

# Waitomo District Council

Hearing on submissions on the Proposed Waitomo District Plan

## Report and Decisions of the Independent Hearing Commissioners

Decision Report:

Chapter 29. Subdivision

19 June 2025

Commissioners

Greg Hill (Chair)

**Wikitōria Tāne**

Allan Goddard

Phil Brodie

# TABLE OF CONTENTS

|    |  |    |
|----|--|----|
| 1. | Introduction .....                                 | 3  |
| 2. | Hearing arrangements.....                          | 3  |
| 3. | Section 42A Report and Addendum Report .....       | 5  |
| 4. | Panel decision .....                               | 5  |
| 5. | Conclusion .....                                   | 8  |
| 6. | Appendix 1 – Submission Table .....                | 10 |
| 7. | Appendix 2 – Decisions Version of the Chapter..... | 11 |
| 8. | Appendix 3 – Section 32AA Evaluation .....         | 12 |

# 1. Introduction

1. This Decision Report relates to all the submissions received by the Waitomo District Council (Council) on Chapter 29 Subdivision. This includes related provisions within the Proposed Waitomo District Plan (PDP) such as Definitions (Chapter 9) and Appendices and Schedules (Part 4).
2. The chapter seeks to provide for the creation of appropriately serviced and integrated lots, with the provisions being tailored to the zone that the subdivision is located in.

## 2. Hearing arrangements

3. The hearing was held in person and online **on 16 and 17 July 2024 in Council's** offices at 15 Queen Street, Te Kuiti. All of the relevant information pertaining to this hearing (i.e., section 42A reports, legal submissions and evidence) is **contained on Council's website**.
4. The following parties submitted on this chapter.

| Submission no | Submitter   |
|---------------|---|
| 47            | Forest and Bird   |
| 23            | Balance Agri-Nutrients  |
| 24            | Ministry of Education (MoE)   |
| 50            | Te Nehenehenui  |
| 38            | Te Tokanganui- a-noho Whare (TTRMC)   |
| 36            | Kāinga Ora  |
| 09            | Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited |
| 16            | Fire and Emergency NZ (FENZ)  |
| 10            | Waikato Regional Council (WRC)  |
| 12            | Heli A1 Limited   |
| 25            | The Lines Company (TLC)   |
| 03            | Heritage New Zealand Pouhere Taonga (NZHPT)   |
| 14            | New Zealand Pork Industry Board (NZPIB)   |

| Submission no | Submitter   |
|---------------|---|
| 46            | Federated Farmers                                     |
| 18            | Auckland Waikato Fish and Game (AWFG)                 |
| 31            | Transpower  |
| 39            | Firstgas  |
| 51            | KiwiRail Holdings Ltd (KiwiRail)                      |
| 04            | New Zealand Agricultural Aviation Association (NZAAA) |
| FS07          | Grant Lennox  |
| FS13          | NZAAA   |
| FS15          | New Zealand Helicopter Association (NZHA)             |
| FS20          | Sheryl Paekau   |
| FS03          | Director-General of Conservation                      |
| FS23          | Te Nehenehenui  |
| FS05          | Federated Farmers                                     |
| FS09          | Kāinga Ora  |
| FS19          | PF Olsen  |
| FS16          | NZHPT   |

5. At the hearing on 16 July 2024, the Panel heard from:

- Mischa Davis for Auckland Waikato Fish and Game (AWFG)

6. Evidence was tabled as a written statement from

- Transpower
- KiwiRail Holdings Ltd (KiwiRail)
- Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited

### 3. Section 42A Report and Addendum Report

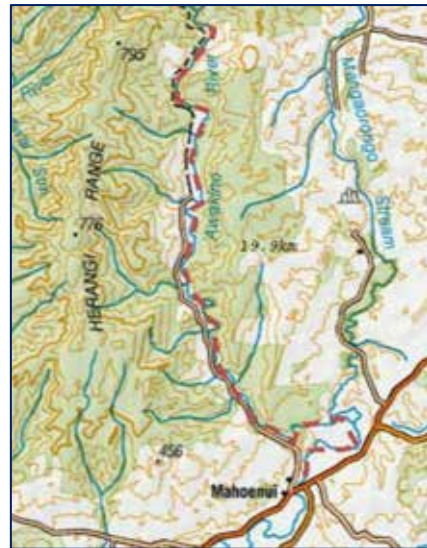
7. Unless otherwise stated in the Panel's decision below, the Panel has elected to adopt the outcomes of the Section 42A Report and further amendments made in the Section 42A Addendum Report on this chapter.

### 4. Panel decision

8. The Panel considered the written statement from Chorus et al and noted the amendments proposed in that evidence. The Panel agreed with the submitters that the few alterations they have proposed to SUB-R18 (that were included in the section 42A Addendum Report) were of a minor nature and served to clarify the appropriate level of service required for telecommunications at the time of subdivision.
9. The panel noted **KiwiRail's support for** recommended amendments to SUB-O10 and SUB-P3. **The Panel also noted Transpower's general support for the** amended provisions in the subdivision chapter.
10. Mischa Davis appeared at the hearing for Auckland Waikato Fish and Game. Ms Davis provided evidence regarding the importance of benefit lots where there is no existing access or where the access is impractical to described significant sports fisheries and the criteria which are used to establish these and gave an example of the Whakapapa River where enduring public access has been provided. Ms Davis noted that the amendment to SUB-R7 would apply to 6 titles on the Upper Waipa River and approximately 12 titles on the Upper Awakino River. She also provided some proposed amendments to SUB-R7.
11. The Panel agreed that it was appropriate to provide benefit lots in these two locations and considered the proposed amendments to SUB-R7. In the first instance the Panel did not consider the amendments which sought the approval of a third party to be necessary or appropriate in terms of the administration of the district plan (those being Appendix A (1) and (3) in the submitters evidence).
12. The Panel further considered it was not suitable to allow access to be 'improved' as this was too subjective to reasonably enforce (Appendix A (2)). Further, the Panel did not consider it necessary to state that the access need not be formed as in some cases this may be desirable or even required. The Panel did agree that provision should be added where there is no legal or practical means of moving up or down river, and in that instance the addition of an enduring esplanade strip would be desirable. Otherwise, the Panel considered that the wording provided in the Section 42A Addendum Report was suitable.
13. The Panel directed that the following two areas were mapped and notated in the district plan maps:



Upper Waipa Catchment



Upper Awakino Catchment

14. The Panel also directed that the following amendments in green were made to SUB-R7:

|   |  |
|---|--|
| <p><u>Provision of public access to the Upper Waipa River or the Upper Awakino Rivers</u></p> | <p><u>Activity status: RDIS</u></p> <p><u>Where:</u></p> <p>20. <u>The property is located in the Upper Waipa River catchment or the Upper Awakino catchment as identified on the planning maps; and</u></p> <p>21. <u>Provision is made for legal and physical enduring access in perpetuity to the Upper Waipa River or to the Upper Awakino River; and</u></p> <p>22. <u>That section of the river does not currently have legal public access then:</u></p> <p>(i) <u>A maximum of one benefit lot per holding can be obtained where up to 1km of river can be accessed and there must be legal and practical means to enable fishers to move up or downriver; and</u></p> <p>(ii) <u>A maximum of two benefit lots per holding can be obtained where access is provided to over 2 km of river in length and there must be legal and practical means to enable fishers to move up or downriver;</u></p> <p><u>AND</u></p> <p>23. <u>The minimum net site area of the allotment(s) to be created in the general rural zone must be 2,500m<sup>2</sup>, exclusive of the area of river access being protected and any associated esplanade strips or reserves, and the balance of the land being subdivided shall be no less than 2 hectares; and</u></p> <p>24. <u>For the purposes of this rule, 'physical access' means 'accessible year-round by a 4WD vehicle or alternatively walking access where the distance between the river access and a publicly accessible vehicle parking area is less than 0.5 km and;</u></p> <p>25. <u>A condition that no further subdivision in respect of the rule that the entitlement was acquired under (or restricted rights of subdivision as the case may be) shall apply to the balance of the land. The owner will be required to enter into a bond, or other legal</u></p> |
|---|--|

|  |  |
|--|--|
|  | <p><u>instrument with Waitomo District Council which will be registered on the record of title(s) to that effect and will run with the land in perpetuity; and</u></p> <p>26. <u>If there is no legal or practical means of moving up or downriver within the title, the addition of an enduring esplanade strip to facilitate this must be registered on the record of title; and</u></p> <p>27. <u>All of the performance standards in SUB - Table 2 are complied with.</u></p> <p><u>Activity status where compliance is not achieved: NC</u></p> |
|--|--|

For SUB-R7.1 to R7.19, the matters over which discretion is restricted:

- (a) Whether the resulting allotments are an efficient use of land in terms of their size, shape and configuration; and
- (b) The resulting legal and physical access to allotments affected by the subdivision; and
- (c) Effects on any scheduled site or feature, archaeological site, water body or area of indigenous vegetation; and
- (d) Impacts on the amenity values of adjacent sites, adjacent activities and the wider receiving environment; and
- (e) Site suitability including the potential for the subdivision and consequential development to create new or exacerbate existing natural hazards; and
- (f) Infrastructure provision; and
- (g) Effects on existing infrastructure including the provision of easements where required; and
- (h) Reverse sensitivity effects; and
- (i) **As applicable, outcomes of consultation with mana whenua as to the site's importance and values; and**
- (j) As applicable, outcomes of consultation with Auckland/Waikato Fish and Game as to the site's significance as defined in the active Sports Fish and Game Management Plan for Auckland/Waikato Fish and Game Region; and
- (k) Vehicle access point(s) location and formation; and
- (l) Whether the subdivision results in a use of land that is compatible with rural character and with the function of the zone as a predominantly pastoral rural working environment; and
- (m) Use of green infrastructure methods for stormwater, drainage and earthworks and use of energy efficient and water conservation (low impact) design principles; and
- (n) Whether subdivision design and layout minimises earthworks and land disturbance, by designing building platforms that integrate into the natural landform; and
- (o) The benefits of protecting the scheduled site or feature or of providing legal and physical access.

