compliant with Standard 3.

<sup>25</sup> Buller District Council (S538.247)

<sup>26</sup> Chris & Jan Coll (S558.204), Chris J Coll Surveying Limited (S566.204), William McLaughlin (S567.276), Laura Coll McLaughlin (S574.204).

<sup>27</sup> Westpower (S547.359).

<sup>28</sup> Margaret Montgomery (S446.051); scope from 602.029

<sup>29</sup> Department of Conservation (S602.124)

<sup>30</sup> Westpower (S547.360).

<b>SUB - R4</b>	<b>All Zones and All Overlays - Subdivision for a Network Utilities, Critical Infrastructure, Access or Reserves</b>	
<p><b>Activity Status Controlled</b> Where:</p> <ol style="list-style-type: none"> <li>1. The Subdivision is not a Permitted Activity under Rule SUB - R2</li> </ol> <p><b>Matters of control are:</b></p> <ol style="list-style-type: none"> <li>a. The size, design and layout of allotments for the purpose of public network utilities, <u>regionally significant infrastructure</u>,<sup>31</sup> reserves or access;</li> <li>b. Legal and physical access to and from allotments;</li> <li>c. <del>Protection, maintenance or enhancement of</del> <u>Management of adverse effects on</u><sup>32</sup> <u>outstanding</u><sup>33</sup> natural features and landforms, natural character, the coastal environment, waterbodies, significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites, <u>coastal features, natural character, landscapes</u><sup>34</sup> or identified features;</li> <li>d. Where relevant, compliance with Subdivision Standards; and</li> <li>e. Any requirements which arise from the location in relation to natural hazards, esplanade reserves or esplanade strips.</li> </ol>	<p><b>Activity status where compliance not achieved: N/A.</b></p>	
<b>SUB - R5</b>	<b>Subdivision to create allotment(s) in all RESZ - Residential Zones, CMUZ - Commercial and Mixed Use Zones, INZ - Industrial Zones, SVZ - Scenic Visitor Zone or PORTZ - Port Zones</b>	
<p><b>Activity Status Controlled</b> Where:</p> <ol style="list-style-type: none"> <li>1. This is not within a Significant Natural Area as <del>identified in Schedule Four</del><sup>35</sup> subject to Rule SUB - R7;</li> <li>2. This is not within one of the following locations in the coastal environment: <ol style="list-style-type: none"> <li>i. Outstanding Natural Landscape as identified in Schedule Five</li> <li>ii. Outstanding Natural Feature as identified in Schedule Six;</li> <li>iii. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or</li> </ol> </li> <li>3. This is not within an area of: <ol style="list-style-type: none"> <li>i. Outstanding Natural Landscape as identified in Schedule Five;</li> <li>ii. Outstanding Natural Feature as identified in Schedule Six;</li> <li>iii. Sites of Historic Heritage as identified in Schedule One;</li> <li>iv. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;</li> </ol> </li> <li>4. <u>This is not within a Site or Area of Significance to Māori</u></li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary where 3 and 4 is not complied with. Discretionary 2,6, 7 or 8 is not complied with. Non-complying where 5 is not complied with.</p>	

<sup>31</sup> Westpower (S547.361).

<sup>32</sup> Westpower Limited (S547.362)

<sup>33</sup> Consequential amendment for consistency with Rule 3

<sup>34</sup> Consequential amendment for consistency with Rule 3

<sup>35</sup> Forest & Bird (S560.267)

~~except those listed below and This only occurs in the following sites and areas of significance to Māori~~<sup>36</sup> identified in Schedule Three:

- i. SASM 10 Kawatiri Pā; SASM 12 Kawatiri Town Reserve; SASM 15 No. 42 Kawatiri (Township) Native Reserve; SASM 31 Punakaiki Area; SASM 56 Māwhera Pā 1; SASM 57 Māwhera Gardens; SASM 58 Greymouth Railway Land; SASM 59 Māwhera Pā 2; SASM 60 Māwhera Kāinga; SASM 61 Victoria Park; SASM 63 No. 32 Nga Moana e Rua Native Reserve; SASM 94 No. 30 Arahura Native Reserve; SASM 96 Taramakau River; SASM 104 Kawhaka Creek Catchment; SASM 112 Arahura River at Tūhua; SASM 117 Waitaiki Catchment; SASM 121 Waitaiki Historic Reserve; SASM 197 Ōkuru;
5. This is not within the Earthquake Hazard Overlay;
6. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;
7. All Subdivision Standards are complied with; and
8. The subdivision is in general accordance with any structure development plan or outline development plan<sup>37</sup> in place for the site.

**Matters of control are:**

- a. The design and layout of allotments, including space for a compliant building platform on any vacant allotment<sup>38</sup> and the ability to accommodate permitted and/or intended land uses;
- b. The design and provision of roads, pedestrian and cycle ways; and
- c. The design and provision of access;
- d. The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;
- e. The adequacy of water supply for firefighting;
- f. Any requirements arising from meeting the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure;
- g. The provision of easements;
- h. The provision of local purpose reserves;
- i. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;
- ~~j. Effects of development phase works on the surrounding area;~~<sup>39</sup>

<sup>36</sup> Te Tai o Poutini Plan Committee (S171.016)

<sup>37</sup> Geoff Volckman (S563.042), Koiterangi Lime Co LTD (S577.053), Karamea Lime Company (S614.070), Peter Langford (S615.070), Catherine Smart-Simpson (S564.048).

<sup>38</sup> Chris J Coll Survey Limited (S566.210), Chris & Jan Coll (S558.210), Catherine Smart-Simpson (S564.049), William McLaughlin (S567.281), Geoff Volckman (S563.043), Laura Coll McLaughlin (S574.210), Koiterangi Lime Co LTD (S577.054), Karamea Lime Company (S614.071), Peter Langford (S615.071).

<sup>39</sup> Chris J Coll Survey Limited (S566.211), Chris & Jan Coll (S558.211), Catherine Smart-Simpson (S564.050),

<p>k. Effects on Poutini Ngāi Tahu values, notable trees or historic heritage within or adjacent to the site;</p> <p>l. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;</p> <p>m. The extent to which any land identified as contaminated is safe for habitation; and</p> <p>n. Natural hazards or <u>and</u><sup>40</sup> geotechnical <u>considerations</u> <u>constraints</u>.<sup>41</sup>; and</p> <p><del>o. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and</del><sup>42</sup></p> <p>p. Management of potential reverse sensitivity effects on existing land uses, including <u>regionally significant infrastructure network utilities</u><sup>43</sup>, rural activities or significant hazardous facilities.</p>	
<p><b>SUB - R6</b></p>	<p><b>Subdivision to create allotment(s) in any RURZ - Rural Zone or MPZ - Māori Purpose Zone</b></p>
<p><b>Activity Status Controlled</b> Where:</p> <ol style="list-style-type: none"> <li>1. This is not within a Significant Natural Area as identified in <del>Schedule Four</del> and<sup>44</sup> subject to Rule SUB - R7;</li> <li>2. This is not within one of the following locations in the coastal environment: <ol style="list-style-type: none"> <li>i. Outstanding Natural Landscape as identified in Schedule Five;</li> <li>ii. Outstanding Natural Feature as identified in Schedule Six;</li> <li>iii. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or</li> </ol> </li> <li>3. This is not within an area of: <ol style="list-style-type: none"> <li>i. Outstanding Natural Landscape as identified in Schedule Five;</li> <li>ii. Outstanding Natural Feature as identified in Schedule Six;</li> <li>iii. Sites of Historic Heritage as identified in Schedule One;</li> <li>iv. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;</li> <li>v. This is not within the Earthquake Hazard Overlay;</li> </ol> </li> <li>4. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary where 3 is not complied with. Discretionary 2 or 5- 7 <u>6</u><sup>51</sup> is not complied with. Non-complying where 4 is not complied with.</p>

William McLaughlin (S567.282), Laura Coll McLaughlin (S574.211), Koiterangi Lime Co LTD (S577.055) and Peter Langford (S615.072) Karamea Lime Company (S614.072)

<sup>40</sup> Clause 16(2) amendment for clarity

<sup>41</sup> Buller District Council (S538.252; S538.255)

<sup>42</sup> Chris J Coll Survey Limited (S566.209), Chris & Jan Coll (S558.209), William McLaughlin (S567.280), Laura Coll McLaughlin (S574.209)

<sup>43</sup> KiwiRail (S442.070); Westpower (S547.363)

<sup>44</sup> Forest & Bird (S560.268).

<sup>51</sup> Clause 16(2) minor amendment to reflect that there is no clause (7) in the rule

5. All Subdivision Standards are complied with; and
6. Subdivision in the MPZ - Māori Purpose Zone is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site.

