

PROPOSED GORE DISTRICT PLAN SECTION 32 REPORT

SUBDIVISION



Table of Contents

1. Executive Summary	4
2. Overview and Purpose	5
2.1 Introduction to the resource management issue(s)	5
2.2 Purpose of the report.....	5
3. Statutory and Policy Context	6
3.1 Resource Management Act.....	6
3.2 National Policy Statements.....	8
3.3 National Environmental Standards.....	10
3.4 National Planning Standards.....	11
3.5 Regional Policy Statement	12
3.6 Regional Plans	14
3.7 Iwi Environmental Management Plan(s)	14
3.8 Other Legislation and Policy Documents.....	14
3.9 Other Local Policies, Strategies, Guidelines and Plans	17
3.10 Climate Change.....	19
4. Resource Management Issue Analysis	19
4.1 Background.....	19
4.2 Operative Plan Approach	21
4.3 Effectiveness of Operative Plan	23
4.4 Technical Reports and Research	24
4.5 Analysis of Best Practice	25
4.6 Other Relevant Documents and feedback	26
5. Scale and Significance	27
5.1 Scale and Significance Evaluation	27
5.2 Evaluation Summary	28
6. Consultation	28
6.1 Overview.....	28
7. Proposed Plan Provisions.....	32
7.1 Strategic Direction.....	32
7.2 Objectives, Policies, Rules and Standards	33
7.3 Definitions	35
8. Evaluation of Objectives	38

9. Evaluation of Options to Achieve the Objectives.....	40
9.1 Evaluation	40
9.2 Quantification of benefits and costs	40
9.3 Evaluation of Options.....	40
9.4 Summary of Preferred Options.....	45

Glossary of Terms

Resource Management Act 1991	RMA or 'the Act'
Local Government Act 1974/2002	LGA
Heritage New Zealand Pouhere Taonga Act 2014	HNZPTA
Heritage New Zealand Pouhere Taonga	HNZPT
Gore District Council	GDC or 'the Council'
Operative District Plan	ODP
Proposed District Plan	PDP
National Planning Standards 2019	PS
Southland Regional Policy Statement 2017	RPS
National Policy Statements	NPS
National Policy Statement on Highly Productive Land	NPS-HPL
National Policy Statement for Indigenous Biodiversity 2023	NPS-IB
National Policy Statement for Urban Development	NPS-UD
National Environmental Standards	NES
National Environmental Standard for Freshwater 2020	NES-F
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	NES-CS
Permitted Activity	PA
Controlled Activity	CA
Restricted Discretionary Activity	RDA
Discretionary Activity	DA
Non-complying Activity	NCA
Outstanding Natural Landscape	ONL
Outstanding Natural Feature	ONF
Significant Natural Area	SNA
Hazardous Activities and Industries List	HAIL
Crime Prevention through Environmental Design	CPTED
Local Government Act	LGA

1. Executive Summary

Section 32 of the Resource Management Act 1991 ('the Act' or 'the RMA') requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act. The policies and methods of those proposals are examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives. The analysis set out in this report is to fulfil the obligations of the Council under s32 of the Act.

This section 32 report relates to the evaluation of options for the management of the subdivision through the Gore District Plan.

Objectives, policies, rules and standards for managing subdivisions are located within Part 2 – District Wide Matters, as required by the National Planning Standards (PS).

This report evaluates the resource management issues relating to subdivisions against the Operative District Plan (ODP) and Proposed District Plan (PDP) provisions, to ascertain if they are the most efficient and effective means of achieving the purpose of the Act. The preferred option has been determined as the PDP which provides greater clarity and direction for plan users and decision makers and will ensure high quality environmental, economic, social and cultural outcomes for people and the community.

The minimum lot size and density standards are often interlinked. Whilst minimum lot sizes typically sit in the subdivision chapter, they relate to the underlying zoning. As such, minimum lot sizes have been addressed in the relevant zone s32s reports.

Further, there are a number of provisions in the subdivision that relate to:

- Historic heritage
- Notable trees
- Significant natural areas
- Outstanding natural landscape and outstanding natural features
- Infrastructure
- Natural hazards; and
- Development areas

While there provisions are referenced in this report, the background, assessment and evaluations are discussed in the relevant zoning and district wide s32s in more details.

The scale and significance of change from the ODP is considered to be low and therefore the level of detail and evaluation provided in this report is commensurate to this change.

2. Overview and Purpose

2.1 Introduction to the resource management issue(s)

The purpose of the subdivision chapter is to manage subdivisions in the District. The chapter recognises that subdivision can be fundamental to enabling growth and industry. It outlines in the PDP Chapter overview that the council will support subdivision that is:

- well designed,
- is located in the appropriate locations as anticipated by the District Plan,
- has appropriate capacity for servicing, and
- an integrated transportation.

The provisions seek to manage the following issues:

1. The purpose and character of each zone can be compromised by unsuitable subdivisions.
2. Council's reticulated services are not provided everywhere and will need upgrading to support further development where services are provided.
3. Some of Council's roads are not designed for higher levels of traffic. Further development would require roads to be upgraded, to address safety and efficiency issues on the road network.
4. Some works associated with subdivisions, including earthworks and access, are managed in the Land Development and Subdivision Bylaw, instead of the District Plan. This can create complication and compliance issues, and sometimes duplication, noting the consent process is under the RMA and bylaw dispensations are under the Local Government Act (LGA).
5. No esplanade reserves or strips have been provided under the ODP rules, which minimises opportunities for public access to rivers and their margins.

2.2 Purpose of the report

The purpose of this report is to provide an evaluation of the proposed provisions in accordance with the requirements of Section 32 of the RMA 1991.

The PDP includes a subdivision chapter consistent with the requirements of the National Planning Standards. It contains objectives, policies, rules, and standards to enable subdivisions in areas anticipated for growth, while managing the effects, including on three waters and the road network. The chapter places greater levels of protection when in situations where subdivision may not be appropriate, such as subdivision of an Outstanding Natural Landscape (ONL), or site subject to flood risk outside of the areas of stop bank protection.

This report assesses the appropriateness of the proposed objectives to achieve the purpose of the Act and the effectiveness and efficiency of the policies, rules and standards, which give effect to the objectives. This report also provides information on the issues the PDP seeks to address, the research undertaken and an evaluation of the provisions relating to subdivision within the ODP.

3. Statutory and Policy Context

3.1 Resource Management Act

In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management means *managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while –*

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

In achieving this purpose, authorities also need to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7 and take into account the principles of the Treaty of Waitangi referred to in s8.

Section 6

The s6 matters relevant to this topic are:

- a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- h) the management of significant risks from natural hazards.*

Section 7

The s7 matters that are relevant to this topic are:

- (b) the efficient use and development of natural and physical resources:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*
- (i) the effects of climate change:*

Section 8 of the RMA requires the principles of the Treaty of Waitangi to be taking into account. Principles relevant to subdivision include the ethic of partnership and ensuring that areas of value and interest to Iwi are protected from inappropriate subdivision activities.

There are several other sections of the Act specifically relevant to subdivision, including:

Section 11 lists restrictions on the subdivision of land. It states that a person may subdivide land if it is allowed by resource consent, permitted by a National Environmental Standard or District Plan, and the subdivision is shown on a deposited or approved survey plan. Section 11 also sets out other methods by which subdivision can be affected, which include provisions of the Public Works Act, Te ture Whenua Maori Act, State-Owned Enterprises Act, or the Property Law Act.

Section 106 sets out circumstances when a subdivision consent can be refused or granted subject to conditions, being:

- There is significant risk from natural hazards.
- Sufficient provision has not been made for legal and physical access to each allotment created.

Part 10 of the RMA, (sections 218-246) include the information that must be provided, and the process that must be followed for subdivision consents, including:

- Condition of subdivision consents (s220)
- Approval and deposit of survey plans (S223-228)
- Esplanade reserves (S229-237H) • Vesting of roads and reserves (s238-239)
- Conditions as to amalgamation of land (s.240-242)
- Conditions as to easements (s.243)
- Company leases and cross leases (s.244)

One of the principal mechanisms by which public access to and along the coastal marine area, lakes and rivers is provided is through esplanade reserves and strips, and access strips. Sections 229 – 237H of the RMA set out the purpose of these mechanisms, and the way in which esplanade reserves and strips, and access strips can be created. Of particular note:

- Esplanade reserves and strips have a range of purposes, including to enable public access to or along any sea, river or lake;
- An esplanade reserve 20m in width shall be set aside where any allotment of less than 4ha is created (unless a rule in a plan provides otherwise).

- Esplanade reserves or strips can only be set aside where any allotment of greater than 4ha is created if a rule in the District Plan requires it.
- The territorial authority shall compensate owners for esplanade reserves or strips in their entirety when taken from land that is being subdivided and is greater than 4 hectares in area unless the registered owner agrees otherwise.

3.2 National Policy Statements

The Section 32 - Overview Evaluation Report includes details and a brief assessment of all National Policy Statements (NPS).

The following NPS are relevant to Subdivision:

- NPS on Highly Productive Land 2022;
- NPS on Urban Development 2020; and
- NPS on Indigenous Biodiversity 2023

National Policy Statement on Highly Productive Land

The National Policy Statement on Highly Productive Land (NPS-HPL) became operative on 17 October 2022. The NPS-HPL seeks to ensure that the most favourable soils for food and fibre production are protected not and for future generations.

The issues the draft NPS-HPS seeks to address are:

- Urban land expanding on to New Zealand's most productive land,
- The creation of rural lifestyle properties is reducing the availability of highly productive land, and
- Reverse sensitivity – when new land uses conflict with existing uses.

Environment Southland is required to map highly productive land within the Gore district that meets the following criteria:

- (a) is in a general rural zone or rural production zone; and
- (b) is predominantly LUC 1, 2, or 3 land; and
- (c) forms a large and geographically cohesive area.

The NPS-HPL defines highly productive land as land mapped by Regional Councils, or in absence of that, in the interim, highly productive land is a land parcel defined as Land Use Capability (LUC) 1, 2 and 3 as mapped by the New Zealand Land Resource Inventory (NZLRI). Based on NZLRI maps, Gore District has some LUC 1 and LUC 2 soil, and a lot of the district is LUC 3 soil.

Of the proposed zones, once established, subdivision in the General Rural zone will be subject to the NPS-HPL. Subdivision of highly productive land that is zoned Rural General will need to meet the objectives and policies of the NPS-HPL. In order to do that, many activities must be managed and subdivision that creates rural lifestyle or urban development opportunities must be avoided. The policies relating to productive land, the minimum lot size proposed for the rural zone and the matters of discretion for subdivision have been drafted taking into account the NPS-HPL.

National Policy Statement on Urban Development 2020

The National Policy Statement Urban Development 2020 (NPS-UD) defines an 'urban environment' as "any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- (a) is, or is intended to be, predominantly urban in character; and
- (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people".

Based on this definition it is considered that the combined urban area of Gore and Mataura forms an Urban Environment due to their urban nature and interdependent resident and labour market.

The NPS-UD seeks to enable urban environments to grow and change in response to the changing needs of the communities, and future generations. Local authority decisions on urban development must be integrated with infrastructure planning and funding, strategic over the medium term and long term; and overall responsive, particularly in relation to proposals that would supply significant development capacity.

As the NPS-UD requires adequate provision for residential and business growth and it is also acknowledged that urban environments and amenity values will change over time and while the planned urban built form may involve significant change that detracts from amenity values this is not considered an adverse effect.

Objective 1 of the NPS-UD seeks that well-functioning urban environments are provide for the needs of people and communities both now and into the future.

Objective 4 seeks that urban environments are provided that, over time, develop and change in response to the changing needs of people and communities and future generations.

Objective 8 seeks that urban environments support a reduction in greenhouse gas emission and are resilient to the current and future effects of climate change.