15. The Panel directed that an amendment be made to SUB-P10 to encompass changes that have been made to the National Policy Statement for Highly Productive Land which occurred in August 2024 between the hearings and the release of the decisions version of the plan. The change is in direct response to national direction and does not require a section 32AA evaluation. The change is shown in green below:

SUB-P10. Ensure subdivision does not compromise the predominant function, character and amenity of the general rural zone by:

1. Maintaining the overall productivity of the rural land resource and

protecting the integral values of the zone as a working, productive rural environment; and

2. Protecting the use of highly productive land for land-based primary production, intensive indoor primary production or greenhouse activities; and
3. ....

16. Having considered the submissions and evidence presented, the Panel agreed with the aim of chapter 29 to establish a framework for managing subdivision activities within the district. The Panel found that the chapter:

- appropriately sets out the general expectations for subdivision design and infrastructure provision, ensuring that any new lots created are suitable for their intended use and can be adequately serviced.
- provides sufficient guidance on infrastructure provision, integration with the transport network and protection of natural and physical resources.
- ensures that subdivision contributes positively to the character and amenity of the receiving environment and does not compromise the safety, health, or wellbeing of people and communities.
- appropriately manages subdivision which occurs in the coastal environment, scheduled sites and identified overlays.
- allows benefit lots to appropriately incentivise environmental and cultural outcomes.
- in response to both regional policy statements, provides sufficient restrictions in areas prone to natural hazards.

17. Otherwise, unless stated in the Panel decision above, the Panel has elected to adopt the recommendations in the Section 42A Report and the Section 42A Addendum Report on this chapter.

## 5. Conclusion

18. The Panel accepts the recommendations in the section 42A reports and where noted above, the evidence filed by the submitters. The reasons for this are those set out in the section 42A reports, the evidence, and provided in this Decision; collectively forming the section 32AA assessment informing this Decision.

19. Overall, the Panel is satisfied that the provisions of the chapter, as amended, will provide a suitable framework for managing the complexities of subdivision in the district.

20. The Panel accepts, accepts in part, or rejects the submissions as set out in the section 42A reports.



For the Hearing Panel

A handwritten signature in dark ink, appearing to read "Greg Hill", followed by a period.

Greg Hill, Chair

Dated: 19 June 2025

## 6. Appendix 1 – Submission Table

## Subdivision chapter – Submission points

| Submission no | Submitter                                   | Support / in part / oppose | Plan provision                              | Relief sought  | Recommendation |
|---------------|---|----------------------------|---|--|----------------|
| 47.138        | Forest and Bird                             | Support with amendment     | Overview and objectives general             | Add a paragraph to the overview of the Subdivision chapter to promote indigenous biodiversity outcomes as part of any subdivision.<br>And<br>Add a new objective to the Subdivision chapter to promote positive indigenous biodiversity outcomes as part of any subdivision.<br>And<br>Add a suitably worded policy to the Subdivision chapter, as a follow through from the above point (a new objective to the Subdivision chapter to promote positive indigenous biodiversity outcomes as part of any subdivision).<br>And<br>Any consequential changes or alternative relief to achieve the relief sought. | Reject         |
| FS05.108      | Federated Farmers                           | Oppose                     |   | Decline the relief sought  | Accept         |
| 16.22         | Fire and Emergency NZ (FENZ)                | Support                    | Objectives and policies framework - general | Retain as notified.  | Accept in part |
| 10.104        | Waikato Regional Council (WRC)              | Support in part            | Subdivision objectives                      | Add a new objective to promote positive indigenous biodiversity outcomes, that aligns with ECO-01, ECO- P2 and UFD-P1 of the WRPS.   | Reject         |
| FS03.48       | Director-General of Conservation            | Support                    |   | Allow  | Reject         |
| 17.68         | Waka Kotahi                                 | Support                    | SUB-O1                                      | Retain as notified.  | Accept         |
| 17.69         | Waka Kotahi                                 | Support                    | SUB-O3                                      | Retain as notified.  | Accept         |
| 25.20         | The Lines Company (TLC)                     | Support                    | SUB-O3                                      | Retain as notified.  | Accept         |
| 03.138        | Heritage New Zealand Pouhere Taonga (NZHPT) | Support                    | SUB-O4                                      | Retain as notified.  | Accept         |

| Submission no | Submitter                               | Support / in part / oppose | Plan provision | Relief sought   | Recommendation |
|---------------|---|----------------------------|----------------|---|----------------|
| 47.139        | Forest and Bird                         | Support with amendment     | SUB-O4         | Amend SUB-O4 as follows:<br><br>Subdivision protects <del>or enhances</del> <u>the subject matters of</u> overlays, scheduled sites and features and results in development that respects the physical, cultural, historical and natural context of the site.<br>Some subdivision proposals may not be possible if the <del>identified</del> <u>values and characteristics</u> cannot be appropriately protected.<br>And<br>Any consequential changes or alternative relief to achieve the relief sought. | Reject         |
| FS05.109      | Federated Farmers                       | Oppose                     |                | Decline the relief sought   | Accept         |
| 14.08         | New Zealand Pork Industry Board (NZPIB) | Support                    | SUB-O7         | Retain as notified.   | Accept         |
| 46.55         | Federated Farmers                       | Support with amendment     | SUB-O7         | Amend SUB-O7 so <ul style="list-style-type: none"> <li>that it is not as absolute in the retention of the primary productive potential of rural land and</li> <li>to allow for appropriate subdivision of rural land used for primary production.</li> </ul> And<br>Any consequential amendments required as a result of the relief sought.   | Reject         |
| 46.53         | Federated Farmers                       | Support                    | SUB-O8         | Retain as notified.   | Accept         |
| 18.16         | Auckland Waikato Fish and Game (AWFG)   | Support                    | SUB-O9         | Retain as notified.   | Accept         |
| 25.21         | TLC                                     | Support                    | SUB-O10        | Retain as notified.   | Accept         |
| 31.65         | Transpower                              | Support                    | SUB-O10        | Retain as notified.   | Accept         |
| 39.51         | Firstgas                                | Support                    | SUB-O10        | Retain as notified.   | Accept         |
| 51.38         | KiwiRail Holdings Ltd (KiwiRail)        | Support                    | SUB-O10        | Retain as proposed.   | Accept         |

| Submission no | Submitter   | Support / in part / oppose | Plan provision       | Relief sought   | Recommendation |
|---------------|---|----------------------------|----------------------|---|----------------|
| 04.17         | New Zealand Agricultural Aviation Association (NZAAA) | Support in part            | SUB-O11              | Retain SUB-O11 and add:<br><br>Ensure new allotments created close to the boundary of a rural production zone, indicative rural production area or an established site of <u>primary production or</u> intensive indoor primary production identify a building platform(s) in a location which minimises reverse sensitivity effects.   | Reject         |
| FS07.17       | Grant Lennox  | Support                    |                      | Allowed   | Reject         |
| 12.17         | Heli A1 Limited                                       | Support in part            | SUB-O11              | Retain SUB-O11 and add:<br><br>Ensure new allotments created close to the boundary of a rural production zone, indicative rural production area or an established site of <u>primary production or</u> intensive indoor primary production identify a building platform(s) in a location which minimises reverse sensitivity effects.   | Reject         |
| FS13.39       | NZAAA   | Support                    |                      | Retain and add to the objective as sought   | Reject         |
| FS15.20       | New Zealand Helicopter Association (NZHA)             | Support                    |                      | Retain and add to the objective as sought   | Reject         |
| 14.09         | NZPIB   | Support in part            | SUB-O11              | Change wording as follows:<br>SUB-O11. Ensure new allotments created close to the boundary of a rural production zone, indicative rural production area or an established site of intensive <del>indoor primary production</del> <u>Intensive Primary Production</u> identify a building platform(s) in a location which <del>minimises</del> <u>avoids or mitigates</u> reverse sensitivity effects. | Reject         |
| 23.06         | Balance Agri-Nutrients                                | Support                    | SUB-O11              | Retain as notified.   | Accept         |
| 18.17         | AWFG  | Support                    | SUB-O11              | Retain as notified.   | Accept         |
| 46.54         | Federated Farmers                                     | Support                    | SUB-O11              | Retain as notified.   | Accept         |
| 10.105        | WRC   | Support                    | Subdivision policies | Retain the subdivision policies as notified.  | Accept in part |