**Matters of control are:**

- a. The size, design, shape, location and layout of allotments including space for a compliant building platform for any vacant allotment<sup>45</sup>;
- b. The design and provision of roads, pedestrian and cycle ways;
- c. The design and provision of access;
- d. Efficient use of land and compatibility with rural character and the role, function and predominant character of the Rural or Māori Purpose Zone in which the subdivision is located;
- e. Any requirements arising from meeting the relevant District Council's Engineering Standards, or where no such Standards exist, NZS 4404:2010 Land Development and Subdivision Infrastructure;
- f. The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;
- g. The adequacy of water supply for firefighting;
- h. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;
- i. Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;
- j. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;
- k. Management of any effects on the production value of any highly productive land or high value soils such as those located at Karamea and Totara Flat;
- l. ~~Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and~~<sup>46</sup>
- m. Management of potential reverse sensitivity effects on existing land uses, including regionally significant infrastructure<sup>47</sup> ~~network utilities~~, rural and rural industry<sup>48</sup> activities or significant hazardous facilities;
- n. Natural hazards and geotechnical considerations;<sup>49</sup>  
and
- o. The provision of easements<sup>50</sup>.

<sup>45</sup> Chris & Jan Coll (S558.217), Chris J Coll Surveying Limited (S566.217), William McLaughlin (S567.288), and Laura Coll McLaughlin (S574.217)

<sup>46</sup> Chris J Coll Survey Limited (S566.222), Chris & Jan Coll (S558.222), William McLaughlin (S567.292), and Laura Coll McLaughlin (S574.222)

<sup>47</sup> KiwiRail (S442.071), Westpower Limited (S547.365).

<sup>48</sup> Silver Fern Farms (S441.021)

<sup>49</sup> Buller District Council (S538.253; S538.255)

<sup>50</sup> Westpower Limited (S547.363)

SUB - R7/ECO - R4	Subdivision to create allotment(s) of Land Containing an Area of Significant Indigenous Biodiversity	
<p><b>Activity Status Controlled</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. One new allotment with a minimum lot size of 4,000m<sup>2</sup> is created from the parent title, provided that in the GRUZ - General Rural Zone there is a balance area remaining on the original title of at least 4 ha; and</li> <li>2. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;</li> <li>3. The subdivision will not result in buildings or access ways being located within the identified area of significant indigenous biodiversity or the need for clearance of significant indigenous vegetation to provide for future access to any site; and</li> <li>4. Subdivision standards S2-S11 are complied with.</li> </ol> <p><b>Matters of control are:</b></p> <ol style="list-style-type: none"> <li>a. Subdivision layout, access, design, location and proximity of building platforms to areas of significant indigenous biodiversity;</li> <li>b. The design and provision of access;</li> <li>c. Management of earthworks, including earthworks for the location of building platforms and access ways;</li> <li>d. The protection of habitats of threatened or at risk species; and</li> <li>e. The measures to minimise any adverse effects on: <ol style="list-style-type: none"> <li>i. The significant indigenous biodiversity;</li> <li>ii. The cultural significance to Poutini Ngāi Tahu.</li> </ol> </li> </ol> <p><b>Advice Note:</b> This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.</p>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary where 1 is not complied with and Discretionary where 2-4 are not complied with.</p>	

SUB - R8	Subdivision to create allotment(s) of Land that contains or is within the Electricity Transmission and Distribution Yard	
<p><b>Activity Status Controlled</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li><del>1. <sup>52</sup>This is not within a Significant Natural Area as identified in Schedule Four and subject to Rule SUB - R7;</del></li> <li><del>2. This is not within one of the following locations in the coastal environment:               <ol style="list-style-type: none"> <li><del>i. Outstanding Natural Landscape as identified in Schedule Five;</del></li> <li><del>ii. Outstanding Natural Feature as identified in Schedule Six;</del></li> <li><del>iii. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or</del></li> </ol> </del></li> <li><del>3. This is not within an area of:               <ol style="list-style-type: none"> <li><del>i. Outstanding Natural Landscape as identified in Schedule Five;</del></li> <li><del>ii. Outstanding Natural Feature as identified in Schedule Six;</del></li> <li><del>iii. Sites of Historic Heritage as identified in Schedule One;</del></li> <li><del>iv. Sites and Areas of Significance to Māori as identified in Schedule Three;</del></li> <li><del>v. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;</del></li> </ol> </del></li> <li><del>4. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;</del></li> <li><del>5. All Subdivision Standards are complied with; and</del></li> <li><del>6. Subdivision in the MPZ - Māori Purpose Zone is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site.</del></li> <li><del>7. This is not within the Earthquake Hazard Overlay;</del></li> <li>1. Any allotment created can contain a 15x15m area of land which:       <ol style="list-style-type: none"> <li>i. Is located entirely outside of the Electricity Transmission and Distribution Yard;</li> <li>ii. Has reasonable physical and legal access; and</li> <li>iii. Could accommodate a building which can comply with <u>the standards for a all Permitted Activity in the District Plan<sup>53</sup></u> <del>standards for the Zone it is located in.</del></li> </ol> </li> <li>2. The subdivision maintains any existing access to <u>the National Grid Yard Electricity Transmission and Distribution Yard<sup>54</sup></u>;</li> <li>3. Written documentation is provided that demonstrates consultation has occurred with the Electricity Transmission or Distribution<sup>55</sup> Operator including any response from the operator; and</li> <li>4. The minimum lot size for any allotment that contains any</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Restricted Discretionary where 1, 3 or 4 is not complied with- Discretionary where 2 or 5 is not complied with Non-complying where <del>86</del><sup>64</sup>- 11 is not complied with.</p>	

<sup>52</sup> Transpower (S299.055).

<sup>53</sup> Westpower Limited (S547.370).

<sup>54</sup> Transpower (S299.055), Te Tai o Poutini Plan Committee (S171.014).

<sup>55</sup> Westpower Limited 9S547.370).

part of the Electricity Transmission Corridor shall be 1ha.

**Matters of control are:**

- a. <sup>56</sup>The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) ISSN01140663;
- b. The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued access to existing transmission lines (including support structures) for maintenance, inspections and upgrading;
- c. The size, design, shape, location and layout of allotments, including the extent to which potential adverse effects are mitigated through the location of building platforms, roads, and reserves;
- d. ~~Efficient use of land and compatibility with the role, function and predominant character of the Zone in which the subdivision is located;~~<sup>57</sup>
- e. ~~Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision- infrastructure;~~
- f. ~~The provision of infrastructure and services for drinking-water, wastewater and stormwater, telecommunications and energy;~~
- g. ~~The adequacy of water supply for firefighting;~~
- h. ~~The requirement for financial contributions as outlined in Rules FC—R1 to FC—R12;~~
- i. ~~Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;~~
- j. ~~Management of any contaminated land;~~
- k. Management of reverse sensitivity effects on the national grid to ensure the ongoing operation, maintenance, upgrade, or development of energy activities;
- l. ~~The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created~~<sup>58</sup>
- m. ~~Management of any effects on the production value of any highly productive land or high value soils such as those located at Karamea and Totara Flat;~~
- n. ~~Management of construction effects, including traffic-movements, hours of operation, noise, earthworks and erosion and sediment control; and~~
- o. Management of potential reverse sensitivity effects on

<sup>61</sup> Consequential to Transpower (S299.055).

<sup>56</sup> Transpower (S299.055).

<sup>57</sup> Transpower (S299.055)

<sup>58</sup> Transpower (S299.055)

<p>existing land uses, including <u>regionally significant infrastructure</u><sup>59</sup> <u>network utilities</u>, rural activities or significant hazardous facilities;</p> <p>p. <u>Natural hazards and geotechnical considerations</u>; and</p> <p>q. <u>The provision of easements</u><sup>60</sup>.</p> <p><b>Advice Note:</b> This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4</p>	
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<b>Restricted Discretionary Activities</b>	
<b>SUB - R9/ECO - R6</b>	<b>Subdivision of Land to create allotment(s) Containing an Area of Significant Indigenous Biodiversity not meeting Rule SUB – R7</b>
<p><b>Activity Status Restricted Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Up to three allotments with a minimum lot size of 4,000m<sup>2</sup> are created from the parent title;</li> <li>2. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;</li> <li>3. The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four; and</li> <li>4. Subdivision standards S2-S11 are complied with.</li> </ol> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>a. The extent to which the subdivision layout, access, allotment size and design and the location of building platforms may adversely impact the significant indigenous vegetation and/or significant habitat of indigenous fauna;</li> <li>b. Management of earthworks including earthworks for the location of building platforms and access ways;</li> <li>c. The protection of habitats of threatened or at risk species; and</li> <li>d. The measures to minimise any adverse effects on: <ol style="list-style-type: none"> <li>i. The area of significant indigenous biodiversity; and</li> <li>ii. The particular cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu as kaitiaki and mana whenua that are associated with the significant indigenous vegetation and/or significant habitats of indigenous fauna and the potential impact on those values, interests or association.</li> </ol> </li> </ol>	<p><b>Activity status where compliance not achieved: Discretionary</b></p>

<sup>59</sup> Westpower Limited (S547.370).

<sup>60</sup> Westpower Limited (S547.370).