The policies which give effect to these objectives provide further direction on providing well-functioning urban environments which provide for different business sectors whilst ensuring accessibility to jobs, community services, natural and open spaces and public or active transport systems (Policy 1). Sufficient development capacity should be provided over the short, medium and long term to meet expected demand for housing and business land (Policy 2).

Policy 6 directs decision makers to recognise the benefits of well-functioning urban environments. It acknowledges that development may involve significant changes to an area. Such change could detract from the amenity value some people appreciate but also could improve amenity values appreciated by other people, communities and future generations, through the provision of increased and varied housing densities and types.

The policies also provide direction to take account of the Treaty of Waitangi in relation to urban environments by involving iwi and hapū in the preparation of planning documents and taking account of their aspirations and values.

Subpart 7 – Development Outcomes for Zones directs that every tier 1, 2 or 3 provide:

“objectives for every zone in an urban environment in its district describe the development outcomes intended for the zone over the life of the plan and beyond; and the policies and rules in its district plan are individually and cumulatively consistent with the development outcomes described in the objectives for each zone.”

Subdivisions must be designed and undertaken in such a way that development achieves the character and purpose of the underlying zoning. This in turn will ensure “well functioning urban environments” are provided, and the objectives and policies of the NPS-UD are met.

National Policy Statement for Indigenous Biodiversity

The National Policy Statement for Indigenous Biodiversity 2023 requires the maintenance of indigenous biodiversity and the identification and protection of Significant Natural Areas (SNAs). This will be achieved by:

- Working with key stakeholders and mana whenua to map and protect SNAs meeting relevant criteria by 2028 and aligning district plans by 2031 or as part of the 10 yearly review.
- Recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity and protecting taonga species;
- Recognising people and communities, including landowners, as stewards;
- Protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and
- Providing for social, economic, and cultural wellbeing of people and communities now and in the future;
- Providing for existing activities such as improved pasture within and outside SNAs;
- Providing for works enabled in covenant and management plans, works that are necessary to address high risks to public health and safety, and works on specified Māori land; and
- District plans incorporating a range of relevant definitions.

Subdivision of a site with a SNA will be a discretionary activity.

3.3 National Environmental Standards

The Section 32 - Overview Evaluation Report includes details and a brief assessment of all National Environmental Standards (NES).

The following NES are relevant to Subdivision:

- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)

The NES-CS seeks to identify and manage contaminants in soil to protect human health. The NES-CS regulates change of land use, earthworks, fuel tank removal and subdivision of areas identified on the hazardous industries and activities list (HAIL).

HAIL sites exist across the district due to the likes of industrial activity, pesticide spraying, sheep dips, and other activities that uses contaminants.

The NES-CS includes consent requirements for subdivision of a HAIL site. The NES-CS does not regulate what a district plan can and cannot cover but acts as an additional level of regulation specific to managing the issue of contaminants in soil and the potential effects on human health. The District Plan cannot however contain standards that are more lenient than the NES-CS.

3.4 National Planning Standards

The National Planning Standards (PS) 2019 requires a more bespoke approach to planning zones than the current ODP. This includes a clearer centre hierarchy, rural settlement zones, and a wider range of residential, industrial and rural zones. The PS also provides the structure and form for the Plan content along with definitions and mapping criteria.

The following aspects of the PS are relevant to subdivision:

Subdivision provisions must be located in one or more chapters under the subdivision heading.

These provisions may include:

- a. any technical subdivision requirements from Part 10 of the RMA
- b. material incorporated by reference, such as Codes of Practice, under Part 3 of Schedule 1 of the RMA. 25.

The chapters under the Subdivision heading must include cross-references to any relevant provisions under the energy, infrastructure and transport heading.

The PS require that this chapter be included in Part 2 - District Wide of the plan.

The Subdivision chapters unique identifier is 'SUB'.

Relevant definitions in the PS include:

Allotment: has the same meaning as in section 218 of the RMA.

Boundary adjustment: means a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments.

Site: means:

- (a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or
- (b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or
- (c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or
- (d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.

Subdivision: has the same meaning as “subdivision of land” in section 218 of the RMA: means—

- (a) the division of an allotment—
 - i. by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or
 - ii. by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
 - iii. by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or
 - iv. by the grant of a company lease or cross lease in respect of any part of the allotment; or
 - v. by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; or
- (b) an application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226.

3.5 Regional Policy Statement

The Southland Regional Policy Statement 2017 (RPS) sets out the framework and priorities for resource management in the region. The RPS identifies the regionally significant issues around the management of the Region’s natural and physical resources and sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods). The PDP is required to give effect to the regional policy statement as required by section 75(3) of the RMA.

The RPS seeks to promote sustainable development of Southland’s urban areas. The objectives and policies aim to ensure urban environments enhance the quality of life for residents, allowing for greater choice of housing, better transport options and access to services.

Chapter 5 of the RPS outlines that: *To achieve sustainable use of rural land resources, rural-residential subdivision must be undertaken in a way that achieves efficient use of soil and land resources. This means avoiding negative outcomes such as the loss of high value soils from productive use, inefficient use of transport networks, reverse sensitivity effects, or lack of available land following ‘ring fencing’ of urban areas by small landholdings.*

The RPS policies also seek for growth to be managed so that existing urban sites are developed ahead of greenfield, in areas of sufficient infrastructure, or greenfield sites are well planned and promote progressive upgrading of infrastructure. The RPS policy direction encourages compact urban form; good urban design outcomes and a choice of housing and lot sizes.

Chapter 17 of the RPS addresses issues related to urban development.

The RPS requires the PDP to encourage intensification and infill development to promote compact urban form whilst providing housing choice, both in terms of type and lot sizes, within urban areas. Urban growth also needs to be managed in relation to significant infrastructure, historic heritage, and natural hazards.

The non-mandatory directions of the Southland RPS encourages local authorities to use spatial management tools to identify areas for potential rezoning, to work collaboratively with Southland regional Council, tangata whenua and key stakeholders and promote Crime Prevention Through Environmental Design principles in urban development.

A large part of the district, is within the Southland Significant Floodplain area. Objective NH.1 requires communities to become more resilient to the effects of natural hazards by understanding the risks and avoiding, remedying or mitigating the risks associated with those hazards. In particular policy NH.5 requires that new subdivision, development and placement of critical infrastructure is avoided in areas at significant risk of natural hazards unless there is no reasonable alternative, avoidance is impossible or impractical.

The relevant provisions of the Southland RPS are summarised as follows:

- Achieve sustainable use of Southland’s rural land resource in respect of agriculture and primary sector activities, subdivision use and development, use of soil resources, and on-site wastewater systems;
- Maintain and protect indigenous biodiversity;
- Natural hazard risks are understood and avoided, remedied or mitigated, resulting in communities becoming more resilient;
- Southlands outstanding natural features and landscapes, and locally distinctive values natural features and landscapes, are identified and protected from inappropriate subdivision, use and development;
- Historic heritage resources are identified and protected from inappropriate subdivision, use and development and historic heritage values are managed to address natural processes and climate change effects;
- Development of transport infrastructure and land use take place in an integrated and planned manner;
- Urban (including industrial) development occurs in an integrated, sustainable and well planned manner which provides for positive environmental, social, economic and cultural outcomes; and
- Sustainable, integrated and well-planned urban development:
 - maintains and enhances indigenous biodiversity, character, amenity and cultural values of Southland’s urban areas;
 - provides potable water supply;
 - integrates with existing transport infrastructure;
 - provides for alternative modes of transport;
 - provides sufficient land based treatment of sewage and stormwater prior to any discharges to water;
 - promotes live-work-play opportunities;
 - retains high value soils for productive land uses;
 - avoids, remedies or mitigates adverse effects on soil and water quality;
 - avoids, remedies or mitigates significant adverse effects from natural hazard events; and
 - avoids, remedies or mitigates reverse sensitivity effects.

The RPS also indicates that District plans will:

- manage the effects of subdivision, use and development on water quality by encouraging urban growth within areas that have existing infrastructure capacity (refer method WQUAL.13);
- control urban expansion on rural land (refer method RURAL.6);
- Manage urban growth while protecting a range of natural features, significant infrastructure as well as the character, amenity and safe and efficient functioning of rural areas and settlements (refer URB.2(a)); and
- Identify and map urban growth and development, encourage development and redevelopment of existing urban areas ahead of greenfield development, and encourage

urban densities that encourage land use, infrastructure and transport integration as well as high quality urban design (refer URB.2(b)).

3.6 Regional Plans

Environment Southland has prepared a number of regional plans, these include:

- Regional Air Plan 2016
- Effluent Land Application Plan 1998
- Regional Water Plan 2010

Environment Southland's proposed Southland Water and Land Plan was made partially operative following a council meeting in January 2021.

To date most district plans have relied solely on the Regional Policy Statements to provide strategic direction as district plans must give effect to RPS's in accordance with RMA requirements. The provisions of the Southland RPS are summarised within the Section 32 – Overview Evaluation Report.

3.7 Iwi Environmental Management Plan(s)

'Te Tangi a Tauria – The Cry of the People' the Ngai Tahu Ki Murihiku Natural Resource and Environmental Management Plan identifies a broad range of relevant matters when considering where and how Gore grows and develops. In particular, there is a desire to:

- Limit the impacts of climate change on indigenous species and ecosystems and the risks of natural hazards by appropriately managing urban development and providing for sustainable energy and transport systems.
- Protect sites of significance and indigenous biodiversity areas along with appropriate management of water
- Limit impacts of industrial activity and subdivision by involving iwi in decision making processes and managing land use, building and water issues
- Providing appropriate infrastructure management

'Te Tāhū o Te Whāriki', the Ngāi Tahu Climate Change Strategy, identifies a need to assess future commercial risks, protect wahi tapu, mahinga kai and other taonga, prepare plans to relocate Marae and Runānga facilities threatened by increasing hazards, as well as influence agencies to develop climate change responses.

3.8 Other Legislation and Policy Documents

The following Acts also have relevance to the topic:

- Reserves Act 1977
- Te Ture Whenua Māori Act 1993
- Land Transport Act 2003
- Unit Titles Act 2010
- Local Government Act 2002
- Heritage New Zealand Pouhere Taonga Act 2014

Reserves Acts

The Reserves Act has a complementary relationship to the RMA, as together the acts operate to protect and manage reserves classified under the Reserves Act 1977. While the Reserves Act ultimately determines the use of classified land, the RMA 's purpose and principles must guide all environmental policy and management. Therefore, its intent reflects that of the RMA, and it is implemented through the preparation of reserve management plans (RMP).

The Reserves Act 1977 is administered by the Department of Conservation and local authorities for the purposes of providing for the preservation and management of areas of New Zealand possessing recreation use or potential, whether active or passive, or natural, scenic, scientific, educational, community, or other special features or value. In addition to the preservation of access for the public to and along the seacoast, its bays and inlets, and offshore islands, lakeshores, and riverbanks.

The Reserves Act 1997 applies to all public land that has been either vested or gazetted under the Act and requires management plans for all recreation reserves.

Te Ture Whenua Māori Act 1993

This Act sets out the laws relating to Māori land in accordance with its preamble, as summarised below:

- Recognise land is a taonga to Māori
- Promote the retention of that land in the hands of its owners/whānau/hapū
- Protect wāhi tapu
- Facilitate the occupation, development and utilisation of that land for the benefit of its owners/whānau/hapū This act covers the Partition of Māori land (Part 14) into parcels for various purposes, the equivalent of subdivision of general land.

The partitioning of Māori land is exempt from the subdivision process under the RMA and must be undertaken through the Māori Land Court under Te Ture Whenua Māori Act.

Land Transfer Act 2017

This Act maintains the Torrens system of land title in New Zealand, providing a register of land that describes and records the ownership of estates and interests in land, and facilitates the transfer and vesting of dealings with estates and interests in land.