| Submission no | Submitter                                  | Support / in part / oppose | Plan provision | Relief sought   | Recommendation |
|---------------|--|----------------------------|----------------|---|----------------|
| 03.139        | NZHPT                                      | Support                    | SUB-P1         | Retain as notified.   | Accept in part |
| 17.70         | Waka Kotahi                                | Support                    | SUB-P1         | Retain as notified.   | Accept in part |
| 24.25         | Ministry of Education (MoE)                | Support with amendment     | SUB-P1         | Amend SUB-P1 as follows:<br><br>5. Maximises accessibility and connectivity with surrounding neighbourhoods, to nearby shops, <del>schools</del> educational facilities, employment...<br>And<br>Any consequential amendments required to give effect to the matters raised in this submission. | Accept         |
| 50.22         | Te Nehenehenui                             | Support                    | SUB-P1.10.     | Retain the following provisions in the subdivision chapter: SUB- P1.10. SUB-P21. SUB-P26. SUB- P27. SUB-R1.11, 1.12, 1.13 SUB- R7.  | Accept         |
| FS20.220      | Sheryl Paekau                              | Support                    |                | I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land   | Accept         |
| 38.74         | <b>Te Tokanganui- a-noho Whare (TTRMC)</b> | Support                    | SUB-P1.10      | Retain as notified.   | Accept         |
| FS20.103      | Sheryl Paekau                              | Support                    |                | I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.   | Accept         |
| 14.10         | NZPIB                                      | Support in part            | SUB-P3         | Change wording as follows:<br><br>SUB-P3. <del>Discourage</del> <u>Avoid or otherwise</u> mitigate subdivision that would:<br><br>9. Constrain the operation of established intensive <del>indoor primary production</del> <u>Intensive Primary Production</u> activities; and/or               | Reject         |

| Submission no | Submitter              | Support / in part / oppose | Plan provision  | Relief sought   | Recommendation |
|---------------|------------------------|----------------------------|-----------------|---|----------------|
| FS23.57       | Te Nehenehenui         | Oppose                     |                 | <p>Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as <b>guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s</b> Environmental Management Plan.</p> <p>Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, the taiao and all taonga within TNN area of interest, TNN opposes and requests that Waitomo District Council consider this when finalising the review.</p> | Accept         |
| 17.71         | Waka Kotahi            | Support                    | SUB-P3          | Retain as notified.   | Accept         |
| 31.66         | Transpower             | Support                    | Policies SUB-P3 | Retain as notified.   | Accept         |
| 39.52         | Firstgas               | Support                    | SUB-P3          | Retain as notified.   | Accept         |
| 51.39         | KiwiRail               | Support                    | SUB-P3          | Retain as notified.   | Accept         |
| 23.07         | Balance Agri-Nutrients | Support                    | SUB-P3          | <p><b>Amend SUB-P3 as follows:</b></p> <p>Discourage subdivision that would:</p> <p>....</p> <p><b>5. Result in reverse sensitivity effects which compromise the operation or expansion of regionally significant industries, <u>including primary production activities</u> or regionally significant mineral resources; and/or</b></p> <p>....</p> <p><b>And</b></p> <p>Any other additional, alternative or consequential relief as may be necessary to give effect to the changes sought.</p>                   | Reject         |
| FS13.60       | NZAAA                  | Support                    |                 | Amend the policy as sought  | Reject         |
| FS15.42       | NZHA                   | Support                    |                 | Amend the policy as sought  | Reject         |
| 18.18         | AWFG                   | Support                    | SUB-P3.4        | Retain as notified.   | Accept         |

| Submission no | Submitter      | Support / in part / oppose | Plan provision | Relief sought  | Recommendation |
|---------------|----------------|----------------------------|----------------|--|----------------|
| 25.22         | TLC            | Support                    | SUB-P3.8       | Retain as notified.  | Accept         |
| 36.11         | Kāinga Ora     | Oppose with amendment      | SUB-P4         | <p>Amend SUB-P4 as follows:</p> <p>In all zones, avoid subdivision that creates <u>vacant</u> allotments that are <u>unable</u> to contain a permitted household unit.</p> <p><del>in the following situations:-</del></p> <p><del>1. In townships, minor residential units are ancillary to the principal dwelling and provide an opportunity for the economic and social benefit of the property owner. Subdivision of minor residential units where the minimum allotment size for the zone cannot be achieved should be avoided in order to retain the built character and scale that is consistent with the surrounding residential environment; and</del></p> <p><del>2. Papakāinga and tiny house developments are provided as part of a range of innovative housing choices offered by this plan. Subdivision of individual tiny houses or papakāinga units where the minimum allotment size cannot be achieved should be avoided to prevent compromising the character and amenity values of the underlying zone</del></p> <p>And</p> <p>Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.</p> | Reject         |
| FS23.149      | Te Nehenehenui | Oppose                     |                | Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for  | Accept         |
| 17.72         | Waka Kotahi    | Support in part            | SUB-P7         | <p>Amend SUB-P7 as follows:</p> <p>Subdivision must be appropriately serviced by:</p> <p>1. Ensuring integration with existing and planned infrastructure <u>with sufficient capacity</u> is provided for and sequenced at the design stage of any subdivision; and</p> <p>...</p>   | Accept         |



| Submission no | Submitter              | Support / in part / oppose | Plan provision | Relief sought   | Recommendation |
|---------------|------------------------|----------------------------|----------------|---|----------------|
| 25.23         | TLC                    | Support with amendment     | SUB-P7         | <b>Add a definition for 'Infrastructure'</b> in Chapter 9.<br>Or<br>Amend SUB-P7 to explicitly provide for non-Council owned infrastructure (as well as <b>Council's three waters and</b> transportation infrastructure).   | Accept         |
| 04.18         | NZAAA                  | Support                    | SUB-P10        | Retain SUB-P10.   | Reject         |
| FS07.18       | Grant Lennox           | Support                    |                | Allowed   | Reject         |
| 12.18         | Heli A1 Limited        | Support                    | SUB-P10        | Retain SUB-P10.   | Reject         |
| FS13.40       | NZAAA                  | Support                    |                | Retain the policy as sought   | Reject         |
| FS15.21       | NZHA                   | Support                    |                | Retain the policy as sought   | Reject         |
| 14.11         | NZPIB                  | Support in full            | SUB-P10        | Change wording as follows: SUB P10:<br><br><del>2. Minimising – Protecting the use of highly productive land soils for activities other than primary production activities.</del>   | Accept in part |
| FS23.58       | Te Nehenehenui         | Oppose                     |                | Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto's Environmental Management Plan.<br><br>Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, the taiao and all taonga within TNN area of interest, TNN opposes and requests that Waitomo District Council consider this when finalising the review. | Accept in part |
| 23.08         | Balance Agri-Nutrients | Support                    | SUB-P10        | Retain as notified.   | Accept in part |
| 46.56         | Federated Farmers      | Support                    | SUB-P10        | Retain as notified.   | Accept in part |
| 18.19         | AWFG                   | Support                    | SUB-P10.3      | Retain as notified.   | Accept         |

| Submission no | Submitter         | Support / in part / oppose | Plan provision | Relief sought   | Recommendation |
|---------------|-------------------|----------------------------|----------------|---|----------------|
| 46.57         | Federated Farmers | Support                    | SUB-P11        | Retain as notified.   | Accept         |
| 10.106        | WRC               | Support with amendments    | SUB-P17        | Provide clarification regarding what ' <b>significant risk</b> ' means in the context of this policy.   | Reject         |
| 47.140        | Forest and Bird   | Support with amendment     | SUB-P18        | Amend SUB-P18 as follows:<br><br><u>Support encourage subdivision....</u><br>And<br>Any consequential changes or alternative relief to achieve the relief sought.                             | Reject         |
| 03.140        | NZHPT             | Support in part            | SUB-P21        | That Policies SUB-21 and SUB-P24 are retained, and the subheading " <b>Natural Systems</b> " is amended as follows:<br><br>" <b>Natural Systems</b> and " <u>Historic Heritage</u> "          | Accept         |
| FS05.15       | Federated Farmers | Oppose                     |                | Decline the relief sought   | Reject         |
| 38.75         | TTRMC             | Support                    | SUB-P21        | Retain as notified.   | Accept         |
| FS20.104      | Sheryl Paekau     | Support                    |                | I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land. | Accept         |
| 50.22         | Te Nehenehenui    | Support                    | SUB-P21.       | Retain the following provisions in the Subdivision chapter:<br>SUB- P1.10. SUB-P21. SUB-P26. SUB- P27. SUB-R1.11, 1.12, 1.13 SUB- R7.   | Accept         |
| FS20.220      | Sheryl Paekau     | Support                    |                | I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land | Accept         |
| 03.140        | NZHPT             | Support in part            | SUB-P24        | That Policies SUB-21 and SUB-P24 are retained, and the subheading " <b>Natural Systems</b> " is amended as follows:<br><br>" <b>Natural Systems</b> and " <u>Historic Heritage</u> "          | Accept         |
| FS05.15       | Federated Farmers | Oppose                     |                | Decline the relief sought   | Accept         |