<b>SUB - R10</b>	<b>Subdivision of Land to create allotment(s) in Areas of Historic Heritage identified in Schedule One or within Sites or Areas of Significance to Māori identified in Schedule Three not meeting Rule SUB - R5</b>	
<p><b>Activity Status Restricted Discretionary</b> Where:</p> <ol style="list-style-type: none"> <li>1. Written confirmation is provided by the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngati Waewae or Te Rūnanga o Makaawhio, that the activity will not impact on any sites or areas of significance to Maori within Schedule Three; and</li> <li>2. All Subdivision Standards are complied with.</li> </ol> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>a. Ensuring the values for which the area is scheduled or identified in Te Tai o Poutini Plan are maintained and protected;</li> <li>b. Ensuring sufficient land is provided around the heritage resource to protect associated heritage values including from any potential effects of natural hazards;</li> <li>c. Measures used to minimise obstruction of views of the heritage resource from adjoining public spaces that may result from any future land use or development;</li> <li>d. Whether there are any adverse effects on a Notable Tree, that has any associated heritage or Poutini Ngāi Tahu values; and</li> <li>e. The size, design, shape, location and layout of allotments;</li> <li>f. Whether the allotments are of a size that will continue to provide the heritage resource with a suitable setting to maintain the associated heritage or Poutini Ngāi Tahu values.</li> <li>g. The provision of infrastructure and services for <u>transport</u>,<sup>62</sup> drinking water, wastewater and stormwater, telecommunications and energy;</li> <li>h. The adequacy of water supply for firefighting;</li> <li>i. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;</li> <li>j. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;</li> <li>k. <u>Natural hazards and geotechnical considerations</u><sup>63</sup>; and</li> <li>l. <u>The provision of easements</u>.<sup>64</sup></li> </ol> <p><b>Notification:</b></p> <ol style="list-style-type: none"> <li>1. <u>When making notification decisions in relation to Applications to subdivide a lot within a Site or Area of Significance to Māori identified in Schedule Three, the Council will be informed by advice from</u> <del>will always be limited notified to the relevant rūnanga and may be publicly notified.</del></li> <li>2. <u>When making notification decisions in relation to Applications to subdivide a lot with a Historical Heritage feature, the Council will</u></li> </ol>	<p><b>Activity status where compliance not achieved: Discretionary</b></p>	

<sup>62</sup> Grey District Council (S608.640)

<sup>63</sup> Buller District Council (S538.257)

<sup>64</sup> Westpower Limited (S547.379)

<sup>65</sup> Consequential amendment for consistency with recommended approach to other notification clauses.

~~be informed by advice from will always be limited notified to Heritage New Zealand - Pouhere Taonga and may be publicly notified. feature will always be limited notified to Heritage New Zealand - Pouhere Taonga and may be publicly notified.~~

**Advice note:** This rule does not apply to subdivisions to create allotments for network utilities, regionally significant infrastructure,<sup>66</sup> access or reserves which are subject to Rule SUB - R4.

<b>SUB - R11</b>	<b>Subdivision to create allotment(s) of Land within the Outstanding Natural Landscape identified in Schedule Five or Outstanding Natural Feature identified in Schedule Six</b>
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**Activity Status Restricted Discretionary**

Where:

1. The site is outside of the Coastal Environment;
2. The area has not been identified as an Area of Significant Biodiversity subject to Rules SUB - R8, SUB - R9 or SUB -R14;
3. The area is not a Significant Natural Area identified in Schedule Four; and
4. All Subdivision Standards are complied with.

**Discretion is restricted to:**

- a. Ensuring that landscape or natural feature values within the overlay for which the area or feature is scheduled are maintained;
- b. The size, design, shape, location and layout of allotments;
- c. The provision of infrastructure and services for transport,<sup>67</sup> drinking water, wastewater and stormwater, telecommunications and energy;
- d. The adequacy of water supply for firefighting;
- e. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12; and
- f. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created.

**Advice Note:** This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.

**Activity status where compliance not achieved:** Discretionary

<b>SUB - R12</b>	<b>Subdivision of land to create allotment(s) within the FUZ - Future Urban Zone</b>
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**Activity Status Restricted Discretionary**

Where:

1. All Subdivision Standards are complied with.

**Discretion is restricted to:**

- a. The size, design, shape, location and layout of allotments;
- b. The extent to which the subdivision will be consistent with the Objectives and Policies for the Future Urban Zone and Policy SUB - P5;
- c. Where relevant consistency with the NZS 4404 Code of

**Activity status where compliance not achieved:** Non-complying

<sup>66</sup> Buller District Council (S538.263)

<sup>67</sup> Grey District Council (S608.641)

<p>Practice for Land Development and Subdivision infrastructure;</p> <p>d. The provision of infrastructure and services for <u>transport</u>,<sup>68</sup> drinking water, wastewater and stormwater, telecommunications and energy;</p> <p>e. The adequacy of water supply for firefighting;</p> <p>f. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;</p> <p>g. Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;</p> <p>h. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;</p> <p>i. <del>Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control;</del><sup>69</sup> and</p> <p>j. Management of potential reverse sensitivity effects on existing land uses, including network utilities, rural activities or significant hazardous facilities.</p> <p><b>Advice Note:</b> This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.</p>	
<p><b>SUB - R13</b></p>	<p><b>Subdivision to create allotment(s) in the Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert, Coastal Setback, Lake Tsunami and Coastal Tsunami Overlays</b></p>
<p><b>Activity Status Restricted Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The subdivision will not lead to use of the land within the Coastal Tsunami Overlay for critical response facilities;</li> <li>2. This is accompanied by a hazard risk assessment undertaken by a suitably qualified and experienced practitioner; and</li> <li>3. All Subdivision Standards are complied with.</li> </ol> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>a. Matters outlined in the accompanying hazard risk assessment;</li> <li>b. Risk to life, property and the environment from the proposal and any measures to mitigate those risks;</li> <li>c. The location and design of proposed buildings, vehicle access and infrastructure in relation to natural hazard risk;</li> <li>d. Whether the intended future use of the subdivision is for sensitive activities, or critical response facilities; and</li> <li>e. Any adverse effect on the environment of any proposed natural hazard mitigation measures.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>

<sup>68</sup> Grey District Council (S608.642)

<sup>69</sup> Laura Coll McLaughlin (S574.236)

<b>Discretionary Activities</b>	
<b>SUB - R14</b>	<b>Subdivision to create allotment(s) in the Hospital, Stadium, Mineral Extraction, Buller Coalfield and Airport Special Purpose Zones or in the Māori Purpose Zone where no Iwi/Papatipu Rūnanga Management Plan is in place.</b>
<b>Activity Status Discretionary</b> Where: 1. <del>The subdivision is in general accordance with any development plan in place for the site.</del> <sup>70</sup>	<b>Activity status where compliance not achieved:</b> Non-complying <u>N/A</u> <sup>71</sup>
<b>SUB - R15/ECO - R8</b>	<b>Subdivision of Land to create Allotments containing an Area of Significant Indigenous Biodiversity that does not meet Controlled or Restricted Discretionary Activity Standards</b>
<b>Activity Status Discretionary</b> Where: 1. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment; 2. The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four.	<b>Activity status where compliance not achieved:</b> Non-complying
<b>SUB - R16</b>	<b>Subdivision of Land within the Coastal Environment subject to an Outstanding Natural Landscape, Outstanding Natural Feature or High Coastal Natural Character Overlay</b>
<b>Activity Status Discretionary</b> Where: 1. No new allotments are proposed within Outstanding Coastal Natural Character areas as identified in Schedule Eight.	<b>Activity status where compliance not achieved:</b> Non-complying

<sup>70</sup> Chris & Jan Coll (S558.239), Chris J Coll Surveying Limited (S566.239), William McLaughlin (S567.308) and Laura Coll McLaughlin (S574.239)

<sup>71</sup> Geoff Volckman (S563.049) (S563.050), Catherine Smart-Simpson (S564.055) (S564.056), Koiterangi Lime Co LTD (S577.060) (S577.061), Karamea Lime Company (S614.077) (S614.078) and Peter Langford (S615.077) (S615.078)

<b>SUB - R17</b>	<b>Subdivision of Land within the Coastal Environment to create allotments where there is a Historic Heritage site or area identified in Schedule One or a Site and Areas of Significance to Māori identified in Schedule Three</b>	
<b>Activity Status Discretionary</b>	<b>Notification:</b> 1. Applications to subdivide a lot with a Site or Area of Significance to Māori will always be limited notified to the relevant rūnanga and may be publicly notified. 2. Applications to subdivide a lot with a historical heritage feature will always be limited notified to Heritage New Zealand Pouhere Taonga and may be publicly notified.	<b>Activity status where compliance not achieved:</b> N/A
<del><b>SUB - R18</b></del>	<del><b>Subdivision of Land which would otherwise be a Controlled or Restricted Discretionary Activity, where one or more of the Subdivision Standards are Not Complied With</b></del>	
<del><b>Activity Status Discretionary</b></del>	<del>Where:</del> 1. <del>This is not in an Overlay area subject to Rules SUB - R14, SUB - R15, SUB - R18 or SUB - R20;</del> 2. <del>This is not the subdivision of a minor residential unit from the principal dwelling in the GRUZ - General Rural Zone; and</del> 3. <del>This is not the subdivision of units within a papākainga development or within the GRUZ - PREC 1 - Community Living Precinct where the minimum lot sizes for the relevant zone are not met.</del>	<del><b>Activity status where compliance not achieved:</b></del>  <del>Non-complying where 2 or 3 are not complied with.<sup>72</sup></del>
<b>SUB -R19</b>	<b>Subdivision in any OSRZ - Open Space and Recreation Zone <u>except the Natural Open Space Zone</u><sup>73</sup></b>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b> N/A
<b>SUB - R20</b>	<b>Subdivision of Land in the Westport Hazard Overlay</b>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b> N/A