It sets out a Registrar that is required to hold records of title in a register for freehold estates, leasehold estates and stratum estates, and provides a unique identifier for the record of title. The register can amalgamate or separate records of title.

The Act covers registration of leases of title, as well as registering a mortgage of an estate or interest in land. Easements and covenants created under the Property Law Act and their registration on records of title are also managed in the Land Transfer Act, as well as the merging, variation to or extinguishing easements or covenants already registered. Access strips on titles are also covered under this Act.

Unit Titles Act 2010

This Act provides a legal framework for the ownership and management of land and associated buildings/facilities by communities of individual owners. In particular, the Unit Titles Act allows for the subdivision of land and buildings into unit title developments, comprising units that are owned in stratum estate in freehold/stratum estate in leasehold, and common property that is owned by the body corporate on behalf of the unit owners. This Act also creates bodies corporate to operate

and manage unit title developments and creates a regime for the governance of unit title developments.

Local Government Act 1974/2002

Section 348 of the LGA (2002) Powers of council with respect to private roads and private ways is relevant to this topic. Under this section the Council may require the owner of land to enter into a bond to comply with any conditions imposed in relation to forming any private road or private way. The bond is considered an instrument that creates an interest in each parcel of land to which the conditions apply and is then registered with the title under section 51 of the Land Transfer Act.

Heritage New Zealand Pouhere Taonga Act 2014

The Heritage New Zealand Pouhere Taonga Act (HNZPTA) has the purpose of promoting the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. This Act establishes Heritage New Zealand Pouhere Taonga (HNZPT) which has a range of functions in providing for the purpose of the Act.

The key difference between the RMA and the HNZPTA, and the bodies operating under them, is that the RMA places a requirement on the Council to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development. HNZPT has primarily an advocacy role in relation to the protection of heritage items. The only potential area of overlap between the Council and HNZPT is in terms of HNZPT's regulatory role as a heritage protection agency and in issuing archaeological authorities for pre-1900 sites.

The following national guidance documents are considered relevant to this topic:

New Zealand Urban Design Protocol 2005

The Urban Design Protocol is a voluntary commitment by central and local government, as well as property developers, investors, design professionals, educators, institutes and other groups, to undertake specific urban design initiatives in order to make New Zealand towns and cities more successful through quality urban design. It identifies seven essential design qualities that together create quality urban design:

- Context: seeing buildings, places and spaces as part of whole towns and cities.
- Character: reflecting and enhancing the distinctive character, heritage and identity of our urban environment.
- Choice: ensuring diversity and choice for people.
- Connections: enhancing how different networks link together for people.
- Creativity: encouraging innovative and imaginative solutions.
- Custodianship: ensuring design is environmentally sustainable, safe and healthy.
- Collaboration: communicating and sharing knowledge across sectors, professions and with communities.

National Guidelines for Crime Prevention through Environmental Design in New Zealand

The Ministry of Justice has published the guidelines for Crime Prevention through Environmental Design (CPTED), which is a crime prevention philosophy based on proper design and effective use of the built environment leading to a reduction in the incidence and fear of crime, as well as an improvement in quality of life. There are four key overlapping CPTED principles:

- Surveillance: people are present and can see what is going on.
- Access management: methods are used to attract people and vehicles to some places and restrict them from others.

- Territorial reinforcement: clear boundaries encourage community ‘ownership’ of the space.
- Quality environments: good quality, well maintained places attract people and support surveillance.

3.9 Other Local Policies, Strategies, Guidelines and Plans

Spatial plan, Ready for Tomorrow

In January 2020, the Council released a strategic planning document *Ready for Tomorrow – A Spatial Plan for the Gore District* seeking public feedback on potential growth options for the main urban areas in the district. The document outlines the issues the Council considers important, possible future outcomes and opportunities. The Spatial Plan incorporated the cumulation of various Council initiatives in recent years, in particular the 2018 program Ready for Growth strategy. The strategy provided impetus locally, as a community lead development strategy, applying the direction given by the Southland Regional Development Strategy at a District level. Its overall objective is to grow the district population by 1,500 people by 2030. Through extensive community consultation, Ready for Growth has identified a comprehensive overview of the socio-economic conditions required to generate sustainable growth and opportunity across the district and provides an important strategic framework for the future.

Naturally, subdivisions will be required to facilitate this growth.

A number of greenfield areas were identified that could potentially accommodate future residential and industrial growth, along with potential for infill closer to the town centre.

Subdivision and Land Development Bylaw

The Gore Subdivision and Land Development Bylaw 2019 is intended to guide subdivision, land use and development within the district and is based on NZS 4404:2010 with modified content as appropriate to meet local conditions. The guide seeks to ensure that subdivision, land use and development are undertaken in a manner that is environmentally sustainable and technically robust by providing requirements for roading and servicing connections and management as well as landscaping, earthworks and network utilities.

In relation to urban areas, the bylaw includes controls for:

- Design and construction in relation to roads, footpaths, accessways, cycle paths, and berms; private ways, private roads, and other private accesses; parking, passing, and loading and traffic signs, lighting, road marking, trees and landscaping.
- Design and construction in relation to water supply, wastewater, and stormwater; including connecting to existing services and onsite designs.
- Firefighting provision for urban areas and the use of hydrants and areas remote areas where onsite provision is required.
- Landscaping, including reserve location and layout, street trees, landscape structures, walkways and cycleways swales, rain gardens, wetlands, and riparian margins planting.

Parks, Recreation and Facility Strategy 2019

The vision of the Parks, Recreation and Facility Strategy is to ensure the needs of the community for open space and recreation opportunities are met through the provision of a network of quality parks and facilities.

Currently if any significant commercial development is planned, then park land provision will be required to ensure the objectives for access to open space, play, and linkages are achieved to meet the needs of the planned population increase related to these specific areas. Consideration for recreation space to service new areas should consider transport linkages such as cycle/ footpaths connecting existing space in addition to the provision of land. There is an identified gap in access to park land in the north-west sector of Gore township. The strategy states its intent is to address this gap with the acquisition of land as development contribution, when subdivisional/commercial development occurs in this area.

Development Contributions Policy

As part of the development of the PDP the Council had to consider how it would fund infrastructure. A paper went to the Assets and Infrastructure Committee on 6 June 2023 to consider whether infrastructure should be funded via financial contributions in the PDP or development contributions.

The paper provided a comprehensive analysis of the funding options and concluded that:

“Given the current situation in Gore, the Council is effectively starting from scratch in terms of developing a policy for funding infrastructure to service growth. Both financial contributors and development contributors are a suitable option and would require the same financial modelling to justify the amount to be collected. Development contributions are however recommended as preferable. They offer greater security to Council as a funding stream given the impending reforms and are a flexible tool, able to be to respond to the district. It is recommended that a development contributions policy is developed for the Gore District, noting developer agreements are also available under sections 207A - F LGA. This approach is considered to be the most equitable given the current financial situation and the uncertainty associated with RMA and 3 waters reform.”

The Committee resolved to commence the development of a Development Contribution Policy in conjunction with the 2024-2034 Long Term Plan. As a consequence, financial contributions are not included in the PDP. Infrastructure will be funded as outlined in the current Long Term Plan by ratepayers or via conditions of resource consent directly, as required. Infrastructure required for growth will be funded through Development Contributions taken at the time of development following the completion of the Development Contribution policy.

Gore District Trails Feasibility Strategy

This study was undertaken in response to demand from the community for a network of trails for walking, cycling and horse riding. Developing these trails would improve outdoor recreation, health, lifestyle, wellbeing, and tourism opportunities in the district. A network of trails in the district should be developed around the following key principles:

- A small number of quality trails to encourage outdoor activity and walking/cycling transport for locals while adding to the variety of visitor experiences available in the district.
- Improving quality, sustainability, and diversity of mountain bike trails for local use and to attract events and visitors to the region.
- Construction, maintenance, and management of trails will be environmentally sustainable.
- Trails will provide connections for locals and visitors that are accessible, appropriate to their activity levels, and get them to where they want to go.
- Trails will be developed where their potential use is highest.

3.10 Climate Change

The effects of climate change have been added to other matters decision makers should have particular regard to (RMAs7(i)).

In accordance with 2020 RMA amendments, by 2022 District Plans will not only need to have regard to the effects of climate change (adaptation) but also climate change mitigation and national adaptation and emission reduction plans prepared under the Climate Change Response act 2002.

The National Adaption Plan released in 2022 contains strategies, policies and actions to assist with adapting to the changing climate and its effects to ensure that the potential harm from climate change is reduced. Further guidance will be provided in relation to Climate change as emission targets and RMA reform progresses.

Compact urban form, locating activities around good transport connections and accounting for the changing nature of natural hazards will help achieve the necessary requirements.

The effects of climate change have been given regard by encouraging infill development of existing urban areas and carefully identifying greenfield development to ensure urban sprawl is managed. The Natural Hazards chapter further provides guidance on provisions to ensure that further development in urban areas is managed.

4. Resource Management Issue Analysis

4.1 Background

Section 2.1 of this report identifies five resource management issues which the PDP subdivision chapter provisions address:

1. The purpose and character of each zone can be compromised by unsuitable subdivisions.

Subdivision design and lot size can control what development can or cannot feasibly occur on a site. It sets the pattern of development and influences the character of an area. As such, factors such as lot size and subdivision design are important for how a space will be used. It could be detrimental to, for example, allow urban densities in rural areas, noting that there is not necessarily the services or amenities to support smaller scale development. Further, the purpose of the General Rural zone including the protecting land for productive use, would not be met. This could

compromise the purpose of zones and, in turn, have impacts on the environment, people and economy.

2. Council's reticulating services are not provided everywhere, and will need upgrading to support further development where services are provided.

Development needs to be serviced. Larger sites can accommodate onsite services, but smaller sites (generally speaking sites under 2000m²) will likely require connection to Council services. There are some areas where reticulated services are not provided. Where they are provided, existing infrastructure has capacity limits and can only cope with a certain extent of extra growth before they require upgrading. Upgrading infrastructure often comes at a significant cost, and the ability to upgrade services is impacted by whether the infrastructure can be funded or not.

3. Some of Council's roads are not designed for higher levels of traffic. Further development would require roads to be upgraded, or there could be safety and efficiency issues on the road network.

Roads are designed and constructed based on the extent of anticipated use. When subdivisions occur, this increases the use of the roads in the immediate area. This can create adverse effects, such as safety and efficiency of the road. For example, the lack of a footpath leads to connectivity limitations; or where a road is not sealed, dust can be a nuisance issue. On occasion, roading upgrades may be required to facilitate the extra development that would be enabled by a subdivision. This comes at a cost. If no one is willing to fund the cost of upgrades, the road network may not be able to support the extra development enabled by the subdivision. There are minimal opportunities in some areas for active transport, and no public transport network.

4. Some works associated with subdivisions, including earthworks and access, are managed in the Land Development and Subdivision Bylaw, instead of the District Plan, which can create complication and compliance issues, and sometimes duplication, noting the consent process is under the RMA and bylaw dispensations are under the Local Government Act (LGA).

Physical works associated with subdivisions, such as earthworks, can result in adverse effects. Such matters that relate to subdivision, such as earthworks and access, are currently managed in the Bylaw.

The District Plan has a lack of detail and direction. The ODP contains good policy direction, but the matters of discretion do not enable the Council to consider the matters the policies relate to. As such, it is unclear for the developer, and Council staff what is expected to occur and when, and what is within scope to consider at time of subdivision or development. Important matters might get missed or excluded through the resource consent process, such as whether earthworks associated with the subdivision can be assessed as part of a subdivision, or whether Council should require new lots to connect to Council services, at time of subdivision. Council Building Officers have explained that it is often at time of building consent lot owners discover their residential site is not connected to Council services. The lot owner at this point, must apply for and pay the cost of service connections, often having assumed their site would have service connections.