| Submission no | Submitter         | Support / in part / oppose | Plan provision | Relief sought  | Recommendation |
|---------------|-------------------|----------------------------|----------------|--|----------------|
| 47.141        | Forest and Bird   | Support with amendment     | SUB-P24        | <p>Amend SUB-P24 as follows:</p> <p><del>Encourage</del> <u>Ensure</u> subdivision which permanently retains and protects scheduled sites and features and archaeological sites within one allotment.</p> <p>And</p> <p>Make further amendments to SUB-P24 or include a new policy to set direction for the assessment of subdivision sites against the significance criteria in Appendix 5 of the WRPS and to protect any SNAs so identified the same as for schedule 6 SNAs.</p> <p>And</p> <p>Include rules to implement this policy that:<br/> Subdivision includes an assessment demonstrating whether the significance criteria in Appendix 5 of the WRPS are met or not.<br/> The subdivision must ensure there is sufficient land area within each allotment for a building platform and access to this without affecting any significant natural area, scheduled or identified through the site assessment, in the allotment.</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p> | Reject         |
| FS05.110      | Federated Farmers | Oppose                     |                | Decline the relief sought  | Accept         |
| 18.20         | AWFG              | Seek amendment             | SUB-P25        | <p>Amend SUB-P25 as follows:</p> <p>Give effect to the Waikato River Vision and Strategy through the provision of a subdivision entitlement to create additional allotment(s) where riparian margins of water bodies in the Upper Waipa and <u>Awakino</u> catchments are permanently protected.</p>   | Reject         |

| Submission no | Submitter      | Support / in part / oppose | Plan provision | Relief sought   | Recommendation |
|---------------|----------------|----------------------------|----------------|---|----------------|
| 18.21         | AWFG           | Seek amendment             | SUB-P26        | Amend SUB-P26 as follows:<br><br>2. Achieves permanent protection of riparian margins in the Upper Waipa River <u>and Awakino River catchments</u> ; or<br><br>4. Acknowledges that where exceptional environmental gains are made, <u>or new public access is offered</u> , in the Upper Waipa River <u>and Awakino River catchments</u> or in significant natural areas in the coastal environment or karst overlay, <u>or to significant trout fisheries</u> , that benefit lots additional to those prescribed in the rule may be considered. | Accept         |
| 03.141        | NZHPT          | Support                    | SUB-P26        | Retain as notified.   | Accept in part |
| 38.76         | TTRMC          | Support                    | SUB-P26        | Retain as notified.   | Accept in part |
| FS20.105      | Sheryl Paekau  | Support                    |                | I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.   | Accept in part |
| 50.22         | Te Nehenehenui | Support                    | SUB-P26.       | Retain the following provisions in the Subdivision chapter: SUB- P1.10. SUB-P21. SUB-P26. SUB- P27. SUB-R1.11, 1.12, 1.13 SUB- R7.  | Accept in part |
| FS20.220      | Sheryl Paekau  | Support                    |                | I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land   | Accept in part |
| 38.77         | TTRMC          | Support                    | SUB.P27        | Retain as notified.   | Reject         |
| FS20.106      | Sheryl Paekau  | Support                    |                | I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.   | Reject         |

| Submission no | Submitter         | Support / in part / oppose | Plan provision   | Relief sought   | Recommendation |
|---------------|-------------------|----------------------------|------------------|---|----------------|
| 46.59         | Federated Farmers | Support with amendment     | SUB-P27          | Amend SUB-P27 as follows:<br><br>Unless specifically protecting a scheduled site or feature or archaeological site, <u>council will consider taking esplanade reserves or strips when subdivision of land adjoining water bodies and the coastline is proposed.</u>   | Accept         |
| FS23.233      | Te Nehenehenui    | Support in part            |                  | Support in part due to having regard for iwi and manawhenua cultural values where this may apply  | Accept         |
| 50.22         | Te Nehenehenui    | Support                    | SUB-P27.         | Retain the following provisions in the Subdivision chapter: SUB- P1.10. SUB-P21. SUB-P26. SUB- P27. SUB-R1.11, 1.12, 1.13 SUB- R7.  | Reject         |
| FS20.220      | Sheryl Paekau     | Support                    |                  | I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land   | Reject         |
| 18.22         | AWFG              | Support                    | SUB-P30          | Retain as notified.   | Accept         |
| 31.67         | Transpower        | Amend                      | Policies Sub-P31 | Delete reference to the National Grid from SUB-P31 as follows: Provide for the <del>National Grid electricity transmission network and the</del> gas transmission network by ensuring subdivision does not compromise its ongoing operation, maintenance and development.<br><br>And<br><br>Add a new National Grid specific subdivision policy as follows:<br><u>SUB-PX</u><br><u>Manage subdivision within the National Grid Subdivision Corridor to avoid subsequent land use activities from compromising the efficient operation, maintenance, upgrading and development of the National Grid, and avoid the potential for reverse sensitivity effects on the National Grid.</u><br><br>And<br><br>Any consequential amendments. | Accept         |
| 39.53         | Firstgas          | Support                    | SUB-P31          | Retain as notified.   | Accept         |

| Submission no | Submitter         | Support / in part / oppose | Plan provision  | Relief sought   | Recommendation |
|---------------|-------------------|----------------------------|---|---|----------------|
| 25.24         | TLC               | Support                    | SUB-P32   | Retain as notified.   | Accept         |
| 39.54         | Firstgas          | Support                    | SUB-P32   | Retain as notified.   | Accept         |
| 10.107        | WRC               | Support with amendments    | Matters of discretion for subdivision   | Amend matter of discretion (a) to: <b>"Whether</b> the resulting allotments are an efficient use of land in terms of their size, shape <del>and</del> configuration, <u>and productive capacity."</u>   | Reject         |
| FS09.01A      | Kainga Ora        | Oppose in part             |   | Allow with amendments   | Reject         |
| 31.69         | Transpower        | Oppose                     | SUB-R1  | Add a new rule SUB-RX for subdivision of land to create new allotment(s) within the National Grid Subdivision Corridor (see submission for specific wording of the new rule).<br><br>And<br><br>Any consequential amendments.   | Accept         |
| 03.148        | NZHPT             | Support                    | For SUB-R1.1 to R1.20, Subdivision to create allotments in all zones- the matters over which discretion is restricted | That the assessment criteria (c) are retained.  | Accept         |
| 17.73         | Waka Kotahi       | Support in part            | SUB-R1.1- SUB-R1.20   | Amend SUB-R1.1 to SUB-R1.20 as follows:<br><br>For SUB-R1.1 to R1.20, the matters over which discretion is restricted:<br>...<br><u>(n) Effects on the safety and efficiency of the transport network.</u>  | Reject         |
| 46.58         | Federated Farmers | Support                    | Table 1   | Retain SUB Table 1 in respect of:<br><ul style="list-style-type: none"><li>• The restricted discretionary activity status for subdivision in the general rural and rural production zones;</li><li>• The retention of no requirements for minimum or maximum net site areas;</li><li>• the retention of the default activity status of discretionary for subdivision in the general rural and rural production zones;</li></ul> And<br>Any consequential amendments required as a result of the | Accept         |

| Submission no | Submitter      | Support / in part / oppose     | Plan provision   | Relief sought   | Recommendation |
|---------------|----------------|--------------------------------|--|---|----------------|
|               |                |                                |  | relief sought.  |                |
| 18.24         | AWFG           | Seek amendment                 | SUB – Table 1: Activities Rules: SUB R1.1-1.20 & SUB - Table 2     | Amend SUB-R1.1-1.20 as follows:<br><br>matters over which discretion is <b>restricted...</b> (h) Reverse sensitivity effects including <u>the adequacy of separation distances between building platforms and established rural-based activities (such as game bird hunting).</u>   | Reject         |
| FS19.108      | PF Olsen       | Support                        |  | Allow submission points   | Reject         |
| 31.68         | Transpower     | Support                        | SUB-R1.1 to R1.20, the matters over which discretion is restricted | Retain SUB-R1.1 to SUB-R1.20.<br><br>Or<br><br>Add additional criteria to rule SUB-R1.1 to R1.20 to address the matters within SUB-PX, should cross reference to SUB-PX not be provided within the National Grid specific rule SUB-RX (sought below in submission point 31.69).<br><br>And<br><br>Any consequential amendments. | Accept         |
| 50.22         | Te Nehenehenui | Support                        | SUB-R1.11, 1.12, 1.13.   | Retain the following provisions in the Subdivision chapter: SUB- P1.10. SUB-P21. SUB-P26. SUB- P27. SUB-R1.11, 1.12, 1.13 SUB- R7.  | Accept         |
| FS20.220      | Sheryl Paekau  | Support                        |  | I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land   | Accept         |
| 14.12         | NZPIB          | Support in part/oppose in part | SUB-R1   | Amend minimum lot size to 40ha.<br>Amend matters of discretion:<br><br><u>Reverse sensitivity effects on lawfully established and permitted primary production activities.</u>  | Reject         |