<sup>72</sup>Lara Kelly (S421.011); Davis Ogilvie & Partners Ltd (S465.019); Westpower Limited (S547.387); Chris & Jan Coll (S558.246); Chris & Jan Coll (S558.247); Chris & Jan Coll (S558.248); Chris J Coll Surveying Limited (S566.246); Chris J Coll Surveying Limited (S566.247); Chris J Coll Surveying Limited (S566.248); William McLaughlin (S567.314); William McLaughlin (S567.315); William McLaughlin (S567.316); Laura Coll McLaughlin (S574.246); Laura Coll McLaughlin (S574.247); Laura Coll McLaughlin (S574.248).

<sup>73</sup> Forest & Bird (S560.272).

<b>SUB - R21</b>	<b>Subdivision within the Coastal Severe and Flood Severe Natural Hazard Overlays</b>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b> Non-complying
<b>SUB - R22</b>	<b>Subdivision within the Airport Noise Control Overlay</b>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b> N/A
<b>SUB - R23</b>	<b>Subdivision to create Allotments in the Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert, Coastal Setback, Lake Tsunami and Coastal Tsunami Overlays not meeting Restricted Discretionary Activity Standards</b>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not Achieved:</b> N/A

**Non-complying Activities**

<b>SUB - R24</b>	<b>Subdivision within the Outstanding Coastal Natural Character Overlay</b>	
<b>Activity Status Non-complying</b>		<b>Activity status where compliance not achieved:</b> N/A
<b>SUB - R25</b>	<b>Subdivision of land not subject to another Rule in this Plan</b>	
<b>Activity Status Non-complying</b>		<b>Activity status where compliance not achieved:</b> N/A
<b>SUB - R26</b>	<b>Subdivision to Create Allotments in the Earthquake Hazard Overlay: 50m, 100m, 150m or 200m Buffers</b>	
<b>Activity Status Non-complying</b>		<b>Activity status where compliance not achieved:</b> N/A
<b>SUB - R27/ECO - R9</b>	<b>Subdivision of Land within an Area of Significant Indigenous Biodiversity not meeting Discretionary Activity Standards</b>	

<b>Activity Status Non-complying</b>	<b>Activity status where compliance not achieved:</b> N/A
<b>SUB - R27A<sup>74</sup></b>	<b><u>Subdivision of Land within the Open Space – Natural Open Space Zone</u></b>
<b><u>Activity Status Non-complying</u></b>	<b><u>Activity status where compliance not achieved:</u></b> N/A
<b>SUB – R27B<sup>75</sup></b>	<b><u>Subdivision of land separating a minor residential unit from the principal dwelling in the GRUZ – General Rural Zone</u></b>
<b><u>Activity Status Non-complying</u></b>	<b><u>Activity status where compliance not achieved:</u></b> N/A
<b>SUB – R27C<sup>76</sup></b>	<b><u>Subdivision of land within a papakāinga development or within the GRUZ – PREC 1 – Community Living Precinct where the minimum lot sizes for the relevant zone are not met</u></b>
<b><u>Activity Status Non-complying</u></b>	<b><u>Activity status where compliance not achieved:</u></b> N/A
<b>Prohibited Activities</b>	
<b>SUB - R28</b>	<b>Subdivision to Create Allotments in the Earthquake Hazard Overlay: 20m Buffer</b>
<b>No application for resource consent will be accepted for this activity</b>	

<sup>74</sup> Forest & Bird (S560.272).

<sup>75</sup> Lara Kelly (S421.011); Davis Ogilvie & Partners Ltd (S465.019); Westpower Limited (S547.387); Chris & Jan Coll (S558.246); Chris & Jan Coll (S558.247); Chris & Jan Coll (S558.248); Chris J Coll Surveying Limited (S566.246); Chris J Coll Surveying Limited (S566.247); Chris J Coll Surveying Limited (S566.248); William McLaughlin (S567.314); William McLaughlin (S567.315); William McLaughlin (S567.316); Laura Coll McLaughlin (S574.246); Laura Coll McLaughlin (S574.247); Laura Coll McLaughlin (S574.248).

<sup>75</sup> Forest & Bird (S560.272).

<sup>76</sup> Lara Kelly (S421.011); Davis Ogilvie & Partners Ltd (S465.019); Westpower Limited (S547.387); Chris & Jan Coll (S558.246); Chris & Jan Coll (S558.247); Chris & Jan Coll (S558.248); Chris J Coll Surveying Limited (S566.246); Chris J Coll Surveying Limited (S566.247); Chris J Coll Surveying Limited (S566.248); William McLaughlin (S567.314); William McLaughlin (S567.315); William McLaughlin (S567.316); Laura Coll McLaughlin (S574.246); Laura Coll McLaughlin (S574.247); Laura Coll McLaughlin (S574.248).

<sup>76</sup> Forest & Bird (S560.272).

## Subdivision Standards

### SUB - S1

#### Minimum Lot Sizes for each allotment

1. Each allotment, including the balance allotment must meet the following minimum lot size:
  - a. General Residential Zone 350m<sup>2</sup>;
  - b. Large Lot Residential Zone 1000m<sup>2</sup>;
  - c. Medium Density Residential Zone 200m<sup>2</sup>; and
  - d. Neighbourhood Centre Zone 350m<sup>2</sup>;
  - e. Settlement Zone, Settlement Zone – Coastal Settlement Precinct and Settlement Zone – Settlement Centre Precinct 1000m<sup>2</sup> in unsewered areas and 500m<sup>2</sup> in sewered areas;
  - f. Settlement Zone – Rural Residential Precinct 4000m<sup>2</sup>;
  - g. Rural Lifestyle Zone 1 hectare;
  - h. General Rural Zone 4 hectares, except that it is 10 hectares in the Highly Productive Land Precinct; and
  - d. Future Urban Zone 4 hectares.

### SUB - S2

#### Requirements for building platforms for each allotment

1. Each allotment must provide a stable, flood free building area suitable for building foundations in accordance with the requirements of the New Zealand Building Code - Acceptable Solution B1/AS4 Approved Document B1/4: Structure Foundations.
2. On sites less than 4ha in size, an indicative building platform on each allotment must be identified in subdivision applications and:
  - a. Must allow the buildings to comply with the standards for a permitted activity in the ~~underlying zone under this District Plan~~<sup>77</sup>; and
  - b. Must not include any area of land to be used for access or for the disposal of wastewater or stormwater; and
  - c. Must be outside of any area identified in a Natural Hazard overlay.

### SUB - S3

#### Water Supply

1. Where a connection to a District Council or Community reticulated water supply system is available, all new allotments must ~~be provided with~~ provide<sup>78</sup> a connection at the boundary and net boundary where access is shared (including firefighting water supply).
2. Where a connection to a District Council or Community reticulated water supply system is unavailable, all new allotments must ~~be provided with~~ provide<sup>79</sup> access to a self-sufficient potable water supply (including firefighting water supply).

#### Advice Notes:

1. SNZ PAS 4509 New Zealand Fire Service Firefighting Water Supplies Code of Practice should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.

<sup>77</sup> Forest & Bird (S560.274)

<sup>78</sup> Buller District Council (S538.272)

<sup>79</sup> Buller District Council (S538.272)

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2. Where water is to be taken from ground or surface water, resource consent from West Coast Regional Council may be required.

**SUB - S4**

**Stormwater**

1. All allotments must provide the means for disposal of stormwater from the roof of all buildings and all impervious or potentially impervious surfaces, including, but not limited, to structures, compacted soils and sealed surfaces.
2. Where a connection to a District Council or Community stormwater management system is available, all new allotments must ~~be provided with~~ provide<sup>80</sup> a connection at the boundary or net boundary where access is shared.
3. Where a connection to a District Council or Community stormwater management system is not available, the applicant shall demonstrate that stormwater will be treated and disposed of in such a way that surface flooding of adjacent properties and roads will not be exacerbated, nor shall there be adverse water quality effects on freshwater.
4. Where the means of stormwater disposal is to ground, that area shall not be subject to instability, slippage or inundation, or used for the disposal of wastewater.
5. Where the stormwater discharge is from industrial land or large areas of impervious surface, the applicant shall demonstrate that sufficient treatment is undertaken that adverse effects on freshwater and the receiving environment will be mitigated.