There is currently duplication of process. The bylaw creates a process instead of just providing engineering standards for infrastructure. Those undertaking development are required to submit earthworks plans for approval, apply for roading dispensations, etc. Whereas, this could be bundled as part of the consent process under the RMA, so that people only require one approval. The resource consent process is easier to implement as people require a subdivision consent before they can physically undertake a subdivision of land. There is no hook in the bylaw to ensure people get the necessary approvals under that document. The bylaw is fully reliant on Council led enforcement. It is inefficient for the community and Council to implement and enforce approvals under two separate processes. This raises additional uncertainties, such as, what costs can be recovered for bylaw dispensations and is this ever recovered?

If relevant matters were in the District Plan, the processing planner could ensure all relevant information is provided to Council and assessed. All potential adverse effects would be managed through the resource consent process. The process would be fully cost recoverable.

5. No esplanade reserves or strips have been provided under the Operative District Plan rules, which minimises opportunities for public access to rivers and their margins.

While there are good objectives and policies for requiring public access to Maitake River and sport fisher access to Waikaka Stream in the Operative District Plan, the rules are lenient, meaning this land is not provided. The RMA requires esplanade strips or reserves of 20m wide to be provided at time of subdivision for all lots under 4ha, unless a District Plan is more lenient. The Gore District Plan is more lenient, requiring only 10m wide for public access along Maitake River and 10m wide commercial fisher access along Waikaka Stream. This is sometimes confined to river/stream banks instead of providing practical usable area and limits the public benefit of requiring access in accordance with the standard RMA requirement. This issue is also discussed in the Public Access s32 report.

4.2 Operative Plan Approach

The objectives of the subdivision chapter seek to ensure:

- 1 *the orderly subdivision and development of land;*
- 2 *that the size and shape of new allotments created, and the design standards for access and infrastructure, is suitable and appropriate for the location and future use of the land;*
- 3 *that developers pay all reasonable costs associated with the subdivision and subsequent development of land;*
- 4 *public access to the Maitake River and access for licensed sports fishers to the Waikaka Stream is provided for;*
- 5 *that land development and servicing is undertaken to Council standards;*
- 6 *adverse effects on the Council's reticulated infrastructure services are avoided;*
- 7 *that land subdivision results in allotments that are suitable for activities anticipated by the zone in which they are located;*
- 8 *adverse effects on water quality, including groundwater, from the development of subdivided land are avoided.*

The policies of the subdivision chapter seek to:

- 1 *Control the subdivision of all land;*
- 2 *avoid adverse effects of subdivision on the functioning of existing services, infrastructure and roading;*
- 3 *require works associated with subdivision to be carried out in conformity with Council's standards;*
- 4 *encourage, where practical, the undergrounding of all services associated with the development of subdivided land.*
- 5 *avoid any off-site effects of development of subdivided land;*
- 6 *provide public access to and along the Mataura River by way of esplanade strips;*
- 7 *Provide, subject to appropriate conditions, licensed sports fisher access along the Waikaka Stream by way of esplanade strips at the time of subdivision.*
- 8 *Within areas shown as "Subject to Actual or Potential Inundation" on Figures 3.1 – 3.2:*
 - a. *the Gore District Council will, with the exception of the urban area of Gore shown as lime green on Figure 3.1, refer all subdivision consents to Environment Southland for comment prior to determining whether to approve that consent.*
 - b. *in respect of rural subdivision, the Gore District Council will encourage the inclusion of high ground in each lot for stock to be moved to in the event of a flood.*
 - c. *for any site likely to have a building erected on it for the accommodation of people, that an area suitable for such a building is located on the site.*
9. *Require land development to be undertaken in compliance with the Gore District Council Subdivision and Land Development Bylaw 2011*
10. *Have regard to the potential for the land subject to any subdivision consent, and other land in the locality to be further subdivided in the future.*
11. *Have regard to potential reverse sensitivity effects from the use of subdivided land and the means by which any such effects can be avoided, remedied or mitigated.*
12. *Encourage the adoption of practices that will minimise the extent of off-site effects on the Council's infrastructure services.*
13. *Have regard to the potential impacts arising from the subdivision and future use of land on water quality, including groundwater.*
14. *Have regard to, and implement, the provisions of the National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health where subdivision occurs on any contaminated site.*

The following rules are contained in the plan:

8.10(1) Amendments to flat plans is a controlled activity.

8.10(2) Boundary adjustments, and subdivision to allow any unmanned utility not requiring the services of water and sewage, is a controlled activity, with exceptions relating to transmissions lines, limited access roads, outstanding natural landscapes, natural hazards and archaeological sites of significance to Mana Whenua. Boundary adjustments must further meet minimum lot sizes.

8.10(3) Any subdivision of land within areas referred to (2)(a) - (c) above is a discretionary activity.

8.10(4) Any subdivision of land is a restricted discretionary activity when:

- Within Industrial, Mixed Use and Commercial zones
- Within the Rural zone, provided that any new lot created has a minimum area of 2 hectares
- Within the Residential A zone, provided that any new lot created has a minimum area of 400 square metres
- Within the Residential B zone, provided that any new lot created has a minimum area of 300 square metres

8.10(5) Any subdivision of land not complying with the provision 8.10(4) above, or not otherwise provided for above, is a discretionary activity.

The following provisions relate to esplanade reserves and strips in the plan:

8.11(1) Esplanade reserves are not required.

8.11(2) Allotments less than 4 hectares:

Mataura River (a) Where an allotment of less than 4 hectares is created when land is subdivided adjacent to the Mataura River, an esplanade strip of 10 metres in width shall be required within the allotment along the bank of the waterway.

(b) Subdivision shall be a non-complying activity where any allotment less than 4 hectares in area is created and it does not provide an esplanade strip of 10 metres as required by (a) above.

Waikaka Stream (c) Where an allotment of less than 4 hectares is created when land is subdivided adjacent to the reach of the Waikaka Stream from State Highway 1 (map reference 1 NZMS 260 F45 005510) to Waikaka Road (map reference NZMS 260 F45 995669), an esplanade strip of 10m for licensed sports fisher access only shall be required within any allotment along the bank of the water way.

Subdivision shall be a non-complying activity where any allotment less than 4 hectares in area is created and does not provide an esplanade strip.

Over time, some of the content of the District Plan has been stripped out and put in the Bylaw, and the objectives and policies of the ODP subdivision chapter are not easily achieved by the rules.

4.3 Effectiveness of Operative Plan

Issue	Comment	Response
Whether all relevant issues are considered with subdivision via matters of discretion	The ODP treats most subdivisions as a restricted discretionary activity. The matters of discussion are not necessarily fit for purpose to address national direction and possible subdivision effects. There is also a lack of clarity around what matters sit	This will be addressed through updated matters of discretion, and where necessary, amended rules to address areas where there could be greater level of robustness required. For example subdivision that breaches lot size, and subdivision of a site with historic heritage.

	within the District Plan vs the Bylaw	
Consistency with National Planning Standards and National Direction	The ODP is not aligned with national planning standard or a number of national policy statements, such as the NPS-HPL.	Provide updated provisions that address national direction and the PS. Specifically in relation to lot size and district wide matters such as heritage and indigenous biodiversity.
Appropriate density of zones in order to achieve purpose and character of those zones	The ODP only has a small number of zones, and the densities of these zones are no longer fit for purpose for all areas. For example, the rural zone minimum density of 2ha places undue restriction on the settlement area.	New zones have been created under PDP, each with densities that will ensure the purpose and character of that zone can be enabled and protected.
Esplanade strips and/or reserves	The ODP rules for esplanade strips and reserves are very lenient and do not achieve the policy direction in the ODP.	Have esplanade strip and reserve rules in line with the RMA default requirements, which provide greater opportunity for esplanade strips or reserves to be created.

The ODP approach is not efficient or effective as it does not address national policy direction. Further, the rules do not effectively achieve the objectives and policies of the ODP.

4.4 Technical Reports and Research

Gore District Plan Review – Economic and Population Growth Analysis October 2021

The *Gore District Plan Review and Population Growth Analysis* report reviews the *Ready for Tomorrow – Gore District Spatial Plan* as well as market research.

The report provides an analysis of the contribution Gore district makes to Southland's regional economy with a breakdown on areas of employment, and the agricultural, manufacturing and retail & hospitality sectors as the primary economic contributors. The following are identified as the primary drivers for economic growth:

- Agriculture
- Meat and dairy processing and manufacturing
- Design and construction
- Service based industries
- Infrastructure investment
- Transport projects
- Three waters reform projects
- Gore wastewater and stormwater

It provides an up to date assessment of the future demand for various housing choice, by utilising the latest census data, available industry information and NZ Statistics growth projections.

The report is discussed further in the rural zones, residential zones and industrial zones s32 reports.

Gore District Plan Review – Planning for growth June 2022

This report follows on from the *Gore District Plan Review and Population Growth Analysis* summarised above. This report provides additional analysis to further assess how the Gore District Plan provisions can be drafted to ensure the district's growth needs are met and industry continues to be attracted to the district.

The analysis concluded that to support the continued growth in the agriculture sector, the General Rural Zone should allow for the continued operation of agricultural activities. It further provided direction on housing choice needs, and demand for residential and industrial growth.

The report is discussed in detail in the rural zones, residential zones and industrial zones s32 reports.

Āpiti Hono Tātai Hono Assessment Report

As part of the ongoing partnership with Hokonui Rūnanga Kaupapa Taiao the Council commissioned six Āpiti Hono Tātai Hono cultural landscape assessments to inform the District Plan review in relation to growth and up-zoned areas.

The assessments were undertaken using the Āpiti Hono Tātai Hono assessment process, as outlined in Āpiti Hono Tātai Hono: Ngā Whenua o Ngāi Tahu ki Murihiku Stage 1 Southland Cultural Landscape Assessment Study.

GDC Future Development Modelling Assessments – WSP 2022

The modelling assessments looked at capacity for three waters servicing and the potential upgrades required to service the land proposed to be rezoned to a residential or industrial zoning.

These reports are discussed further in the Residential Zones s32 and Industrial Zones s32 reports.

4.5 Analysis of Best Practice

To understand whether the PDP provisions for the rural zones are appropriate and consistent with how other Councils are addressing the same issues the following District Plans were reviewed.

Note that minimum lot size and density standards are often interlinked. Whilst minimum lot sizes typically sit in the subdivision chapter, they relate to the underlying zoning. As such, minimum lot sizes have been addressed in the relevant zone s32s reports.

Invercargill City Council District Plan (Operative 2019)	This District Plan was made operative prior to the National Planning Standards.
---	---

	The default subdivision rule makes subdivisions a discretionary activity. Provisions exist for specific activities such as boundary adjustments or subdivision to provide for an unmanned network utility. The Plan requires 20m wide esplanades for subdivisions creating lots under 4ha. They also require esplanades for lots over 4ha, where these will link up with nearby reserves.
Southland District Plan (Operative 2018)	This District Plan was made operative prior to the National Planning Standards. The default subdivision rule makes subdivisions a discretionary activity. Provisions exist for specific activities such as boundary adjustments or subdivision to provide for an unmanned network utility. The Plan requires 20m wide esplanades for subdivisions creating lots under 4ha. They also require esplanade for lots over 4ha, where these will link up with nearby reserves or may be necessary to provide for the purposes set out in Section 229 of the Resource Management Act 1991.
Proposed Timaru District Plan (Notified 2022)	The Proposed Timaru District Plan - He Po. He Ao. Ka Awatea was notified in 2022 and is not yet operative. This District Plan reflects the National Planning Standards. The default subdivision rule makes subdivisions a restricted discretionary activity. Generally speaking, esplanade reserves, esplanade strips or access strips are required that are 10m wide for sites less than 4ha, and 5m wide for sites greater than 4ha.