| Submission no | Submitter      | Support / in part / oppose | Plan provision                                    | Relief sought   | Recommendation |
|---------------|----------------|----------------------------|---|---|----------------|
| 36.12         | Kāinga Ora     | Oppose with amendment      | SUB-R1<br>Residential, settlement & tourism zones | <p>Amend SUB-R1 as follows:</p> <p><del>Restricted Discretionary Controlled</del> Where:</p> <p>All of the performance standards in SUB - Table 2 are complied with; and</p> <p>The site is serviced by wastewater reticulation, every allotment including the balance allotment must have a minimum <u>vacant</u> net site area of 450300m<sup>2</sup> <del>and must not have a maximum net site area greater than 2000 m<sup>2</sup></del>; and</p> <p>The site is un-serviced by wastewater reticulation, every allotment including the balance allotment, must have a minimum <u>vacant</u> net site area of 2500 m<sup>2</sup> <del>and must not have a maximum net site area greater than 5000 m<sup>2</sup></del></p> <p><u>Restricted</u> Discretionary: where compliance is not achieved.</p> <p>And</p> <p>Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.</p> | Reject         |
| FS23.150      | Te Nehenehenui | Oppose                     |   | <p>Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for</p>  | Accept         |
| 36.13         | Kāinga Ora     | Oppose with amendment      | SUB-R1<br>All other zones                         | <p>Amend SUB-R1 as follows:</p> <p><del>Restricted Discretionary Controlled</del></p> <p>...</p> <p><u>Restricted</u> Discretionary: where compliance is not achieved.</p> <p>And</p> <p>Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.</p>   | Reject         |
| FS16.40       | NZHPT          | Oppose                     |   | That the submission point be declined   | Accept         |
| FS23.151      | Te Nehenehenui | Oppose                     |   | Te Nehenehenui have stated support for other submitters submission points that  | Accept         |



| Submission no | Submitter         | Support / in part / oppose | Plan provision                                     | Relief sought   | Recommendation |
|---------------|-------------------|----------------------------|--|---|----------------|
|               |                   |                            |  | may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for  |                |
| 38.78         | TTRMC             | Support                    | SUB-R1 points 11 to 13.                            | Retain SUB-R1, clauses 11 to 13 as notified.  | Accept         |
| FS20.107      | Sheryl Paekau     | Support                    |  | I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.   | Accept         |
| 39.55         | Firstgas          | Support                    | SUB-R1   | Retain as notified.   | Accept         |
| 47.142        | Forest and Bird   | Support with amendment     | SUB-R1   | <p>Add to each of these 'zone' sections in SUB-R1: Residential, settlement &amp; tourism zones; Rural lifestyle zone; Future urban &amp; general rural zone; Māori purpose zone; Industrial, rural production, open space &amp; natural open space zones a rule to read:</p> <p><u>Ensure any significant natural area, scheduled or identified through the site assessment, is in one allotment.</u></p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p> | Reject         |
| FS05.111      | Federated Farmers | Oppose                     |  | Decline the relief sought   | Accept         |
| 47.143        | Forest and Bird   | Support with amendment     | SUB-R1 Matters over which discretion is restricted | <p>Amend SUB-R1(c) as follows:</p> <p>(c) <u>Effects on any scheduled site or feature, archaeological site, water body, or area of indigenous vegetation, significant habitat of indigenous fauna, or significant natural area identified through the site assessment;</u></p> <p>Add</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>  | Reject         |

| Submission no | Submitter         | Support / in part / oppose | Plan provision                 | Relief sought  | Recommendation |
|---------------|-------------------|----------------------------|--------------------------------|--|----------------|
| FS05.112      | Federated Farmers | Oppose                     |                                | Decline the relief sought  | Accept         |
| 03.142        | NZHPT             | Support                    | SUB-R2                         | That the assessment criteria (c) are retained.   | Accept         |
| 14.13         | NZPIB             | Support in full            | SUB-R2                         | Retain as notified.  | Accept         |
| 36.14         | Kāinga Ora        | Oppose with amendment      | SUB-R2<br>Boundary adjustments | <p>Amend SUB-R2 as follows:</p> <p><del>Restricted Discretionary Controlled:</del></p> <p>...</p> <p><u>Restricted</u> Discretionary: where compliance is not achieved.</p> <p>And</p> <p>Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.</p>     | Reject         |
| FS16.41       | NZHPT             | Oppose                     |                                | That the submission point be declined  | Accept         |
| 39.56         | Firstgas          | Support                    | SUB-R2                         | Retain SUB-R2 as notified.   | Accept         |
| 47.144        | Forest and Bird   | Support with amendment     | SUB-R2                         | <p>Add to SUB-R2 a new clause as follows:</p> <p><u>4. The boundary adjustment must ensure any significant natural area, scheduled or identified through the site assessment, is in one allotment.</u></p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p> | Reject         |
| FS05.113      | Federated Farmers | Oppose                     |                                | Decline the relief sought  | Accept         |

| Submission no | Submitter         | Support / in part / oppose | Plan provision                                     | Relief sought  | Recommendation |
|---------------|-------------------|----------------------------|--|--|----------------|
| 47.145        | Forest and Bird   | Support with amendment     | SUB-R2 matters over which discretion is restricted | Amend SUB-R2(c) as follows:<br><br>c) <u>Effects on any scheduled site or feature, archaeological site, water body, or area of indigenous vegetation, significant habitat of indigenous fauna, or significant natural area identified through the site assessment;</u><br><br>And<br><br>Any consequential changes or alternative relief to achieve the relief sought. | Reject         |
| FS05.114      | Federated Farmers | Oppose                     |  | Decline the relief sought  | Accept         |
| 03.143        | NZHPT             | Support                    | SUB-R3   | That SUB-R3, the activity status, rule and assessment criteria are retained.   | Accept         |
| 46.60         | Federated Farmers | Oppose with amendment      | SUB-R3   | <b>Delete SUB-R3 matters over which discretion is restricted (g) and amend SUB-R3 matters over which discretion is restricted (f) as follows: The resulting legal and physical access to allotments affected by the subdivision, <u>including vehicle access point(s) location and formation.</u></b>  | Reject         |
| 47.146        | Forest and Bird   | Support with amendment     | SUB-R3   | Amend SUB-R3 as follows:<br>1. (v) A significant natural area listed in SCHED6, <u>or significant natural area identified through a site assessment;</u><br>or<br><br>And<br><br>Any consequential changes or alternative relief to achieve the relief sought.   | Reject         |
| FS05.115      | Federated Farmers | Oppose                     |  | Decline the relief sought  | Accept         |
| 03.144        | NZHPT             | Support                    | SUB-R4   | That the assessment criteria (d) are retained.   | Accept         |
| 39.57         | Firstgas          | Support                    | SUB-R4   | Retain as notified.  | Accept         |
| 47.147        | Forest and Bird   | Support with amendment     | SUB-R4 matters over which discretion is restricted | Amend SUB-R4(c) as follows:<br><br>(c) <u>Effects on any scheduled site or feature, archaeological</u>   | Reject         |

| Submission no | Submitter         | Support / in part / oppose | Plan provision   | Relief sought   | Recommendation |
|---------------|-------------------|----------------------------|--|---|----------------|
|               |                   |                            |  | <p><del>site, water body, or</del> area of indigenous vegetation, significant habitat of indigenous fauna, or <u>significant natural area identified through the site assessment</u>;</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>                         |                |
| FS05.116      | Federated Farmers | Oppose                     |  | Decline the relief sought   | Accept         |
| 36.15         | Kāinga Ora        | Oppose with amendment      | <p>SUB-R5</p> <p>To convert (cross lease) leasehold estate to create freehold estate</p> | <p>Amend SUB-R5 as follows:</p> <p><del>Restricted Discretionary</del></p> <p><u>Controlled</u>:</p> <p>...</p> <p><del>Restricted</del> Discretionary: where compliance is not achieved. And</p> <p>Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.</p> | Reject         |
| FS23.152      | Te Nehenehenui    | Oppose                     |  | Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for                                 | Accept         |
| 36.16         | Kāinga Ora        | Oppose with amendment      | <p>SUB-R6</p> <p>To amend cross leases or unit titles</p>                                | <p>Amend SUB-R6 as follows:</p> <p><del>Restricted Discretionary</del></p> <p><u>Controlled</u></p> <p>...</p> <p>Restricted Discretionary where compliance is not achieved. And</p> <p>Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.</p>              | Reject         |
| FS23.153      | Te Nehenehenui    | Oppose                     |  | Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for                                 | Accept         |