**Advice Note:**

1. If stormwater disposal to a river, stream, lake or wetland is proposed then a resource consent may be required from West Coast Regional Council.
2. State Highway Infrastructure such as swales or roadside drains is not considered a "Community stormwater management system" and disposal of stormwater to this infrastructure is not an appropriate method of managing stormwater in terms of this standard.

**SUB - S5**

**Wastewater**

1. All allotments must provide the means for disposal of wastewater from all potential land uses that could be established on the respective allotments that does not involve a direct discharge to fresh or coastal water.
2. Where a connection to a District Council or Community wastewater management system is available, all new allotments must ~~be provided with~~ provide<sup>81</sup> a connection at the boundary or the net boundary where access is shared.
3. Where a connection to a District Council or Community wastewater management system is not available, the applicant shall demonstrate that wastewater will be disposed of in a sanitary manner within the net site area of the allotment with no direct discharge to water.
4. For a subdivision where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal.

**Advice Note:** On site wastewater systems may require a resource consent from the West Coast Regional Council.

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<sup>80</sup> Buller District Council (S538.273)

<sup>81</sup> Consequential to Buller District Council (S538.272), (S538.273).

**SUB - S6****Transport and Access**

1. All allotments must be provided with ~~provide~~<sup>82</sup> vehicular access to a road by way of a vehicle access point, driveway or right of way in accordance with the Transport Performance Standards
2. In all zones any vehicle rights of way or crossings shall be constructed in accordance with the Transport Performance Standards
3. All new roads and upgrades of existing roads shall be constructed in accordance with the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.

**Advice Note:** SNZ PAS 4509 New Zealand Fire Service Firefighting Water Supplies Code of Practice shall be consulted to ensure compliance with the access way dimensions required for fire appliances for developments where a fire appliance is not able to reach either the residential house or the source of firefighting water supply from the public road.

**SUB - S7****Energy Supply**

1. ~~For all~~ All new allotments must provide electricity services ~~must be provided~~<sup>83</sup> to the boundary of each new lot or the applicant shall demonstrate that electricity services are able to be provided by alternative means.
2. At the time of subdivision, sufficient land for transformers and any associated ancillary services must be set aside. For a subdivision that creates more than 15 lots, consultation with energy network utility operators ~~may~~ will<sup>84</sup> be required.
3. All necessary easements for the protection of and access<sup>85</sup> to energy network utility services and infrastructure<sup>86</sup> must be duly granted and reserved.

**SUB - S8****Telecommunications**

1. ~~For all~~ All new allotments must provide telecommunication services ~~must be provided~~<sup>87</sup> to the boundary of each new lot or the applicant shall demonstrate that telecommunication services are able to be provided by alternative means.
2. At the time of subdivision, sufficient land for telecommunications, transformers and any associated ancillary services required to service the new allotments<sup>88</sup> must be set aside.  
**Advice note:**<sup>89</sup> For a subdivision that creates more than 15 lots, consultation with telecommunications network utility operators ~~may~~ will<sup>90</sup> be required.
3. All necessary easements for the protection of telecommunications network utility services must be duly granted and reserved.

<sup>82</sup> Buller District Council (S538.275)

<sup>83</sup> Buller District Council (S538.274)

<sup>84</sup> Westpower (S547.388)

<sup>85</sup> Westpower (S547.388)

<sup>86</sup> Westpower (S547.388)

<sup>87</sup> Buller District Council (S538.274)

<sup>88</sup> Consequential to Margaret Montgomery (S446.071).

<sup>89</sup> Margaret Montgomery (S446.071)

<sup>90</sup> Spark NZ Trading Ltd, Vodafone NZ Ltd, Chorus NZ Ltd (S541.001)

**SUB - S9****Requirement for Esplanade Reserves or Esplanade Strips**

1. An esplanade reserve or esplanade strip shall be provided where any subdivision creates an allotment smaller than 4ha where that allotment adjoins any of:
  - a. The coastal marine area;
  - b. A lake whose bed has an area of 8 hectares or greater<sup>91</sup>; or
  - c. The bank of a river whose bed has an average width of 3m or greater<sup>92</sup>.

**SUB - S10****Easements for Any Purpose**

1. Easements shall be provided where necessary for:
  - a. Public works and utility infrastructure<sup>93</sup> services;
  - b. Easements in gross where a service or access is required by the district council;
  - c. Easements in respect of other parties in favour of nominated allotments or adjoining Certificates of Title;
  - d. Service easements, whether in gross or for private purposes, with sufficient width to permit maintenance, repair or replacement. Centre line easements shall apply when the line is privately owned;
2. Easements can also be required for any of the following purposes:
  - i. Accessways, whether mutual or not;
  - ii. Stormwater, wastewater disposal, water supply, utilities;
  - iii. Party walls and floor/ceilings; or
  - iv. Other utilities regionally significant infrastructure services<sup>94</sup>.

**SUB - S11****Point Strips**

1. Point strips shall be provided where in the course of subdivision a new road is constructed and vested that will ~~or could~~ provide frontage to other land either at the time of subdivision or in the future. ~~In this instance an A point strip agreement is will be entered into by between~~ the first subdivider with and the Council, to ensure the benefiting owner pays a fair share towards the cost of providing the frontage road. The point strip agreement sets the amount to be paid by the subdivider, which will be updated from the date of signature of the agreement by the Consumers Price Index<sup>95</sup>.
2. Point strips ~~may~~ will also be required where access to any road ~~would~~ is determined to be unsafe by the Council<sup>96</sup>.
3. A point strip of no less than 100mm in width shall be created along the State Highway 7 frontage of any new allotment, or balance allotment created within the Kaiata Park development area and fronting State Highway 7 including any allotment created to contain the wetland area. Such point strip shall vest in ~~Her~~ His Majesty the ~~Queen~~ King<sup>97</sup> for Use in Connection with a road (point strip).

<sup>91</sup> Davis Ogilvie & Partners Ltd (S465.023)

<sup>92</sup> Buller Conservation Group (S552.123), and Frida Inta (S553.123)

<sup>93</sup> Westpower (S547.391)

<sup>94</sup> Westpower (S547.393)

<sup>95</sup> Margaret Montgomery (S446.074), Chris & Jan Coll (S558.271), Chris J Coll Surveying Limited (S566.271), William McLaughlin (S567.337), Laura Coll McLaughlin (S574.271).

<sup>96</sup> Margaret Montgomery (S446.074), Chris & Jan Coll (S558.271), Chris J Coll Surveying Limited (S566.271), William McLaughlin (S567.337), Laura Coll McLaughlin (S574.271).

<sup>97</sup> Ngāi Tahu (S620.190).

## FC

# Financial Contributions - Ngā Rourou Pūtea

### Overview

This section of Te Tai o Poutini Plan contains the objectives, policies and rules for financial contributions for infrastructure and for their use to offset or compensate<sup>98</sup> adverse effects on the environment of the West Coast/Te Tai o Poutini.

Currently the three District Councils on the West Coast/Te Tai o Poutini use financial contributions under the RMA as the sole mechanism to provide for the costs and impacts of development on Council infrastructure and these draft provisions have been developed on the basis of that approach continuing.

However, the District Councils are exploring the potential to move to a Development Contributions regime under the Local Government Act 2002 (LGA). If the Councils do introduce Development Contributions under the LGA then these provisions will be amended by Variation or Plan Change to reflect the updated regime.

### Other relevant Te Tai o Poutini Plan provisions

In addition to the provisions in this chapter, offset and compensation actions are also subject to additional provisions in a number of Part 2: District-Wide Matters chapters, including:

- Overlay Chapters – Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes<sup>99</sup>

Financial Contributions Objectives	
<b>FC - O1</b>	Through the use of Financial Contributions the West Coast/Te Tai o Poutini's infrastructure is able to meet the demands generated by subdivision, land use and development so that it does not adversely affect natural and physical resources, or compromise the quality of service provided to existing users, <del>through the use of financial contributions</del> <sup>100</sup> .
<b>FC - O2</b>	To ensure that new activities and development contributes fairly and equitably towards the costs of <del>avoiding, remedying, mitigating or offsetting</del> <u>managing</u> <sup>101</sup> adverse effects on the environment <del>and infrastructure resources</del> <sup>102</sup> of the West Coast/Te Tai o Poutini.

### Also the Strategic Objectives and Policies

<sup>98</sup> DoC (S602.112).

<sup>99</sup> Consequential to Forest & Bird (S560.260).

<sup>100</sup> Chris & Jan Coll (S558.145), Chris J Coll Surveying Limited (S566.145), William McLaughlin (S567.222), Laura Coll McLaughlin (S567.145).

<sup>101</sup> Manawa Energy (S438.115).

<sup>102</sup> Manawa Energy (S438.115).