4.6 Other Relevant Documents and feedback

Over half of resource consent applications in Gore District Council are for subdivisions. Typically, these are for rural subdivision to create rural lifestyle sections, or for residential infill development.

Verbal conversations were undertaken with Council staff: Three Waters, Roading, Building, and Reserves departments; to understand issues with: the current subdivision process; the existing ODP and bylaw framework; servicing capacity for both three waters and the road network, and preference in relation to esplanade strips and reserves.

The key points to note are:

- Certain roads will need to be upgraded if further development were to occur;
- Certain areas will need to have development that can service themselves with on-site three waters services;
- In reticulated areas, three waters services have capacity limits that need to be considered when enabling additional development;
- It would be clearer if matters relevant to subdivision, such as access and connection to council services were managed through the resource consent process instead of the bylaw, to ensure these connections happen as part of the subdivision process; and

- There is a preference for 20m wide esplanades reserves or strips, instead of the current 10m requirement. There is also a preference for these to be reserves instead of strips, so that Council can own the land, making it easier to upgrade and maintain.

5. Scale and Significance

5.1 Scale and Significance Evaluation

Section 32(1)(c) of the RMA requires that this report contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

	Comments	Assessment		
		Low	Medium	High
Degree of change from the Operative Plan	The PDP farmwork is not significantly different from the ODP. There remains, for example, controlled activity boundary adjustment, and the default/main activity status for subdivisions remains restricted discretionary. The main changes are to reflect changes related to other topics, such as residential density or subdivision of a site with historic heritage.	✓		
Scale of effects – geographically (local, district wide, regional, national).	The zone provisions will have localised effects.	✓		
Effects on matters of national importance (s6 RMA)	Matters of importance (e.g. historic heritage and outstanding natural landscapes) are protected through having a fully discretionary activity status for subdivision of those areas/features.	✓		
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).	Any landowners will be affected by the provisions if they choose to subdivide. However, the change is minimal as anyone that wishes to subdivide already will require resource consent. There is no significant change in activity status.	✓		
Scale of effects on those with specific interests, e.g., Tangata Whenua	Council has worked in partnership with Mana Whenua to prepare the PDP and consider Māori cultural values in relation to the zoning and provisions. Other industry groups and environmental groups were involved through community consultation when the draft district plan was released. The PDP seeks to enable or manage subdivision, and only avoid subdivision where it could compromise the purpose or character of the zone; or adversely effect a matter of significance, such as an SNA.	✓		
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher	The PDP Subdivision provisions give effect to relevant higher order documents and are consistent with the National Planning Standards.		✓	

	Comments	Assessment		
		Low	Medium	High
order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	The provisions align with other relevant standards within the higher order documents, such as the NPS-UD, NPS-HPL and NPS-IB, and adopt best practice.			
Likelihood of increased costs or restrictions on individuals, communities or businesses.	The proposed provisions seek to enable subdivisions that do not create any additional title through a controlled activity status. Other subdivisions are managed through a restricted discretionary activity. These activity statuses mean only certain matters are considered, such as access, which minimise costs. There may be costs to individuals in some instances if the subdivision could compromise the purpose or character of the underlying zone, or compromise a matter of national importance, such as an Outstanding Natural Landscape. These restrictions and costs are considered necessary to support the viability, character and amenity of different parts of district, and adhere with national policy direction.	✓		

5.2 Evaluation Summary

In summary, scale and significance of the subdivision provisions are of low significance, noting the chapter, generally speaking, utilises the same activity statuses as the ODP, and the provisions align with the PS. The provisions reflect the purpose and outcomes sought by the zone chapters and district wide chapters.

Given that the subdivision provisions are considered to be generally of low significance, the level of detail in this report corresponds with the scale and significance of the environmental, economic and cultural effects that are anticipated from the implementation of the provisions.

6. Consultation

6.1 Overview

The Section 32 – Overview Evaluation Report provides an overview of the consultation undertaken to date in respect of the PDP. The PDP has been prepared in partnership with Hokonui Rūnanga who have reviewed and provided feedback on the subdivision chapter to ensure consistency with the Mana Whenua Chapter and that cultural values are appropriately integrated throughout the proposed provisions.

Engagement with the community on the draft District Plan was undertaken 10th August 2022 to 30th September 2022. The feedback received is summarised below. Note reference to provisions use the numbering in the draft plan, not the Proposed Plan.

Person / Organisation	Feedback summary	Response
National Public Health Service – Southern	- SUB-P7, refers to greywater recycling, this initiative is desirable but currently no legislative infrastructure to support this approach. Amend wording accordingly. - Subdivision of more than 300 houses, require cultural impact assessment in advance of seeking resource consent.	Greywater recycling can be used for the likes of irrigation, and is encouraged. Infrastructure is not required to support that use. There is highly unlikely to ever be a subdivision of more than 300 houses, and at time a CIA might be required for smaller scale developments. As such the proposed clause is not supported.
Hamish Weir	- NPS definition of ‘Boundary Adjustment’ fixes it to the number of parcels created remaining the same. Excludes BAs that include resultant titles to be amalgamated. Proposed Controlled activity for this specific subdivision activity - Need controlled activity rule for flat plans - Lot Dimensions rule SUB-S2, ensure this includes yard requirements	Need to apply PS definition of boundary adjustment. But created new controlled activity rule to address those other similar subdivisions that do not create an extra parcel. Created controlled activity rule for flat plans. Lot dimensions do include yard requirements. It is a boundary to boundary measurement.
New Zealand Agricultural Aviation Association	- SUB-P13 - supports the protection of productive rural land - Request policies that protect the GRUZ from the impacts of potential reverse sensitivities including the intermittent use of rural airstrips and helicopter landing areas for agricultural aviation activities.	Reverse sensitivity added to matters of discretion for subdivisions. Change to provisions to allow greater flexibility for agriculture aviation and helicopter landing areas. This is managed in the General Rural zone and Noise Chapters.
Southland Helicopters Limited		
Heritage New Zealand Pouhere Taonga	SUB-R4 is supported, Consultation with HNZPT where the site is included on the New Zealand Heritage List/Rārangī Kōrero is supported.	Rule retained
Ministry of Education	SUB -P7 supported but request specific provision for educational facilities is provided to ensure that population growth and the impact on schools is considered within developments	SUB-P7 is a servicing policy so not a good fit to discuss education facilities or other activities. Population growth and impacts on schools is a matter for the Ministry of Education to manage.
Alliance Group		Requested change made.

Silver Fern Farms Ltd	SUB-P5 support as clear policy deterrence against subdivisions that would cause potential reverse sensitivity effects. Suggest stronger policy wording with use of “Avoid or manage”	
KiwiRail	Amend SUB-P5 to protect the function and operation of railway lines	Requested change made.
Waka Kotahi	- Support SUB-P5 and SUB-P07 No.1 & No.4; SUB-P12; SUB-P14; SUB-P15; SUB-R1; SUB-R3,R4, R5 - Seek expansion of SUB-O3 to require subdivision, if relying on existing infrastructure, to assess the existing capacity prior to subdivision - SUB-P10 supported in part the joint use of stormwater and flood management with pedestrian/cycling and transport corridors but note the sometimes expectation of directing stormwater into the State highway corridor can overwhelm the State highway stormwater system. Amend policy to clarify.	Policy SUB-P7 achieve objective SUB-O3 and requires subdivision to assess capacity of infrastructure. No change included. Policy SUB-10 is about encouraging use of the open space network including pedestrian/cycling transport corridors created through a subdivision, so would not relate to the existing State Highway network.
FENZ	- Support SUB-O3 and SUB-P7(5) - Objectives and policies should be supported by an appropriate rule framework. - All new lots capable of accommodating a building should be required to provide a firefighting water supply; support where matters of discretion extend to this	This is achieved by the PDP matter of discretion SUB-R5(9), which references fire-fighting water supply.
Clark Fortune McDonald & Associates	- Seek specific activity rule for s226 certificates as permitted activity in line with SDC rule - SUB-R1 amend to extend application of boundary adjustment - SUB-R9 non-complying status for lot size non-compliance is highly impractical and inappropriate - SUB-S1 – amend to remove net site area as will prevent infill - Oppose 8ha lot size for the rural zone - Clarification on SUB-R10 in relation not SUB-R1 and R2	There are no permitted activity subdivision rules and as such no permitted pathway for s226 certificates. Need to apply PS definition of boundary adjustment, so cannot amend SUB-R1 in this way. But created new controlled activity rule to address those other similar subdivisions that do not create an extra parcel. Rural lot size maintained at 8ha for reasons outlined in the Rural Zone s32a report. Minimum lot size and lot dimensions now addressed solely as standard.
Southland Federated Farmers	Concerned about 8ha; farming is often multi-generational enterprise, farmers value flexible policy settings which enable farm	Rural lot size maintained at 8ha for reasons outlined in the Rural Zone s32a

	succession planning. 8 ha is potentially reducing flexibility of landowners to deal with their property. • It is important to ensure that rural land continues to be available for farming, and that rural areas remain such rather than becoming spread out villages, but it is equally important to recognise that housing is needed to support rural communities and farming. • Reverse sensitivity needs to be managed • The establishment of a preferred allotment size in a rural area requires considering actual extent of current and forecast future development in the area.	report. Primarily to meet PS and NPS-HPL. The higher density proposed for the General Rural zone than what is in the ODP should ensure that rural land continues to be available for farming, and that rural areas remain such, rather than becoming spread out villages. Housing needs of rural communities is provided in the General Rural zone through minor residential units and allowance for supplementary residential units for larger farm sites. Reverse sensitivity is a matter of discretion for subdivisions. Consideration has been given to the minimum lot sizes. Refer to the Rural Zones s32.
Robina Johnston	• Impractical and unreasonable to push for 8Ha. A block of 2ha can be totally sustainable but any larger than that, then more risker activities to provide revenue will cause more impacts on communities.	General Rural zone lot size maintained at 8ha for reasons outlined in the Rural Zone s32a report. Primarily to meet PS and NPS-HPL. Note Rural Lifestyle zone lot size is 1ha, whereas under the ODP those sites have a minimum lot size of 2ha.
Royal Forest and Bird Protection Society of New Zealand	• Policy SUB-P3, amend wording to refer to significant natural areas as a feature not constraint. • Support policies SUB-P10, SUB-P11 & SUB-P12; SUB-P17 • Policy SUB-P17 amend “cultural constraint” to cultural feature” • Would like to see energy efficiency mentioned in the plan, specifically travel distance when considering the location and design of subdivision and commercial developments	The value of positive wording is recognised, however constraint is more clearly/widely understood in these instances. Features could be misinterpreted to mean mapped features. Location of subdivisions are largely managed through what is provided for by various zones. Location of zoning has taken into account the transport networks and aimed to create a well-functioning urban environment. Subdivision matters of discretion extend to subdivision design.
Transpower	• Objective SUB-04 fails to recognise the potential impact of subdivision on the National Grid	Policy SUB-P3 includes reference to the national grid.

	• Seek separate policy in relation to subdivision near the National Grid. • Seek permitted activity for creation of an allotment for the purposes of a network utility. • Seeks the inclusion of a nationally consistent rule that applies in the National Grid Subdivision Corridor.	Permitted activity subdivision not supported for any purpose, so that relevant matters, such as access can be considered. Refer to Energy and Infrastructure s32 for further details.
--	---	---

7. Proposed Plan Provisions

7.1 Strategic Direction

The Urban Form and Development Chapter sets out the overarching direction for sustainable management of growth, land use and development within the Gore district. The provisions have been informed by the 'Ready for Tomorrow – Gore District Spatial Plan' and the 'Gore District Plan Review Economic and Population Growth Analysis'. The Chapter contains objectives to:

- Direct how and where future development should be undertaken.
- Ensure sufficient growth is provided to meet demand.
- Ensure the district has a hierarchy of commercial centres which are vibrant and viable.
- Ensure that rural land resources are protected and maintained.