| Submission no | Submitter         | Support / in part / oppose | Plan provision                                     | Relief sought  | Recommendation |
|---------------|-------------------|----------------------------|--|--|----------------|
| 50.22         | Te Nehenehenui    | Support                    | SUB-R7.  | Retain the following provisions in the Subdivision chapter: SUB- P1.10. SUB-P21. SUB-P26. SUB- P27. SUB-R1.11, 1.12, 1.13 SUB- R7.   | Accept in part |
| FS20.220      | Sheryl Paekau     | Support                    |  | I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land  | Accept in part |
| 03.145        | NZHPT             | Support                    | SUB-R7   | That SUB-R7-matters of discretion;<br>(c) Effects on any scheduled site or feature, archaeological site, water body or area of indigenous vegetation; is retained.   | Accept         |
| FS05.16       | Federated Farmers | Oppose                     |  | Decline the relief sought  | Reject         |
| 18.23         | AWFG              | Seek amendment             | SUB-R7   | Amend SUB-R7 as follows:<br><br>Fencing of water bodies in the Upper Waipa <u>and Awakino</u> catchments. The property is located in the Upper Waipa River <u>or Awakino River</u> catchment as identified on the planning maps; and   | Accept         |
| 38.79         | TTRMC             | Support                    | SUB-R7   | Retain SUB-R7 as notified.   | Accept in part |
| FS20.108      | Sheryl Paekau     | Support                    |  | I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.  | Accept in part |
| 47.148        | Forest and Bird   | Support with amendment     | SUB-R7 matters over which discretion is restricted | Amend SUB-R7(c) as follows:<br><br>(c) <u>Effects on any scheduled site or feature, archaeological site, water body, or area of indigenous vegetation</u> , significant habitat of indigenous fauna, <u>or significant natural area identified through the site assessment</u> ;<br><br>And<br><br>Any consequential changes or alternative relief to achieve the relief sought. | Reject         |
| FS05.117      | Federated Farmers | Oppose                     |  | Decline the relief sought  | Accept         |
| 39.58         | Firstgas          | Support                    | SUB-R7.1   | Retain as notified.  | Accept in part |

| Submission no | Submitter | Support / in part / oppose | Plan provision | Relief sought       | Recommendation |
|---------------|-----------|----------------------------|----------------|---------------------|----------------|
| 39.59         | Firstgas  | Support                    | SUB-R7.2       | Retain as notified. | Accept         |
| 39.60         | Firstgas  | Support                    | SUB-R7.3       | Retain as notified. | Accept         |
| 39.61         | Firstgas  | Support                    | SUB-R7.4       | Retain as notified. | Accept         |
| 39.62         | Firstgas  | Support                    | SUB-R7.5       | Retain as notified. | Accept         |
| 39.63         | Firstgas  | Support                    | SUB-R7.6       | Retain as notified. | Accept         |
| 39.64         | Firstgas  | Support                    | SUB-R7.7       | Retain as notified. | Accept         |
| 39.65         | Firstgas  | Support                    | SUB-R7.8       | Retain as notified. | Accept         |
| 39.66         | Firstgas  | Support                    | SUB-R7.9       | Retain as notified. | Accept         |
| 39.67         | Firstgas  | Support                    | SUB-R7.10      | Retain as notified. | Accept         |
| 39.68         | Firstgas  | Support                    | SUB-R7.11      | Retain as notified. | Accept         |
| 39.69         | Firstgas  | Support                    | SUB-R7.12      | Retain as notified. | Accept         |
| 39.70         | Firstgas  | Support                    | SUB-R7.13      | Retain as notified. | Accept         |
| 39.71         | Firstgas  | Support                    | SUB-R7.14      | Retain as notified. | Accept         |
| 39.72         | Firstgas  | Support                    | SUB-R7.15      | Retain as notified. | Accept         |
| 39.73         | Firstgas  | Support                    | SUB-R7.16      | Retain as notified. | Accept         |
| 39.74         | Firstgas  | Support                    | SUB-R7.17      | Retain as notified. | Accept         |

| Submission no | Submitter  | Support / in part / oppose | Plan provision   | Relief sought   | Recommendation |
|---------------|------------|----------------------------|--|---|----------------|
| 39.75         | Firstgas   | Support                    | SUB-R7.18  | Retain as notified.   | Accept         |
| 39.76         | Firstgas   | Support                    | SUB-R7.19  | Retain as notified.   | Accept         |
| 36.17         | Kāinga Ora | Oppose                     | SUB-R8<br><br>All zones  | Delete SUB-R8 – All zones.<br>And<br>Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.   | Reject         |
| 14.14         | NZPIB      | Support in part            | SUB-R9   | 3. In the general rural zone, the new allotment is created within 500 m of <del>the perimeter of the external walls of the closest building housing animals any hard stand areas, treatment systems, buildings housing animals and any other structures related to an intensive primary production activity; on an established site of intensive indoor primary production.</del>   | Accept in part |
| 31.70         | Transpower | Oppose                     | SUB-R10, Subdivision within the National Grid Subdivision Corridor or in the vicinity of the gas transmission network<br>– All zones | Delete reference to the National Grid from SUB-R10 as follows:<br>Subdivision <del>within the National Grid Subdivision Corridor or in the vicinity of the gas transmission network</del><br>Activity status: DIS<br><br>Where:<br>1. The subdivision occurs on an allotment which:<br><del>(i) Cannot demonstrate that all resulting allotments are capable of accommodating a building platform for any building(s), which is located wholly outside the National Grid Yard; and/or</del><br>(ii) Cannot demonstrate that all <b>resulting .....</b><br><br>And<br><br>Add a new rule SUB-RX as outlined in the submission point 31.69.<br>And<br>Any consequential amendments. | Accept         |

| Submission no | Submitter         | Support / in part / oppose | Plan provision | Relief sought   | Recommendation |
|---------------|-------------------|----------------------------|----------------|---|----------------|
| 36.18         | Kāinga Ora        | Oppose with amendment      | SUB-R10        | Amend SUB-R10 as follows:<br>Activity Status <u>Restricted</u> Discretionary<br>And<br>Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.   | Accept in part |
| 39.77         | Firstgas          | Support                    | SUB-R10        | Retain as notified.   | Accept         |
| 03.146        | NZHPT             | Support                    | SUB-R11        | Retain as notified.   | Accept         |
| 47.149        | Forest and Bird   | Support with amendment     | SUB-R11        | Amend SUB-R11 to make this a Non-Complying activity status.<br>And<br>Any consequential changes or alternative relief to achieve the relief sought.   | Reject         |
| FS05.118      | Federated Farmers | Oppose                     |                | Decline the relief sought   | Accept         |
| 36.19         | Kāinga Ora        | Oppose with amendment      | SUB-R13        | Amend SUB-R13 as follows:<br>Activity Status <u>Restricted</u> Discretionary.<br>And<br>Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.  | Reject         |
| 36.20         | Kāinga Ora        | Oppose with amendment      | SUB-R14        | Amend SUB-R14 as follows:<br>Activity Status- <u>Restricted</u> Discretionary.<br>And<br>Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought. | Reject         |
| 36.21         | Kāinga Ora        | Oppose with amendment      | SUB-R15        | Amend SUB-R15 as follows:<br>Activity Status- <u>Restricted</u> Discretionary.<br>And<br>Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought. | Reject         |



| Submission no | Submitter  | Support / in part / oppose | Plan provision                      | Relief sought   | Recommendation |
|---------------|--|----------------------------|-------------------------------------|---|----------------|
| 36.22         | Kāinga Ora   | Oppose                     | SUB-R16                             | Delete SUB-R16.<br>And<br>Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.  | Reject         |
| 14.15         | NZPIB  | Support in part            | SUB-Table 2 – Performance Standards | Amend numbering of standards in SUB Table 2 to clearly differentiate between standards and rules.   | Accept         |
| 09.29         | Chorus New Zealand Limited,<br>Connexa Limited,<br>Spark<br>New Zealand Trading Limited<br>and<br>Vodafone New Zealand Limited | Oppose in part             | SUB-R18                             | <p><b>Amend SUB-R18 as follows: ....</b></p> <p><b><u>4. Except in the Te Maika precinct (PREC7), Every allotment in Residential, settlement, tourism, rural lifestyle, commercial and industrial zones and the Te Kuiti CBD precinct must have provision for telephone and/or ethernet connections to an open access fibre network.</u></b></p> <p><b><u>5. For every allotment in the Future Urban, Rural Production, Tourism, Open Space and General Rural zones the applicant must provide written confirmation from a telecommunication network operator confirming that a telecommunications connection (fibre, mobile or wireless including satellite) can be provided to all new allotments and describing how this can be achieved.</u></b></p> <p><b><u>6. In all zones except the Te Maika precinct (PREC7), at the time of subdivision, sufficient land for telecommunications, and any associated ancillary services must be set aside. For a subdivision that creates more than 15 lots, consultation with telecommunications network utility operators will be required.</u></b></p> <p><b><u>7. All necessary easements for the protection of telecommunication network utility services must be duly granted and reserved.</u></b></p> | Accept in part |
| FS23.51       | Te Nehenehenui   | Oppose                     |                                     | <p>Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – <b>Maniapoto’s Environmental Management Plan.</b></p> <p>Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, the taiao and all taonga within TNN area of interest, TNN opposes and requests that Waitomo District Council consider this when finalising the review.</p>   | Accept in part |

| Submission no | Submitter  | Support / in part / oppose | Plan provision                                   | Relief sought   | Recommendation |
|---------------|------------|----------------------------|--|---|----------------|
| 36.23         | Kāinga Ora | Oppose                     | SUB-R18  | Delete SUB-R18.<br>And<br>Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.  | Reject         |
| 25.25         | TLC        | Support with amendment     | SUB-R18(3)                                       | Amend SUB-R18(3) as follows:<br>3. Except in the Te Maika precinct (PREC7), every <u>new</u> allotment must have <del>provision for</del> electricity connections <u>in place to the boundary of the allotment prior to the Record of Title being issued</u> ; and<br><br>Or wording to similar effect. | Reject         |
| 14.16         | NZPIB      | Support in full            | SUB-R19  | Retain as notified.   | Accept         |
| 10.108        | WRC        | Support with amendments    | SUB-R20  | Include an advice note that directs plan users to the Waikato Regional Council ' <b>Waikato</b> Stormwater Management Guideline'.   | Accept         |
| 16.23         | FENZ       | Support                    | SUB – Table 2 - Performance Standards<br>SUB-R20 | Retain as notified.   | Accept         |
| 16.24         | FENZ       | Support                    | SUB-R21  | Retain as notified.   | Accept         |
| 03.147        | NZHPT      | Support                    | SUB-R25  | Retain as notified.   | Accept         |

## 7. Appendix 2 – Decisions Version of the Chapter

## Overview

Subdivision is the process of dividing an allotment or building into one or more additional allotments or units or changing an existing boundary location. **Māori land is generally exempt from the subdivision provisions of the Act and is administered through the Māori Land Court.** For general land, the way an allotment is subdivided, including its size and shape, determines the quality and character of development. It can also impact adjacent sites and the future use of the land by introducing long-term development patterns that cannot be easily changed.