Financial Contributions Policies	
<b>FC - P1</b>	To require financial contributions as a condition of subdivision, development and land use consents to remedy or mitigate adverse effects created by the need to create, extend or upgrade public infrastructure, reserves and community facilities as a result of the subdivision, <u>land use</u> <sup>103</sup> or development.
<b>FC - P2</b>	Financial contributions shall be applied in a fair and equitable manner that: <ul style="list-style-type: none"> <li>a. Is financially transparent;</li> <li>b. Reflects the adverse effects and demand on services and facilities generated by the subdivision, land use or development;</li> <li>c. Is complementary to the Council's other financial management policies; and</li> <li>d. Takes into account any costs incurred in taking, holding and allocating the financial contributions.</li> </ul>
<b>FC - P3</b>	Financial contributions may be taken in the form of cash, land, <del>works</del> <sup>104</sup> or a combination of these in discussion with the applicant but at the final discretion of the Council.
<b>FC - P4</b>	<del>To ensure that Where</del> land is provided by way of a financial contribution <del>to ensure that such land shall be</del> <u>is</u> suitable for the intended use bearing in mind the community to be served.
<b>FC - P5</b>	To use financial contributions in money to provide additional capacity, and to meet the need for community infrastructure and facilities that arise from the activity. This shall include roading, streetscape improvements, shared pathways, vehicle parking, EV charging spaces, service lanes, water supply, wastewater, stormwater, parks, reserves, recreation facilities and community facilities.
<b>FC - P6</b>	To <del>provide for</del> <u>allow</u> the use of financial contributions <del>for managing to address residual</del> adverse environmental effects, including those on: <ul style="list-style-type: none"> <li>a. <del>Significant indigenous biodiversity and outstanding natural landscapes, outstanding natural features, outstanding natural character, or areas of significant habitat of indigenous fauna</del><sup>105</sup> where these cannot be avoided, remedied or mitigated and the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and <del>critical</del> <u>regionally significant</u><sup>106</sup> infrastructure.</li> <li>b. <u>Significant indigenous biodiversity where these cannot be avoided, minimised, or remedied and the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and regionally significant infrastructure</u><sup>107</sup>.</li> </ul>

<sup>103</sup> Chris & Jan Coll (S558.147), Chris J Coll Surveying Limited (S566.147), William McLaughlin (S567.224), Laura Coll McLaughlin (S574.147).

<sup>104</sup> Consequential to Manawa Energy (S438.114).

<sup>105</sup> DoC (S602.114).

<sup>106</sup> Manawa Energy (S438.117).

<sup>107</sup> Consequential to DoC (S602.114).

<b>FC - P7</b>	<del>When calculating financial contributions as a method of managing adverse environmental effects of activities, take into account the local, regional and national benefits of the proposed activity.</del>
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## Financial Contribution Rules

<b>FC - R1</b>	<b>Financial Contributions as Conditions of Consent</b>
	<p>1. A condition <del>may</del> <u>shall</u> be imposed on a subdivision or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make a financial contribution for the following purposes <u>(unless determined otherwise by Council)</u><sup>108</sup>:</p> <ol style="list-style-type: none"> <li>i. <del>The management of potential adverse effects arising from the activity</del><sup>109</sup>;</li> <li>ii. Securing environmental <u>offsetting or</u><sup>110</sup> compensation where any residual adverse effects of the subdivision, use or development <del>that</del> cannot be avoided, <u>minimised</u><sup>111</sup>, remedied or <del>otherwise</del> mitigated;</li> <li>iii. Providing and/or upgrading public network utility services and transport infrastructure;</li> <li>iv. Providing and/or upgrading public reserves, public access and community facilities; and</li> </ol> <p>2. No financial contribution is payable for:</p> <ol style="list-style-type: none"> <li>i. Additions and alterations to residential buildings;</li> <li>ii. A residential building replacing one previously on the site;</li> <li>iii. An approved boundary adjustment;</li> <li>iv. An approved subdivision creating a certificate of title solely for a utility;</li> <li>v. An additional allotment where such land is set aside for ecological, historic heritage or cultural protection in perpetuity; <del>and</del></li> <li>vi. Infrastructure for which a financial contribution has been made previously;</li> <li>vii. <u>Any allotment that is vested in the Council or the Crown; and</u><sup>112</sup></li> <li>viii. <u>An approved subdivision resulting in the amalgamation of or a reduction in the number of titles</u><sup>113</sup>.</li> </ol> <p>3. Where roading or three waters infrastructure upgrades or extensions necessary to meet the requirements of the proposed land-use, development or subdivision are proposed in the relevant District Council's Long Term Plan, but the proposed land-use, development or subdivision requires that the planned works be undertaken earlier than planned for in the Long Term Plan, then the Council will require the developer to meet the full cost of the upgrades and extensions including interest on loans subject to the following:<sup>114</sup></p> <ol style="list-style-type: none"> <li>i. The relevant District Council may, at its discretion, and guided by its financial strategy, agree to contribute to the funding at the time the infrastructure is required by the proposed land-use, subdivision or development;</li> <li>ii. Agreements shall be made in writing between the developer and the relevant District Council, and shall state the amount of the financial contribution and timing of any payments to be made <u>by the relevant District Council</u>;</li> <li>iii. In the event that the relevant District Council does not contribute to the funding at <del>that</del></li> </ol>

<sup>108</sup> Westland District Council

<sup>109</sup> Forest & Bird (S560.262).

<sup>110</sup> DoC (S602.116).

<sup>111</sup> DoC (S602.116).

<sup>112</sup> Ball Developments Ltd (S453.013), Davis Ogilvie & Partners Ltd (S465.010).

<sup>113</sup> Chris & Jan Coll (S558.155), Chris J Coll Surveying Limited (S566.155), William McLaughlin (S567.231), Laura Coll McLaughlin (S574.155), Ball Developments Ltd (S453.014).

<sup>114</sup> All amendments in this sub-clause in response to Buller District Council (S538.231), Chris & Jan Coll (S558.155), Chris J Coll Surveying Limited (S566.156), William McLaughlin (S567.232), Laura Coll McLaughlin (S574.155).

- the time the infrastructure is required by the proposed land-use, subdivision or development, the developer will be reimbursed by the relevant District Council;
- iv. Agreed reimbursement will be made no later than at the time the extension or upgrade would otherwise have been undertaken as set out in relevant District Council's Long Term Plan; and
  - ix. Reimbursement will not include interest additional to that which would have been payable by the relevant District Council, had the upgrades or extensions been undertaken at the time proposed in the Long Term Plan.

FC - R2	Nature of Financial Contributions
	<ol style="list-style-type: none"> <li>1. Financial contributions <del>may</del> <u>shall</u><sup>115</sup>, at the relevant District Council's discretion, take the form of money or land <del>or works</del><sup>116</sup> or any combination of money; <u>and land and works</u><sup>117</sup>;</li> <li>2. Financial contributions shall not be imposed on a use, development or subdivision for the same purpose as a development contribution that is <u>already</u> required, or has already been paid in relation to that use, development or subdivision;</li> <li>3. Where a financial contribution is, or includes the payment of money, the relevant District Council may specify any one or more of the following in the conditions of the resource consent: <ol style="list-style-type: none"> <li>a. The amount to be paid by the consent holder;</li> <li>b. How the payment is to be made, including whether payment is to be made by instalment and whether bonding or security can be entered into;</li> <li>c. When the payment is to be made: <ol style="list-style-type: none"> <li>i. In the case of subdivision, generally before <u>issuing</u><sup>118</sup> <del>uplifting</del> the section 224 certificate;</li> <li>ii. In the case of land use, <u>the time of payment as specified in the conditions</u><sup>119</sup> at the time of issuing of the resource consent;</li> </ol> </li> <li>d. If the amount of the payment is to be adjusted to take account of inflation and if so, how the amount is to be adjusted; and</li> <li>e. Whether any penalty is to be imposed for default in payment and if so, the amount of the penalty or formula by which the penalty is to be calculated.</li> </ol> </li> <li>4. Where a financial contribution is, or includes land, the relevant District Council may specify any one or more of the following in the conditions of the resource consent: <ol style="list-style-type: none"> <li>a. The location and area of the land;</li> <li>b. The state the land is to be in before vesting in or transferring to the Council; and</li> <li>c. The purpose of the land if it is to be classified under the Reserves Act 1977, or the general purpose of the land.</li> </ol> </li> <li>5. When and how the land is to be vested in, or transferred to the relevant District Council or other infrastructure provider. In the case of subdivision consent the land shall be vested on the deposit of the survey plan under section 224 of the Act, or transferred as soon as legal certificate of title is available; and</li> <li>6. Where any land is to be vested in the relevant District Council or other infrastructure provider as part of a financial contribution a registered valuer shall determine its market value at the date on which the resource consent (imposing the financial contribution condition) commenced under section 116 of the Resource Management Act 1991.</li> </ol> <p>For the purposes of this rule, 'market value' has the same meaning as defined in the International Valuation Standard, as adopted by Australian Property Institute 2008 and</p>

<sup>115</sup> Westland District Council (S181.021).

<sup>116</sup> Consequential to Ball Developments Ltd (S453.015), Davis Ogilvie & Partners Ltd (S465.011).

<sup>117</sup> Consequential to Ball Developments Ltd (S453.015), Davis Ogilvie & Partners Ltd (S465.011).