The following objectives are relevant to the subdivision chapter:

UFD-O1 The district develops in a cohesive, compact and structured way that:

- 1. maintains a compact urban form;*
- 2. minimises adverse impacts on natural, historic heritage, and cultural values;*
- 3. recognises the relationship of Māori with their culture, traditions, lands, waterbodies, sites, areas and landscapes and other taonga of significance;*
- 4. provides for social and cultural vitality, productivity and economic growth*
- 5. takes into account the short, medium, and long term impacts of climate change and natural hazards, and the associated uncertainty*
- 6. utilises existing infrastructure and/or can be efficiently serviced with new infrastructure*
- 7. meets the community's short, medium and long-term housing, business and social infrastructure needs,*
- 8. responds to the underlying relationships Ngāi Tahu hold with the natural environment, and*
- 9. manages adverse effects between incompatible activities and zones.*

UFD – O2 There is sufficient land to meet the short, medium and long-term housing demand for the district, that provides development capacity for up to 860 new dwellings as follows:

- 1. in the short to medium term in:*
 - a) the existing residential area;*
 - b) new residential areas, particularly in North, West and East Gore and Mataura East;*

- c) *and around the centres and in Settlement Zones; and*
 - d) *Māori Purpose Zones as deemed necessary by Māori communities; and*
 - e) *Rural lifestyle zones.*
2. *in the long-term in:*
- a) *new residential areas in West-Gore and Mātaura; and*
 - b) *extensions to, or new Māori Purpose Zones as deemed necessary by Māori communities.*

UFD – O7 Urban environments are liveable, connected, accessible, safe and well-designed spaces for the community to live, work and play in, which:

1. *incorporate natural features, water management and topography into design to minimise environmental effects;*
2. *recognise the local context, heritage values and character of an area including cultural histories;*
3. *have connected and efficient transport networks;*
4. *are adequately serviced by utilising and/or upgrading existing infrastructure or with new infrastructure or additional infrastructure.*

UFD-O11 Productive, versatile land and natural, physical and cultural resources located within rural areas that are of significance to the District are protected and maintained.

There are no specific objectives in the Mana Whenua Chapter, but the Sites and Areas of Significance to Māori Chapter, with its holistic approach to resource management, consists of overarching objectives and policies. These direct the ways the Gore District Plan recognises and protects the historic and contemporary relationship of Māori with the natural environment, and places where cultural practices are undertaken within the Gore District.

The strategic objectives with particular relevance to subdivision are:

SASM-O1 All land, waterbodies, natural features, and marae within Gore District are recognised as sites and areas of cultural significance to mana whenua and/or tangata whenua, and are afforded appropriate considerations in relation to their management, development, and use.

SASM-O2 Traditional and contemporary mana whenua and tangata whenua relationships with land, waterbodies, natural features, and cultural structures are recognised, retained, and strengthened.

SASM-O3 Recognise and provide for the mātauranga and kaitiakitanga of mana whenua in decision-making relating impacts on the underlying relationship Ngāi Tahu hold with the natural environment.

7.2 Objectives, Policies, Rules and Standards

Table 1: Subdivision Provisions

Objectives
There are five objectives for the Subdivision Chapter. The objectives seek to facilitate the orderly development of land, and ensure that subdivisions achieve patterns of development that are compatible with the purpose, function, character and qualities of the zone. They seek that

subdivisions are appropriately serviced, and that esplanade reserves and strips are created. They also seek the subdivision protect significant natural, ecological, historical and cultural features, values are resource, provide for the underlying relationships between Ngāi Tahu and the natural environment, and that subdivisions respond the physical characteristics and constraints of the site and surrounding environment.

Policies

There are 21 policies for the subdivision chapter. They seek to:

- enable subdivisions that enable allotments that can accommodate the land use activities anticipated for that zone; require that lot size is suitable for those activities; and discourage non-compliance with minimum lot size,
- require provision for access and services, and require works to be carried in accordance with Council standards; however recognise that some subdivision activities, such as boundary adjustments, will not require provision for services,
- to avoid or manage effects from site constraints,
- avoid significant natural hazards, and mitigate or manage other natural hazard risk,
- avoid or manage reverse sensitivity effects,
- require undergrounding of services in certain instances,
- encourage reserves and open space to double up as stormwater management areas,
- encourage opportunities for public access, and build up esplanade reserves and esplanade strips over time,
- protect highly productive land in the General Rural zone from inappropriate subdivision,
- enable infill residential development in the General Residential zone, and comprehensive residential development in the Medium Density Residential Zone,
- protect heritage feature, identified landscapes, indigenous biodiversity, and culturally important attributes, and
- require subdivision in Development Areas to achieve the outcomes sought by the Outline Development Plan for that area.

Rules

SUB-R1 manages boundary adjustments as a controlled activity where certain parameters are met.

SUB-R2 manages the conversion of unit title or cross lease to freehold as a controlled activity where certain parameters are met.

SUB-R3 manages the alteration to a cross lease plan as a controlled activity, where certain parameters are met.

SUB-R4 manages subdivision resulting in no additional lots created, that is not a boundary adjustment.

SUB-R5 manages standard subdivisions as a restricted discretionary activity.

SUB-R6 and **SUB-R7** relate to subdivision in the Development Areas as a restricted discretionary activity.

SUB-R8 manages subdivision of a site containing a site with an item on the historic heritage schedule as a restricted discretionary activity.

SUB-R9 manages subdivision of a site containing a notable tree as a restricted discretionary activity.

SUB-R10 manages subdivision in the Natural Open Space, Sports and Active Recreation and Camp Columba zones as a discretionary activity.

SUB-R11 manages subdivision of an ONL, ONF or SNA as a discretionary activity.

SUB-R12 manages subdivision in the Maitava River Floodway as a non-complying activity.

SUB-R13 manages subdivision of a minor residential unit off a residential unit as a non-complying activity.

Standards

Standards seek to manage minimum lot size, minimum lot dimensions and restrict rear lots in Town Centre and Local Centre zones.

There are further standards relating to the development areas only to ensure development is in accordance with the Outline Development Plans and adequately serviced.

7.3 Definitions

The following definitions are particularly relevant to the subdivision chapter.

Access means that area of *land* over which a *site* or *allotment* obtains legal vehicular and/or *pedestrian access* to a legal *road*. This *land* includes an *access leg*, a *private way*, common *land* as defined on a cross-lease or company lease, or common property as defined in Section 2 of the Unit Titles Act 1972.

Allotment Has the same meaning as per the Resource Management Act –

(1) In this Act, the term *allotment* means—

(a) any parcel of *land* under the Land Transfer Act 2017 that is a continuous area and whose *boundaries* are shown separately on a survey plan, whether or not—

(i) the *subdivision* shown on the survey plan has been allowed, or *subdivision* approval has been

granted, under another Act; or

(ii) a *subdivision* consent for the *subdivision* shown on the survey plan has been granted under this Act;

or

(b) any parcel of *land* or *building* or part of a *building* that is shown or identified separately—

(i) on a survey plan; or

(ii) on a licence within the meaning of subpart 6 of Part 3 of the Land Transfer Act 2017;

or

(c) any unit on a unit plan; or

(d) any parcel of *land* not subject to the Land Transfer Act 2017.

(2) For the purposes of subsection (2), an *allotment* that is—

(a) subject to the Land Transfer Act 2017 and is comprised in 1 record of title or for which 1 record of title could be issued under that Act; or

(b) not subject to that Act and was acquired by its owner under 1 instrument of conveyance— shall be deemed to be a continuous area of *land* notwithstanding that part of it is physically separated from any other part by a *road* or in any other manner whatsoever, unless the division

of the *allotment* into such parts has been allowed by a *subdivision* consent granted under this Act or by a subdivisional approval under any former enactment relating to the *subdivision of land*.

(3) For the purposes of subsection (2), the balance of any *land* from which any *allotment* is being or has been subdivided is deemed to be an *allotment*.

Boundary adjustment Has the same meaning as per the National Planning Standards – means a *subdivision* that alters the existing *boundaries* between adjoining *allotments*, without altering the number of *allotments*.

Esplanade reserve Has the same meaning as per the Resource Management Act – means a reserve within the meaning of the Reserves Act 1977 –

(a) which is either –

- (i) a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or
- (ii) a reserve vested in the Crown or a regional council under section 237D; and
- (iii) which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229.

Esplanade strip Has the same meaning as per the Resource Management Act – means a strip of *land* created by the registration of an instrument in accordance with section 232 for a purpose or purposes set out in section 229.

Net site area Has the same meaning as per the National Planning Standards – means the total area of the *site*, but excludes:

- (a) any part of the *site* that provides legal *access* to another *site*;
- (b) any part of a rear *site* that provides legal *access* to that *site*;
- (c) any part of the *site* subject to a designation that may be taken or acquired under the Public Works Act 1981.

Reverse sensitivity means the potential for an approved (whether by consent or designation), existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment or *alteration* of another activity which may be sensitive to the actual, potential or perceived adverse environmental *effects* generated by an approved, existing or permitted activity.

Site Has the same meaning as per the National Planning Standards – means:

- (a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or
- (b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or
- (c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or
- (d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.

Subdivision Has the same meaning as per the Resource Management Act – means –

(a) the division of an allotment –

- (i) by an application to the Registrar-General of *Land* for the issue of a separate certificate of title for any part of the *allotment*; or

- (ii) by the disposition by way of sale or offer for sale of the fee simple to part of the *allotment*; or
 - (iii) by a lease of part of the *allotment* which, including renewals, is or could be for a term of more than 35 years; or
 - (iv) by the grant of a company lease or cross lease in respect of any part of the *allotment*; or
 - (v) by the deposit of a unit plan, or an application to the Registrar-General of *Land* for the issue of a separate certificate of title for any part of a unit on a unit plan; or
- (b) an application to the Registrar-General of *Land* for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226.

8. Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

Existing Objective	Appropriateness to achieve the purpose of the Act
(1) To facilitate the orderly subdivision and development of land. (2) To ensure that the size and shape of new allotments created, and the design standards for access and infrastructure, is suitable and appropriate for the location and future use of the land. (3) To ensure that developers pay all reasonable costs associated with the subdivision and subsequent development of land. (4) To provide public access to the Maitake River and access for licensed sports fishers to the Waikaka Stream. (5) To ensure land development and servicing is undertaken to Council's standards. (6) To avoid adverse effects on the Council's reticulated infrastructure services. (7) To ensure that land subdivision results in allotments that are suitable for activities anticipated by the zone in which they are located. (8) Avoid adverse effects on water quality, including groundwater, from the development of subdivided land.	These objectives provide guidance to decision makers around the expectations for subdivision outcomes. They are broadly consistent with Part 2 of the RMA, but lack protection of some section 6 and 7 matters. The objectives are not considered to fully achieve the purpose of the Act as they could better protect public access to rivers and their margins, the relationship between Ngāi Tahu and the environment, SNAs, ONLs, ONFs and historic heritage. Relevance There are a number of gaps in terms of addressing relevant resource management issues for the Gore district as the values identified above are all applicable to Gore. Particularly given: - the hazard risks associated with flooding that may be amplified by climate change; and - the natural, cultural and heritage values present across the district; and - the requirement to protect highly productive land, indigenous biodiversity and outstanding natural landscapes and features. A number of resource management functions (RMA s31) are also not fully addressed including: integrated management, development capacity, and mitigation of any adverse effects from subdivision. The objects do not give effect to higher level documents, including the PS, NPS-UD, NPS-HPL and NPS-IB. Usefulness: The subdivision objectives do provide some guidance for decision makers, but are not well integrated with the plan, noting the lack of policy direction for specific zones or district wide matters. As such, the usefulness is limited. The objectives are not clear on specific resource management issues, and there is a risk of intended outcomes not being achieved. Reasonableness: When considering the objectives alongside the remainder of the plan, there is a lack of clarity and specificity. This can result in lack of certainty which in turn may increase consenting costs due to a deeper need for analysis to determine what outcomes are sought. Achievability: The provisions seek outcomes within the scope of Council's responsibilities and can be realistically achieved through regulations at a district level. However, the objectives are not consistent with the identified mana whenua or community outcomes which seek a more directive approach to manage growth and the protection of highly productive land.
Proposed Objective	Appropriateness to achieve the purpose of the Act
SUB-01 To facilitate the orderly subdivision and development of land. SUB-02 Ensure subdivision achieves patterns of land development that are compatible with the purpose, function, character and qualities of each zone. SUB-03 Infrastructure required to serve the subdivision of land is provided in an integrated, efficient and co-ordinated manner. SUB-04 Subdivisions are designed and developed in a way that: 1. protects significant natural, ecological, historical and cultural features, values and resources, 2. recognises and provides for the underlying relationships between Ngāi Tahu and the natural environment; and	The objectives are considered the most appropriate way to achieve the purpose of the Act because they protect public access to rivers and their margins, relationship between Ngāi Tahu and the environment, avoid site constraints such as natural hazards, and protect SNAs, ONLs, ONFs and historic heritage. Relevance's The objectives have been drafted to address relevant resource management issues identified in this report, and work when integrated with the rest of the plan. This includes ensuring sufficient land capacity to meet anticipated residential and business demand. Similarly, natural (including HPL), cultural and heritage values are sought to be maintained and the effects of climate change and natural hazards are to be taken into account. Further, the objectives are supported by more directive objectives and policies in the zone and district wide chapters, in this respect the subdivision objectives corroborate the District Wide and Area Specific Chapters. These matters are consistent with current regional and national direction (including the NPS-UD, NPS-HPL, NPS-IB and National Planning Standards) and RMA s31 district council functions. Usefulness:

3. responds to the physical characteristics and constraints of the site and surrounding environment. SUB-O5 Esplanade reserves and esplanade strips are created through subdivision to contribute to the protection of ecological values and cultural values, provide natural hazard mitigation, and provide for public access to and along rivers.	The objectives are useful in that they clearly guide decision making and seek clear outcomes. For example, the direction to zone chapters, which describe the purpose, function, character and qualities of the zone in their chapters(Issue 1). SUB-O3 directs that subdivision is adequately services and that this is achieved in a integrated, efficient and co-ordinated manner (Issue 2 and 3) SUB-O4 is directive in that a subdivision needs to achieve the listed outcomes (Issue 4). Objective SUB-O5 is directive on why esplanade reserves or strips are required by the plan (Issue 5). <i>Reasonableness:</i> The objectives are considered reasonable as they enable sufficient growth in appropriate locations to cater for the districts long term needs. The proposed objectives are more certain than the operative objectives as they are outcome based. <i>Achievability:</i> The objectives can be achieved within council’s functions under the RMA as they are aligned with s31. The objectives are consistent with the identified mana whenua values expressed in the Mana Whenua Chapter. The objectives also take account of community feedback received and provide for appropriate social, cultural and economic outcomes to meet the identified needs of the community.
Summary Overall, the proposed objectives provide greater clarity and certainty for Plan users and decision makers whilst also achieving the purpose of the Act in a reasonable, useful, relevant and achievable manner. The objectives will allow Council to fulfil their obligations under s31 of the Act, are consistent with identified mana whenua outcomes and align with the rest of the PDP, including strategic direction, district wide matters, and zoning. The proposed objectives are the preferred option to address the key resource management issues identified in sections 2 and 4 of this report.	

9. Evaluation of Options to Achieve the Objectives

9.1 Evaluation

Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

For each potential approach an evaluation has been undertaken relating to the costs, benefits and the certainty and sufficiency of information (as informed by section 4 of this report) in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the relevant objective(s). For the purpose of this evaluation, the Council has considered the following potential options:

- Option A - The proposed provisions
- Option B - The ‘status quo’ provisions.

9.2 Quantification of benefits and costs

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

Based on the scale and significance of the proposed changes, specifically the degree of change from the ODP, level of policy risk and scale of effects, it is considered that quantifying costs and benefits is unnecessary. Therefore, exact quantification of the benefits and costs identified in this report was not considered necessary, beneficial or practicable. Rather, the table below generally identifies where there may be additional cost(s) and benefit(s).

9.3 Evaluation of Options

Table 2 Evaluation of the options

Option A – Proposed Provisions
Objectives: SUB-O1 To facilitate the orderly subdivision and development of land. SUB-O2 Ensure subdivision achieves patterns of land development that are compatible with the purpose, function, character and qualities of each zone. SUB-O3 Infrastructure required to serve the subdivision of land is provided in an integrated, efficient and co-ordinated manner. SUB-O4 Subdivisions are designed and developed in a way that: 1. protects significant natural, ecological, historical and cultural features, values and resources, 2. recognises and provides for the underlying relationships between Ngāi Tahu and the natural environment; and 3. responds to the physical characteristics and constraints of the site and surrounding environment. SUB-O5 Esplanade reserves and esplanade strips are created through subdivision to contribute to the protection of ecological values and cultural values, provide natural hazard mitigation, and provide for public access to and along rivers. Policies, Rules and Standards that give effect to the objectives: SUB-P1 Enable <i>subdivision</i> that creates <i>allotments</i> that can accommodate anticipated land use and are consistent with the purpose, character, and qualities of the applicable zone. SUB-P2 Require size and shape of new <i>allotments</i> created, and the provisions for <i>access</i> and <i>infrastructure</i>, to be suitable for the location and future use of the <i>land</i>. SUB-P3 Ensure <i>subdivisions</i> are designed to avoid and manage <i>effects</i> from <i>site</i> constraints, including but not limited to topography, the <i>national grid</i>, and <i>significant natural areas</i>. SUB-P4 Significant <i>natural hazard</i> risk is avoided and other <i>natural hazard</i> risk is managed and mitigated through mitigation measures such as compliance with lot density and minimum floor levels. SUB-P5 Ensure <i>reverse sensitivity effects</i> from <i>subdivision</i> are avoided or managed, including from adjacent land uses, railway lines and States Highways. SUB-P6 Require works associated with <i>subdivision</i> to be carried out in conformity with Council’s standards. SUB-P7 Ensure <i>subdivision</i> is appropriately serviced and integrated with existing or planned <i>infrastructure</i> that is provided in an efficient, integrated and co-ordinated manner by: 1. Ensuring <i>infrastructure</i> networks have sufficient capacity to accommodate the additional development, and requiring any necessary upgrades to be completed at the time of <i>subdivision</i>;

2. Requiring <i>infrastructure</i> to be installed at the time of <i>subdivision</i>, except for on-site <i>infrastructure</i> that cannot be determined until the allotment is developed or for <i>boundary adjustments</i>; 3. Requiring <i>allotments</i> to connect to the Council’s reticulated systems where practicable; 4. Ensuring that sufficient provision has been made for legal and physical access to each allotment created by the <i>subdivision</i>; 5. In urban areas, require access to and provision for walking and cycling infrastructure through subdivision design; 6. Requiring <i>allotments</i> to have access to a water supply suitable for firefighting; 7. Requiring all <i>sites</i> to have legal and physical <i>access</i> to electricity and opportunity for telecommunications; 8. Encouraging initiatives to reduce water demand and <i>water</i> use, such as roof rain water capture and use and <i>greywater</i> recycling; and 9. Encouraging <i>subdivision</i> layout and orientation which supports energy efficiency and conservation for future land uses. SUB-P8 Recognise there will be certain <i>subdivision</i> activities, such as <i>boundary adjustments</i>, that will not require the provision of services. SUB-P9 Require the undergrounding of all services associated with the development of subdivided <i>land</i>, except: 1. Telecommunications in the General Rural and Rural Lifestyle zones where suitable alternative unreticulated options are available; and 2. Electricity in the General Rural zone, where it is not feasible or practical to underground these services. SUB-P10 Encourage <i>subdivision</i> design that includes the joint use of <i>stormwater</i> and flood management networks with open spaces and <i>pedestrian</i>/cycling transport corridors and recreational opportunities where these opportunities arise and will maintain the natural character and ecological values of <i>wetlands</i> and waterways. SUB-P11 Over time build up connected <i>esplanade reserves</i> and <i>esplanade strips</i> through requiring <i>esplanade reserves</i> and <i>esplanade strips</i> to be provided at time of <i>subdivision</i> along <i>rivers</i> and lakes in accordance with section 230 of the Resource Management Act. SUB-P12 Encourage <i>access strips</i> to be provided to connect <i>esplanade reserves</i> and <i>esplanade strips</i> with public open spaces, <i>roads</i>, <i>pedestrian</i> paths or cycleways. SUB-P13 <i>Subdivision</i> and development in the General Rural zone preserves the productive capability of rural land and high value soils. SUB-P14 Enable infill residential development in the General Residential Zone where it meets density requirements and can accommodate a <i>residential unit</i> that can comply with District Plan rules and standards. SUB-P15 Enable comprehensive redevelopment of <i>sites</i> in the Medium Density Residential Zone by avoiding the creation of multiple vacant <i>allotments</i> or undersized <i>allotments</i> unless they are created around existing or proposed <i>residential units</i>. SUB-P16 Ensure that <i>subdivision</i> and changes to the use of <i>land</i> that result from <i>subdivision</i> do not reduce the values of heritage features and other protected items scheduled or identified in the District Plan. SUB-P17 Enable <i>subdivision</i> design that responds to the cultural constraints and characteristics of the <i>site</i> through avoiding incompatible development in culturally unsuitable areas, and celebrating culturally important attributes in order to contribute to a unique sense of place. SUB-P18 Protect and enhance landscapes, vegetation and indigenous <i>biodiversity</i> that are of a sufficient value that they should be retained. SUB-P19 Recognise that there is an expectation by future landowners that the key <i>effects</i> of and resources required by anticipated land uses will have been resolved through the <i>subdivision</i> approval process. SUB-P20 In relation to Development Areas: Require any <i>subdivision</i> to achieve the outcomes sought by the Outline Development Plan for the Development Area. SUB-P21 Discourage non-compliance with minimum allotment sizes. SUB-R1 Boundary adjustments are a controlled activity, provided they comply with conditions of the rule. SUB-R2 Conversion of a unit title or cross lease to freehold are a controlled activity, provided they comply with conditions of the rule. SUB-R3 Alterations to a cross lease plan, company lease, or unit title plan are a controlled activity, provided they comply with conditions of the rule. SUB-R4 Subdivisions resulting in no extra lot created are a controlled activity, provided they comply with conditions of the rule. SUB-R5 All subdivisions (unless provided for in another rule) are restricted discretionary, subject to compliance with standards. SUB-R6 and SUB-R7 require that subdivision of the development areas are a restricted discretionary activity, subject to compliance with standards. SUB-R8 and SUB-R9 requires that subdivision of a site with a historic heritage item or a notable tree is a restricted discretionary activity. SUB-R10 and SUB-R11 required that subdivision in the Natural Open Space zone, Sport and Active Recreation Zone and Camp Columba Zone; or subdivision of a site with an ONL, ONF or SNA is a discretionary activity. SUB-R12 required that subdivision within the Mataura River Floodway is a non-complying activity. SUB-R13 required that subdivision of a minor residential unit off a residential unit is a non-complying activity. SET-S1 and SET-S2 require that subdivisions that do not comply with minimum lot size or minimum lot dimension are a non-complying activity. SET-S3 require that subdivisions that create a rear lot in the Town Centre or Local centre zones are non-complying. SET-S4 and SET-S5 relate to standards of the development areas that must be met, otherwise consent is required as a discretionary activity.	
Benefits	Costs
Environmental - Provisions, including minimum lot size, protect highly productive land, indigenous biodiversity, ONLs and ONFs - Provisions reflect and align with the objectives in other Chapters of the PDP.	Environmental - Intensification in certain areas may lead to a loss of amenity for some residents. - Intensification enabled in Settlements and Rural Lifestyle areas, which are further away from the urban areas of Gore and Mataura, may result in addition traffic and associated emissions.