A key issue for the district is to maintain the overall productive capacity of the rural land resource while ensuring that population growth and associated built development is managed in a way that supports rural communities and results in efficient and high-amenity urban areas. A co-ordinated approach to development is necessary to support local infrastructure, services and other facilities, while at the same time minimising adverse effects on productive rural activities.

This chapter requires that subdivision is planned, designed and integrated with existing land use and development. Any potential subdivision must also address the suitability of the site for its intended use. This requires taking into account natural hazards including land stability and flooding, climate change, servicing requirements, location of existing infrastructure and the need for a sustainable design and layout. Subdivision of land within some overlays are subject to additional subdivision standards.

The positive benefits arising from integrated, well-planned subdivision and subsequent development in townships include co-ordination with infrastructure provision, minimal impacts on the natural environment, contribution to a sense of place, good connectivity to surrounding neighbourhoods and improved community safety. In rural locations, this plan seeks to ensure that subdivision and subsequent development supports rural productivity, character and landscape values, and retains productive soils.

Commercial and industrial activities should be of a size and function that does not compromise the vitality and viability of the primary commercial centres and industrial areas. To achieve this, the plan takes a 'centres-based' approach to retail, commercial and industrial activities as outlined in the Waikato Regional Policy Statement. In the future urban zones, certain types of subdivision are constrained by the provisions of this chapter in order to ensure comprehensive and integrated development.

Inappropriate subdivision and development of land can adversely affect the efficient provision and use of existing and planned sub-regional and regional infrastructure and services, due to unanticipated demands and reverse sensitivity issues. Enabling growth without sufficient provision for suitably planned utilities and transport networks can also lead to a range of undesirable outcomes for communities which should be avoided wherever possible.

Inappropriate subdivision in the coastal environment can also reduce natural character and opportunities for public access, contribute to a decline in ecosystems through vegetation

clearance and introduction of plant and animal pests, and introduce development impacts which reduce water quality and increase sedimentation, particularly in estuaries. In line with the NZCPS, this plan does not preclude subdivision and the resulting development in appropriate places, forms, and within appropriate limits, in order to protect the values of the coastal environment.

Benefit lots are provided for in this chapter to encourage a range of positive environmental and social outcomes. These include permanent protection of riparian margins in the Upper Waipa River catchment, permanent protection of significant natural areas in the coastal environment and in the karst overlay. Significant natural areas in the coastal environment are provided for because of their high ecological values, contribution to species diversity, current fragmentation and the increased risk of development. Permanent protection of areas in the karst overlay enables regeneration of indigenous forest cover which slows down percolation rates. High rainfall on pasture or bare land where there is underlying karst can adversely affect the hydrological, ecological and geomorphological structure of these systems. There are also a number of **Māori** freehold land parcels in the district which do not have legal access to a formed or unformed road. Benefit lots are offered where a landowner creates permanent legal and physical access to landlocked **Māori** freehold land or urupā. This plan also makes specific provision for subdivision of land exclusively for the protection of scheduled sites and features.

The Act additionally requires this plan to manage significant risks from natural hazards. This means that subdivision and subsequent development or redevelopment should be avoided where it would increase the risk of social, environmental and economic harm from natural hazards. The Waikato Regional Policy Statement further requires this plan to control subdivision to avoid creating demand for new structures within High Risk Flood Zones, primary hazard zones and within areas at high risk of coastal hazards. Subdivision and development within these areas must also not create or exacerbate natural hazard risks elsewhere. Accordingly, this plan identifies areas at risk or susceptibility to natural hazards and as necessary, directs development, including the location of infrastructure, away from these areas.

## Objectives

*Refer also to the relevant objectives in Part 2 District - Wide Matters*

- SUB-O1. Subdivision is designed so that it is efficient in layout, maintains public safety and is connected and integrated into the existing transport network.
- SUB-O2. Subdivision results in development which delivers good quality, affordable community environments that positively contribute to the local sense of place and is compatible with the role, function, amenity and predominant character of each zone.
- SUB-O3. Subdivision is serviced by infrastructure that has been planned, sequenced and provided for in an integrated manner and has sufficient capacity for the proposed development of the site.
- SUB-O4. Subdivision protects or enhances overlays, scheduled sites and features and results in development that respects the physical, cultural, historical and natural context of the site. Some subdivision proposals may not be possible if the identified values cannot be appropriately protected.

- SUB-O5. Encourage subdivision which contributes to creating sustainable communities and enhances the key elements of character and amenity identified in the town concept plans.
- SUB-O6. Ensure adequate assessment of the natural hazard risk is undertaken prior to the establishment of new subdivision and development. Subdivision of some sites may not be possible if the natural hazard risk cannot be appropriately managed.
- SUB-O7. Ensure that the overall primary productive potential of the rural land resource is retained to support the use of the general rural zone as a productive working environment.
- SUB-O8. Ensure that the Waikato River Vision and Strategy is given effect to by all development and subdivision.
- SUB-O9. Ensure that esplanade reserves, esplanade strips and reserves, and other forms of legal enduring access are created through subdivision where these contribute to the maintenance, enhancement and protection of ecological, amenity, public access, recreational and hazard management values.
- SUB-O10. Subdivision is designed to avoid or mitigate any adverse effects on the operation, maintenance and access to established network utilities and regionally significant infrastructure.
- SUB-O11. Ensure new allotments created close to the boundary of a rural production zone, indicative rural production area or an established site of intensive indoor primary production identify a building platform(s) in a location which minimises reverse sensitivity effects.

## Policies

*Refer also to the relevant policies in Part 2 District - Wide Matters*

### General Subdivision Policy

- SUB-P1. Ensure safe, connected and accessible residential neighbourhoods are created and maintained by supporting subdivision that:
1. Provides a roading pattern which offers good connectivity to the site(s) and integrates with adjacent neighbourhoods and future urban zones; and
  2. Limits cul-de-sacs wherever possible, unless site and topographical constraints inhibit road connections; and
  3. Provides for the design, location, alignment, and dimensions of new roads and accessways that ensure safe vehicle, pedestrian and cycling access and manoeuvring can be provided to every allotment; and
  4. Provides connections to public transport where this is available; and
  5. Maximises accessibility and connectivity with surrounding neighbourhoods, to nearby shops, educational facilities, employment, open spaces and other activities through walkways and cycleways; and
  6. Incorporates physical site characteristics, constraints and opportunities into subdivision design; and

7. Aligns streets and open spaces to focus on significant views or landmarks; and
8. Creates connecting pedestrian walkways which have a clear line of sight; and
9. **Incorporates mātauranga Māori principles into the design of the subdivision; and**
10. **Provides opportunities for mana whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened; and**
11. Encourages landscaping design and the planting of new vegetation.

SUB-P2. Promote urban consolidation throughout the district and avoid subdivision which creates ribbon and residential cluster development in the coastal environment.

SUB-P3. Discourage subdivision that would:

1. Compromise the function, safety or efficiency of the land transport network; and/or
2. Result in poorly designed, located or constructed vehicle access points; and/or
3. Fail to integrate with and acknowledge the constraints and opportunities of the site and surrounding area; and/or
4. Result in reverse sensitivity effects on adjacent sites, adjacent activities or the wider receiving environment; and/or
5. Result in reverse sensitivity effects which compromise the operation or expansion of regionally significant industries or regionally significant mineral resources; and/or
6. Allow the proliferation of residential rear allotments in the residential or settlement zones; and/or
7. Create allotment configurations for residential development which fail to maintain and enhance the character and amenity of the residential zone; and/or
8. Compromise the efficient provision of established network utilities and regionally significant infrastructure; and/or
9. Constrain the operation of established intensive indoor primary production activities; and/or
10. Increase the flow of stormwater runoff onto adjoining properties or flood plains, or reduce storage capacity on-site.

SUB-P4. In all zones, avoid subdivision that creates allotments in the following situations:

1. In townships, minor residential units are ancillary to the principal dwelling and provide an opportunity for the economic and social benefit of the property owner. Subdivision of minor residential units where the minimum allotment size for the zone cannot be achieved should be avoided in order to retain the built character and scale that is consistent with the surrounding residential environment; and
2. Papakāinga and tiny house developments are provided as part of a range of innovative housing choices offered by this plan. Subdivision of individual tiny houses or papakāinga units where the minimum

allotment size cannot be achieved should be avoided to prevent compromising the character and amenity values of the underlying zone.