<sup>118</sup> Buller District Council (S538.232).

<sup>119</sup> Westpower (S547.338).

Property Institute of New Zealand 2009, which is as follows:

*'Market Value is the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction, after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion.'*

This rule does not apply to land that is to be vested in Council as a financial contribution in circumstances where the value of the land does not need to be determined.

### FC - R3

### Calculation of Financial Contributions - Roads

1. The maximum contribution required for the development, maintenance and upgrading of roads including intersections that serve a subdivision, land use or development shall be 100% of the estimated cost calculated in FC-R3(3); and<sup>120</sup>
2. Where a development or subdivision will generate traffic effects that require the sealing, widening or upgrading of a road or intersection, the financial contribution shall be calculated as the cost of upgrading the road from the level of service required for existing land uses<sup>121</sup> to the required level of service required for the development or subdivision<sup>122</sup> specified in the relevant Council Engineering Standards, or where no such Standard exists, the standard required by NZS 4404:2010 Land Development and Subdivision Infrastructure.
3. Financial contributions for roading will be calculated in accordance with the following formulae ~~based on the number of new allotments created~~:
  - i. Financial contribution for subdivision - based on number of new allotments created:

$$\mathbf{C_p = L_g \times D_1 \times R_c + I_c}$$

C<sub>p</sub> = Value of contribution (\$)

L<sub>g</sub> = Number of new allotments created in the proposed subdivision

D<sub>1</sub> = Length of road frontage (km) along the application site. If the subdivision is on both sides of the road the length shall be added together

R<sub>c</sub> = Cost (\$/km) determined by the council based on the road hierarchy

I<sub>c</sub> = Cost (\$/m<sup>2</sup>) to upgrade the intersection as determined by the council (if required)

~~**Contribution = Cost of forming or upgrading road to the nearest Allotment boundary of the site + Cost of upgrading road along the frontage of the site**~~

$$\mathbf{C_p = \frac{D_1 \times R_c \times L_g + D_2 \times R_c}{L_e + L_g} \times 2}$$

Where

C<sub>p</sub> = Value of contribution (\$)

D<sub>1</sub> = Length of road (km) required to be upgraded to the closest boundary of the site

D<sub>2</sub> = Length of road frontage (km) along the application site. If the development is on both sides of the road the length along both frontages shall be added together.

<sup>120</sup> Consequential to Manawa Energy (S438.114).

<sup>121</sup> Chris & Jan Coll (S558.159), Chris J Coll Surveying Limited (S566.159), William McLaughlin (S567.235), Laura Coll McLaughlin (S574.159)

<sup>122</sup> Chris & Jan Coll (S558.159), Chris J Coll Surveying Limited (S566.159), William McLaughlin (S567.235), Laura Coll McLaughlin (S574.159)

$L_e$  = Total number of existing allotments fronting to the road to be upgraded measured as  $D_1$

$L_g$  = Number of new allotments created in the proposed subdivision

$R_c$  = Cost (\$/km) of improving the affected section of road to the level required as determined by the predicted traffic volume and road hierarchy.

ii. Financial Contribution for Land-use and Development - Based on traffic generation:

$$C_p = R_c \times T_g + I_c$$

$C_p$  = Value of contribution (\$)

$R_c$  = Cost (\$/vehicle movement) determined by the council based on the road hierarchy and activity

$T_g$  = Total amount of traffic generated by the development (annual average daily traffic)

$I_c$  = Cost (\$/m<sup>2</sup>) to upgrade the intersection as determined by the council (if required)

**Contribution = Cost of upgrading road to the nearest boundary of the site multiplied by the total traffic to be generated by the proposal + cost of upgrading road along the frontage of the site**

$$C_p = \frac{D_1 \times R_c \times T_g}{T_e + T_g} + \frac{D_2 \times R_c}{2}$$

Where:

$C_p$  = Value of contribution (\$)

$D_1$  = Length of road (km) required to be upgraded to the closest boundary of the site

$D_2$  = Length of road frontage (km) along the application site. If the development is on both sides of the road the length along both frontages shall be added together.

$T_e$  = Total amount of traffic currently using this road (as vehicles per day, AADT)

$T_g$  = Total amount of traffic generated by the development (as vehicles per day, AADT)

$R_c$  = Cost (\$/km) of improving the affected section of road to the level required as determined by the predicted traffic volume and road hierarchy.

4. Financial contributions do not apply to the forming of new roads and intersections. These will form part of resource consent condition and vesting under section 224c of the RMA.<sup>123</sup>

#### FC – R4

#### Full Cost Financial Contribution for Roads<sup>124</sup>

1. Roads outlined in 2 below which are at capacity for their structure are unable to accommodate additional loadings. The financial contribution for these roads shall be the full cost to accommodate the additional loadings and to bring the road up to the relevant District Council's Subdivision and Development Infrastructure Technical Requirements Code standard for its place in the road hierarchy or where no such Code of Practice exists, the standards in NZS 4404:2010 Land Development and Subdivision Infrastructure.
2. This rule applies to the following roads:
  - i. No roads have been identified in the proposed Plan.

<sup>123</sup> All amendments to FC-R3.3 are consequential to Manawa Energy (S438.114).

<sup>124</sup> Consequential to Manawa Energy (S438.114).

1. A financial contribution for vehicle parking ~~may~~ shall<sup>125</sup> be required where the on - site accessible parking, on - site bicycle parking, on - site trailer/boat parking or EV charging requirements cannot be achieved as required for the activity in the zone in accordance with the Transport Performance Standards. The financial contribution will be charged based on the following formula for each accessible, trailer/boat park or EV charging site ~~and~~ or<sup>126</sup> for every 5 bicycle parks not provided.

**Contribution = value of land required + Cost of construction**

$$C_p = (V_I \times A) + (D \times A)$$

Where:

$C_p$  = Value of contribution (\$)

$V_I$  = Value of 35m<sup>2</sup> of land in the vicinity of the off-site vehicle parking area as determined by an independent registered valuer

$A$  = Number of vehicle parks required to make up the on-site shortfall where 5 bicycle parks equate to 1 carpark

$D$  = cost of construction of 35m<sup>2</sup> of parking area to a permanent asphaltic concrete or concrete surface, including earthworks, pavement, kerbing, drainage, electricity connection and charge station for EV charging and marking determined either by an independent cost assessment or from the current Construction Price Index.

2. The financial contributions taken by the Council in lieu of the on-site vehicle parking shall be used to provide, upgrade or extend public vehicle parking/EV charging in the vicinity of the location from which it is collected. It may also be used to contribute towards the cost of vehicle parking/EV charging facilities that have already been constructed.
3. The relevant District Council may reduce the value or waive the contribution in one or more of the following circumstances:
- i. The Council has not provided or does not intend to provide additional off-site vehicle parking/EV charging in the vicinity of the site;
  - ii. The Council has provided vehicle parking/EV charging or intends to do so, but this has been or will be funded through a different funding source in the Council's Long Term Plan, such as user fees and charges; or
  - iii. The site contains a Historic Heritage resource scheduled in this plan and the reduction will enable the continued use of the building and support its protection or conservation.

<sup>125</sup> Westland District Council (S181.021).

<sup>126</sup> Chris & Jan Coll (S558.161), Chris J Coll Surveying Limited (S566.161), William McLaughlin (S567.237), Laura Coll McLaughlin (S574.161).

FC - R6	Financial Contribution for Service Lanes
<p>1. Where the District Plan indicates the formation and vesting of land for the purpose of a service lane, or the upgrading of a service lane, a <del>development or subdivision</del> <u>or land use consent</u><sup>127</sup> <del>of the land</del> shall include a condition requiring the land to be formed to the standards specified in the relevant district Council Engineering Standards or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.</p>	
FC - R7	Financial Contribution for Water Supply
<p>1. Financial contributions <del>may</del> <u>shall</u><sup>128</sup> be required <u>(unless determined otherwise by Council)</u><sup>129</sup> to ensure a supply of:</p> <ol style="list-style-type: none"> <li>i. Potable drinking water for human consumption (complying with the NZ Standard for Drinking Water);</li> <li>ii. Water for industrial and commercial activities;</li> <li>iii. Water for fire fighting and irrigation; and</li> <li>iv. Where proposed allotments, sites or buildings are intended for human habitation or occupation.</li> </ol> <p><u>Advice note: It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.</u><sup>130</sup></p> <p>2. The maximum contribution required for the development and upgrading of water supply infrastructure that services a subdivision, land use or development shall be 100% of the estimated cost. Reticulation shall be designed and constructed to meet the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.</p> <p>3. Where an existing potable drinking water supply is available and has adequate capacity for meeting the needs of the proposed activity the financial contribution shall be the full and actual costs of providing all the necessary reticulation to serve the proposed allotments, sites and buildings.</p> <p>4. Where no supply is available, or the capacity of the supply is inadequate, the financial contribution shall be the full and actual costs of providing a supply and/or increasing the capacity, if necessary, together with the cost of reticulation within the subdivision or land use.</p>	

<sup>127</sup> Chris & Jan Coll (S558.163), Chris J Coll Surveying Limited (S566.163), William McLaughlin (S567.239), Laura Coll McLaughlin (S574.163).