• The minimum lot sizes support compact urban form, locating higher density zones close to services and transport networks. In turn this will reduce transport emissions • Manages the effects of reverse sensitivity • Water quality, public access and cultural values are respected and enhanced through esplanade provisions • The provisions address issue 1 as they relate to the purpose and character of each zone. • The provisions address infrastructure provision addressing issues 2 and 3.	
Economic • The plan protects highly productive land and agriculture through the General Rural Zone minimum lot size and supporting objectives and policies. This supports agriculture which is the backbone of the district's economy. • The plan better controls development to prevent ad hoc and sprawling development, which can place a higher need and therefore cost of infrastructure and community services. • The plan provides for subdivision of new proposed residential and industrial sites, which can provide for the district's growth needs	Economic • On site servicing is required in most instances, which will be a cost for developers. • The higher density requirement in the General Rural zone will restrict the opportunity for rural lifestyle blocks to be created on many sites, restricting this option of wealth creation for landowners. • Servicing new growth areas with physical and social infrastructure may incur greater costs for ratepayers and/or future landowners.
Social • Provisions provide for greater opportunity for public access to rivers and their margins, addressing issue 5. • The provisions of the development areas and Outline Development Plans will ensure new development occurs in an integrated, holistic and co-ordinated manner to provide for high quality urban design outcomes and manage adverse effects. The subdivision provisions support this.	Social • Negligible
Cultural • The provisions require that subdivisions recognise and provide for the underlying relationships between Ngāi Tahu and the natural environment. Specifically the provision for access to rivers and their margins.	Cultural • Enabling subdivision in new growth areas and intensification may impact Sites and Areas of Significance to Māori and historic heritage sites.
Efficiency	
The proposed provisions are an effective method of addressing the issues given they will provide increased environmental, economic, social and cultural benefits as outlined above. The provisions provide a robust roadmap for undertaking subdivision in the district with clear policy direction for both plan users and decision makers.	
Effectiveness	
The proposed provisions are considered to be the most effective means of achieving the objectives for the following reasons: • The provisions will address the identified resource management issues. • They will increase the effectiveness of the plan provisions in achieving positive urban design outcomes by providing greater clarity and certainty. • The provisions for supporting the purpose of the underlying zone, and standards with minimum lot sizes and dimensions provides greater protection of rural land for primary production, rural industry and other activities that rely on the rural resource than the ODP. They enable more dense residential developments in the Medium Density Residential Zone, supporting a well-functioning, compact urban environment. They also enable greater levels of development in the Settlements, Rural Lifestyle zones and new greenfield growth areas, which supports housing choice and provides for housing, social and business needs of the community. • The provisions provide direction in terms of purpose, amenity and character of each zone than the ODP. • The provisions will meet best practice structure and content to be consistent with the requirement of Section 31 of the RMA. • The provisions will give effect to the National Planning Standards • The provisions will give effect to the relevant higher order documents such as the NPS-UD, NPS-HPL, NPS-IB and Regional Policy Statement. • They will enable Council to fulfil its statutory obligations under the Resource Management Act to maintain and ensure that subdivision is undertaken in a sustainable manner which appropriately avoids, remedies or mitigates adverse effects (section 5(2)(c)). • They will provide greater provisions for esplanade reserves or strips, which provide for iwi and public access to rivers and their margins, as well as room for ecological enhancement and natural hazard mitigation by having development setback from river. • They will enable Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner.	
Risk of acting or not acting	
The current District Plan was notified in 1998 and made operative in 2006. As a district plan is required to be reviewed every 10 years, this is overdue. The Plan was developed prior to the Southland Regional Policy Statement, the NPS-UD, NPS-HPL, NPS-IB and the National Planning Standards. As such, it has not given effect to these higher order documents as required. The Council has sufficient information to determine the proposed provisions are appropriate to meet the economic, social and cultural needs of the community.	

The provisions address both the resource management issues identified and the shortcomings identified with the ODP. Overall, the risk of acting is considered to be low, however, the risk of not acting is higher as the ODP has been identified as insufficient to manage development and managed adverse effects on the environment.

Option B – Status Quo

Objectives:

- 8.3 (1) To facilitate the orderly subdivision and development of land.
- 8.3 (2) To ensure that the size and shape of new allotments created, and the design standards for access and infrastructure, is suitable and appropriate for the location and future use of the land.
- 8.3 (3) To ensure that developers pay all reasonable costs associated with the subdivision and subsequent development of land.
- 8.3 (5) To ensure land development and servicing is undertaken to Council's standards.
- 8.3 (6) To avoid adverse effects on the Council's reticulated infrastructure services.
- 8.3 (7) To ensure that land subdivision results in allotments that are suitable for activities anticipated by the zone in which they are located.
- 8.3 (8) Avoid adverse effects on water quality, including groundwater, from the development of subdivided land.

Policies that give effect to the objectives:

- 8.4(1) Control the subdivision of all land.
- 8.4(2) Avoid adverse effects of subdivision on the functioning of existing services, infrastructure and roading.
- 8.4 (3) Require works associated with subdivision to be carried out in conformity with Council's standards.
- 8.4 (4) Encourage, where practical, the undergrounding of all services associated with the development of subdivided land.
- 8.4 (5) Avoid any off-site effects of development of subdivided land.
- 8.4 (6) Provide public access to and along the Maitara River by way of esplanade strips.
- 8.4 (8) Within areas shown as "Subject to Actual or Potential Inundation" on Figures 3.1 – 3.2:
 - (a) the Gore District Council will, with the exception of the urban area of Gore shown as lime green on Figure 3.1, refer all subdivision consents to Environment Southland for comment prior to determining whether to approve that consent.
 - (b) in respect of rural subdivision, the Gore District Council will encourage the inclusion of high ground in each lot for stock to be moved to in the event of a flood.
 - (c) for any site likely to have a building erected on it for the accommodation of people, that an area suitable for such a building is located on the site.
- 8.4 (9) Require land development to be undertaken in compliance with the Gore District Council Subdivision and Land Development Bylaw 2011
- 8.4 (10) Have regard to the potential for the land subject to any subdivision consent, and other land in the locality to be further subdivided in the future.
- 8.4 (11) Have regard to potential reverse sensitivity effects from the use of subdivided land and the means by which any such effects can be avoided, remedied or mitigated.
- 8.4 (12) Encourage the adoption of practices that will minimise the extent of off-site effects on the Council's infrastructure services.
- 8.4 (13) Have regard to the potential impacts arising from the subdivision and future use of land on water quality, including groundwater.
- 8.4 (14) Have regard to, and implement, the provisions of the National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health where subdivision occurs on any contaminated site.

Rules that give effect to the objectives:

The following are controlled activities"

- 8.10(1) Amendments to flat plans is a controlled activity.
- 8.10(2) Boundary adjustments, and subdivision to allow the erection on land of any unmanned utility not requiring the services of water and sewage, are a controlled activity (with exceptions)
- 8.10(3) Any subdivision of land that does not meet criteria of rule 8.10(2) is discretionary.
- 8.10(4) Any subdivision of land that does not trigger Rule 8.10(3) or 8.10(4) are a restricted discretionary activity.
- 8.10(5) Any subdivision that does not meet density requirements is a discretionary activity.

Objective:

- 8.3 (4) To provide public access to the Maitara River and access for licensed sports fishers to the Waikaka Stream.

Policy and rules that give effect to the objective:

Policy

- 8.4 (7) Provide, subject to appropriate conditions, licensed sports fisher access along the Waikaka Stream by way of esplanade strips at the time of subdivision.

Rules

8.11(1) Esplanade reserves are not required 8.11(2) For allotments less than 4ha along the Maitava River, a 10m wide esplanade strip is required. For allotments less than 4ha along Waikaka Stream, esplanade strips are required for sport fisher access. Subdivisions that do not comply with these requirements are non-complying.	
Benefits	Costs
Environmental The framework provides for consideration of amenity values and takes account of the anticipated character of an area.	Environmental - The provisions do not protect highly productive land or indigenous biodiversity - The provisions enable fragmentation of rural land.
Economic - Many activities are provided for as controlled activities or restricted discretionary activities, which can assist with minimising resource consent costs. - The 2ha minimum lot size rule allows rural lifestyle development anywhere in the Rural zone, which can assist landowners financially. - Generally enabling framework allows for the efficient subdivision of land (where density is met), which can then assist with enabling development. This enables personal and business opportunities. - The framework considers reverse sensitivity effects, which helps supports existing farms and other businesses.	Economic - The plan does not protect highly productive land even though agriculture is the backbone of the district's economy. - The plan can result in ad hoc and sprawling development, which can place a higher need and therefore cost of infrastructure and community services. - The provisions do not support the existing patterns of development or growth of the settlements, resulting in increased consent costs and restricting growth of these areas. - The provisions also provide for relatively large rural lifestyle sections, which is generally speaking not a good economic or efficient use of the land. It reduces larger farm holdings but is often larger than the desired lifestyle site size of 1ha.
Social The provisions are relatively enabling, which can help facilitate development that support the social needs of the community in certain areas.	Social - Not effective at providing public access to rivers and their margins - Through the minimum 2ha lot size rule, the plan does not effectively protect the agriculture industry. Agriculture is the backbone of the district's economy, and people's livelihoods rely on agriculture related jobs. - The plan does not provide through activities and facilities in the settlements, due to the larger 2ha lot size.
Cultural There are no identified cultural benefits from the existing provisions.	Cultural The lack of integration of cultural values and relationships into the provisions may negatively impact the ability of Māori to protect sites of significance and their cultural values and relationships with the land and water.
Efficiency	
The provisions reference an outdated bylaw, which provides lack of certainty and clarity on infrastructure expectations. The reference to the bylaw also creates confusion as it is implemented via the LGA, not the RMA.	
Effectiveness	
There is a lack of objectives and policies in the land use chapter of the ODP. As such, it is difficult to understand what is sought for each zone. This in turn for subdivision makes it unclear as to the purpose and desired outcomes of each area. Therefore, the provisions are not effective as they do not provide sufficient direction or clarity. The provisions do not sufficiently address the identified resource management issues. The provisions reference an outdated bylaw, which creates conflict with infrastructure expectations.	
Risk of acting or not acting	
The risk of not acting is that no esplanade strips or reserves may be taken, preventing public access to rivers and their margins. Further, rural lifestyle proliferation through the rural area is too easily enabled by the ODP, and rural land is not protected for agriculture use. The risk of not acting also results in the continued restriction of the Settlement areas and their development opportunities and ability to grow. The risk of not acting is that cultural values and site constraints are not adequately provided for and part 2 of the RMA not met. The Council has sufficient information to determine the Option A provisions are appropriate to meet the social, economic and cultural needs of the community. Overall, the risk of acting is considered to be low. However, the risk of not acting is higher as the ODP does not sufficiently address both the resource management issues identified and National Direction.	

9.4 Summary of Preferred Options

Summary

- Overall, the preferred option is Option A - the PDP provisions because they:
- Give effect to higher order documents and achieve the purpose of the Act.
 - The environmental, economic, social, and cultural benefits associated with the PDP approach significantly outweigh the costs.
 - Provide greater direction and certainty for plan users and decision makers.
 - Addresses the objectives and policies of higher order policy documents.