<sup>128</sup> Westland District Council (S181.021), David Ellerm (S581.035).

<sup>129</sup> Westland District Council (S181.021).

<sup>130</sup> Buller District Council (S538.238).

FC - R8	Financial Contribution for Wastewater Treatment and Disposal
<p>1. Financial contributions <del>may</del> <u>shall</u><sup>131</sup> be required <u>(unless determined otherwise by Council)</u><sup>132</sup> to maintain the health and public safety and amenity of inhabitants or occupants and to protect the natural environment from harmful disposal of wastewater where new allotments, sites or buildings are intended for human habitation or occupation.</p> <p><b>Advice note:</b> <u>It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.</u><sup>133</sup></p> <p>2. The maximum contribution required for the development and upgrading of wastewater treatment and disposal infrastructure that serve a subdivision, land use or development shall be 100% of the estimated cost. Reticulation shall be designed and constructed to meet the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.</p> <p>3. Where an existing wastewater treatment system is available and has adequate capacity within it's operational limits and environmental compliance requirements to meet the needs of the proposed activity the financial contribution shall be the full and actual costs of providing all the necessary reticulation to connect the proposed allotments, sites and buildings.</p> <p>4. Where no wastewater system is available, or the capacity of the supply is inadequate, the financial contribution shall be the full and actual costs of treatment and disposal and/or increasing the capacity, including design and investigation, acquiring sufficient land for on-site land-based treatment and disposal of wastewater likely from the activities on the site, together with the cost of reticulation within the subdivision or land use.</p>	
FC - R9	Financial Contribution for Stormwater Treatment and Disposal
<p>1. Financial contributions <del>may</del> <u>shall</u><sup>134</sup> be required <u>(unless determined otherwise by Council)</u><sup>135</sup> to prevent damage and loss of property and amenity from uncontrolled run-off and to protect the natural environment from harmful disposal of stormwater where new allotments, roads and/or other impervious surface are created by subdivision or land use and create a need for stormwater treatment and disposal.</p> <p><b>Advice note:</b> <u>It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.</u><sup>136</sup></p> <p>2. The maximum contribution required for the development and upgrading of stormwater treatment and disposal infrastructure that serve a subdivision, land use or development shall be 100% of the estimated cost. Stormwater reticulation and any stormwater treatment devices shall be designed and constructed to meet the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.</p> <p>3. Where an existing stormwater piped outfall or stormwater treatment system is available and has adequate capacity for meeting the needs of the proposed activity the financial contribution shall be the full and actual costs of providing for the conveyance of stormwater to the outfall or treatment system.</p> <p>4. Where there is no stormwater piped outfall or treatment system (and treatment is</p>	

<sup>131</sup> Westland District Council (S181.021), David Ellerm (S581.036).

<sup>132</sup> Westland District Council (S181.021).

<sup>133</sup> Buller District Council (S538.239).

<sup>134</sup> Westland District Council (S181.021), David Ellerm (S581.037).

<sup>135</sup> Westland District Council (S181.021).

<sup>136</sup> Buller District Council (S538.240).

required), or the capacity of the piped outfall or treatment system is inadequate, the financial contribution shall be the full and actual costs of providing for the stormwater treatment and disposal and/or increasing the existing stormwater system capacity, together with the cost of reticulation within the subdivision or land use.

**FC - R10**

**Financial Contribution for Reserves and Community Facilities**

1. Financial contributions ~~may~~ shall<sup>137</sup> be required (unless determined otherwise by Council)<sup>138</sup> to provide for open space, recreational and community facilities to address the need for these facilities created by subdivision and development in the locality where new allotments or residential units are created.
2. The maximum contribution shall be required as follows:
  - i. 7.5% of the additional allotments at the time of subdivision consent (either in cash or land equivalent, at Council's discretion) except that in the case of subdivisions where allotments are greater than 4000 m<sup>2</sup>, the value of the rural allotment for this purpose shall be the proportional value of a house site of 1,000m<sup>2</sup> within each allotment;
  - ii. Cash equivalent of the value of 20m<sup>2</sup> of land for each additional residential unit created, at the time of building consent, less any contribution made at the time of previous subdivision within the preceding five years; and
  - iii. Cash equivalent of the value of 4m<sup>2</sup> of land for each additional 100m<sup>2</sup> of net, non-residential building floor area created, at the time of building consent, less any contribution made at the time of previous subdivision within the preceding five years.

**FC - R11**

**Financial Contribution for Shared Pathways**

1. The maximum contribution required for the development and upgrading of shared pathways that serve a subdivision, land use or development shall be 100% of the estimated cost.
2. Where a development or subdivision will generate effects that require the creation or upgrading of a footpath, walkway or cycleway access, the financial contribution shall be calculated as:
  - i. the cost of building the footpath, walkway or cycleway access; or
  - ii. the cost of upgrading the pedestrian/cycle access footpath, walkway or cycleway access from the level of service required for existing land uses to the required level of service required for the subdivision, land use or development<sup>139</sup> specified in the relevant district Council Engineering Standards or where no such Standard exists, the standard required by NZS 4404:2010 Land Development and Subdivision Infrastructure.

<sup>137</sup> Westland District Council (S181.021), David Ellerm (S581.038).

<sup>138</sup> Westland District Council (S181.021).

<sup>139</sup> Chris & Jan Coll (S558.170), Chris J Coll Surveying Limited (S566.170), William McLaughlin (S567.245) and Laura Coll McLaughlin (S574.170).

FC - R12	Financial Contribution for Offsetting and Compensation for Adverse Environmental Effects on Natural Landscape Values or Biodiversity Values
<p>1. The <del>maximum</del> <u>minimum</u><sup>140</sup> financial contribution for offsetting or compensation for <u>residual</u><sup>141</sup> adverse environmental effects on outstanding natural landscape values, areas of significant indigenous vegetation or areas of significant habitat of indigenous fauna-will be the amount of money needed to fully offset or compensate (or any combination of these) any adverse environmental effects that cannot otherwise be avoided, <u>minimised</u><sup>142</sup>, remedied or mitigated <u>as assessed through the consent process</u>.</p> <p>2. In assessing the level of financial contribution required for biodiversity offsetting and compensation the principles in Policy ECO - P9 will be adhered to.</p>	

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<sup>140</sup> DoC (S602.117).

<sup>141</sup> Consequential to New Zealand Energy Limited (S463.004), Inchbonnie Hydro Limited (S540.004).

<sup>142</sup> Consequential to New Zealand Energy Limited (S463.004), Inchbonnie Hydro Limited (S540.004).

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## Overview

The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers is a matter of national importance provided for under Section 6 of the Resource Management Act. Provision of public access to waterbodies is also included in the primary purpose of the Walking Access Act 2008 which is to provide the New Zealand public with free, certain, enduring and practical access to the outdoors (including around the coast and lakes, along rivers, and to public resources) so that the public can enjoy the outdoors<sup>143</sup>.

Being able to access these areas is an important facet of our well-being providing opportunities for the re-establishment of cultural connection to waterbodies as well as supporting recreation and relaxation. This is recognised and provided for in the New Zealand Coastal Policy Statement and the West Coast Regional Policy Statement and West Coast Regional Plans.

The majority of the plan provisions to support this Chapter have been woven through other chapters including; Poutini Ngāi Tahu, Sites and Areas of Significance to Māori, Subdivision, Natural Character and Activities Adjacent to Waterbodies, Activities on the Surface of the Water and the Coastal Environment.

### Esplanade Reserves, Esplanade Strips and Access Strips

Esplanade reserves can be created through subdivision, when land is reclaimed, when a road is stopped, or can be created voluntarily.

Esplanade strips and access strips can be created either through subdivisions, or at any other time by agreement between the land owner and Council. The creation of strips outside of subdivision uses the process set out in s235 RMA (for esplanade strips) or in s237B RMA (for access strips).

Objectives, policies, rule requirements, and matters for control or discretion for all of esplanade reserves, esplanade strips and access strips are located in the Subdivision Chapter.

### Unformed Legal Roads

~~Unformed legal roads provide a valuable network of public access opportunities to the outdoors with many allowing access to and along the coast, freshwater bodies and other public resources. Many also cross private land or traverse sensitive ecological environments and careful decision making is needed to ensure that any new provision for public access through unformed legal roads is undertaken in a way that the impacts on natural resources and the safety and security of private landowners are well managed to avoid adverse effects on these resources and private landowners.~~<sup>144</sup>

<sup>143</sup> Herenga ā Nuku Aotearoa Outdoor Access Commission (S274.003)

<sup>144</sup> Herenga ā Nuku Aotearoa, Outdoor Access Commission (FS53.20).

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**Public Access Objective****PA - O1**

To maintain and enhance customary and public access to and along the coastal marine area, waterbodies and public resources.

**Also the Strategic Objectives and Policies**

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