SUB-P5. Ensure that where a maximum allotment size is specified, that it is achieved in order to provide a development yield to support infrastructure provision and efficient land use, unless;

1. There are proven geotechnical constraints which make this requirement impractical; or
2. The subdivision is providing for papakāinga, compact or cohousing developments which require additional space to accommodate multiple dwellings.

SUB-P6. Subdivision must not compromise the provision of infrastructure and services or the function of adjacent zones, particularly in the future urban zone.

SUB-P7. Subdivision must be appropriately serviced by:

1. Ensuring there is sufficient capacity, and integration with existing and planned infrastructure is provided for and sequenced at the design stage of any subdivision; and
2. Ensuring the appropriate infrastructure for the subsequent use of the land is in place at the time of subdivision or development; and
3. **Where appropriate, requiring connections to Council's reticulated systems in urban areas; or**
4. Where reticulated systems are not available, requiring appropriate on-site infrastructure to be provided at the time of subdivision, including providing sufficient space for on-site stormwater disposal; and
5. Providing for innovative, sustainable servicing solutions that protect the environmental values of the Te Maika precinct (PREC7).

SUB-P8. Where subdivision results in an increased number of allotments being **accessed by an existing accessway, ensure that the accessway's capacity** and the likely effect on users and their safety is properly managed.

#### Zone Subdivision Policy

SUB-P9. Encourage residential subdivision in the residential zone and the Te Kūiti commercial zone that:

1. Complements residential density, patterns of development and housing types that are suitable or anticipated for the zone; and
2. Provides allotment sizes and shapes that support the anticipated range of housing types and sizes; and
3. Allows on-site residential amenity and privacy including sufficient sunlight to living and outdoor spaces; and
4. **Avoids the use of ground floor space in Te Kūiti CBD precinct (PREC5) for residential activities.**



- SUB-P10. Ensure subdivision does not compromise the predominant function, character and amenity of the general rural zone by:
1. Maintaining the overall productivity of the rural land resource and protecting the integral values of the zone as a working, productive rural environment; and
  2. Protecting the use of highly productive land for land-based primary production, intensive indoor primary production or greenhouse activities; and
  3. Minimising the potential for subdivision which would result in reverse sensitivity effects on adjacent rural activities or activities in the rural production zone; and
  4. Avoiding de facto rural settlements such as ribbon or residential cluster development in the coastal environment; and
  5. Avoiding subdivision of highly productive land for commercial and industrial purposes; and
  6. Avoiding subdivision which gives rise to potential demand for the uneconomical and unplanned expansion of infrastructure services or the upgrade of existing infrastructure.
- SUB-P11. Ensure that subdivision in the general rural zone maintains or enhances the attributes that contribute to rural character and amenity values, including:
1. Encouraging development to locate away from headlands, ridgelines, prominent natural features and landforms; and
  2. Providing a low density and scale of development; and
  3. Providing for the continued and efficient operation of rural activities and productive working landscapes.
- SUB-P12. Subdivision in the future urban zone:
1. Must not occur at allotment sizes smaller than provided for in the general rural zone unless a structure plan for the comprehensive and integrated development of the zone has been approved by Waitomo District Council and incorporated into the district plan or approved by way of a resource consent; and
  2. Must not result in the fragmentation of sites that would compromise integrated future development; and
  3. Must enable a roading pattern which ensures connectivity to the land transport network and to land in adjacent zones as appropriate; and
  4. Should create allotments that are sited in general accordance with the indicative road transport network.
- SUB-P13. In **Te Kūiti CBD precinct (PREC5)**, minimise subdivision which enables the proliferation of vehicle crossings that restrict the ability of pedestrians to move safely and efficiently along the street.
- SUB-P14. In the commercial, tourism and industrial zones, enable subdivision that supports the operation, maintenance or enhancement of activities appropriate in those zones, having regard to the opportunities and strategies identified in the town concept plans.
- SUB-P15. To achieve the character and amenity outcomes for the rural lifestyle zone,

the allotment sizes/density levels prescribed in this chapter are the final development form and not a precursor to further intensified urban format residential development.

SUB-P16. In limited circumstances, allow subdivision in the residential, settlement, rural lifestyle and tourism zones that does not comply with the minimum allotment standards when:

1. In the tourism and settlement zones, the allotment size and configuration is appropriate for development anticipated in the zone; or
2. In the residential and rural lifestyle zones, the subdivision design maintains residential character and amenity; and
3. It can be demonstrated that the proposed subdivision is consistent with the quality and types of development envisaged by the zone and relevant town concept plan; and
4. The proposed subdivision does not result in reverse sensitivity effects on adjacent activities.

#### Natural Hazards

SUB-P17. Manage significant risks from natural hazards by:

1. Restricting subdivision that creates new or exacerbates existing natural hazards including coastal hazards, erosion, subsidence, falling debris or flooding; and
2. Restricting subdivision that results in adverse effects on the stability of land and buildings; and
3. Restricting subdivision that does not provide safe, flood free, stable building platforms at the time of subdivision; and
4. Avoiding subdivision in areas that may be subject to the known effects of climate change, unless the development or subdivision design provides for the mitigation of the effects of climate change; and
5. Avoiding subdivision in a High Risk Flood Zone or within Coastal Erosion Hazard Area 1; and
6. On land that is potentially prone to liquefaction, before subdivision, require an assessment by a geo-professional that reflects the type and scale of the activity, its overall vulnerability to the effects of liquefaction and the appropriate mitigation measures needed to reduce risk to an acceptable level.

#### Natural Systems and Historical Heritage

SUB-P18. Encourage subdivision which recognises the value of natural systems by employing green infrastructure solutions designed to avoid, remedy or mitigate adverse effects on the environment.

SUB-P19. Encourage subdivision which retains pre-development hydrological conditions as far as practicable.

SUB-P20. Ensure that the location, layout and design of subdivision and subsequent development avoids adverse effects on indigenous vegetation, coastal margins and the riparian areas associated with water bodies.

- SUB-P21. Manage the actual and potential effects on overlays, scheduled sites and features and archaeological sites by ensuring the location, layout and design of subdivision including building platforms, earthworks, infrastructure and accessways, protect the identified values.
- SUB-P22. Protect the outstanding natural landscapes and areas of outstanding natural character identified in this plan by avoiding subdivision and development patterns that would lead to the inappropriate siting of buildings, associated infrastructure, or accessways.
- SUB-P23. Maintain and enhance the landscapes of high amenity value, areas of high/very high natural character and the coastal environment by ensuring subdivision and resulting development is not located on ridgelines or headlands.

#### Specific Subdivision Policy

- SUB-P24. Encourage subdivision which permanently retains and protects scheduled sites and features and archaeological sites within one allotment.
- SUB-P25. Give effect to the Waikato River Vision and Strategy through the provision of a subdivision entitlement to create additional allotment(s) where riparian margins of water bodies in the Upper Waipa catchment are permanently protected.
- SUB-P26. Enable subdivision in the general rural zone in identified circumstances where this:
1. Allows permanent legal and physical access to landlocked **Māori** freehold land or **urupā**; or
  2. Achieves permanent protection of riparian margins or new permanent public access in the Upper Waipa River catchment or Upper Awakino River catchment; or
  3. Achieves permanent protection of a significant natural area in the coastal environment or karst overlay; and
  4. Acknowledges that where exceptional environmental gains are made in the Upper Waipa River or Upper Awakino River catchments or in significant natural areas in the coastal environment or karst overlay, that benefit lots additional to those prescribed in the rule may be considered.
- SUB-P27. Unless specifically protecting a scheduled site or feature or archaeological site, Council will consider taking esplanade reserves or strips when subdivision of land adjoining water bodies or the coastline is proposed.
- SUB-P28. Ensure boundary adjustments do not create or increase any non-compliance with rules for new allotments in the zone in which the subdivision is taking place.
- SUB-P29. Ensure conversions/amendments of cross leases or creation/amendments of unit titles creates allotments that are usable and protects existing services through the establishment of easements.

- SUB-P30. Encourage the provision of reserves through the subdivision process, including opportunities to add land to existing reserves or land owned by Council, to enhance or provide for public recreation, connectivity, conservation and amenity needs.
- SUB-P31. Provide for the gas transmission network by ensuring subdivision does not compromise its ongoing operation, maintenance and development.
- SUB-P32. Manage the creation of allotments for the purposes of public works, network utilities or reserves to ensure that the allotment is a sufficient size to accommodate its required use.
- SUB-P33. Ensure the integrity of existing consent notices, bonds or other legal instruments by continuing to enforce historic restrictions that have been registered on record of titles.
- SUB-P34. Manage subdivision within the National Grid Subdivision Corridor to avoid subsequent land use activities from compromising the efficient operation, maintenance, upgrading and development of the National Grid, and avoid the potential for reverse sensitivity effects on the National Grid.

## Rules

The rules that apply to subdivision are contained in the tables listed below. To undertake any activity, it must comply with the rules listed in:

- SUB - Table 1 - Activities Rules; and
- SUB – Table 2 - Performance Standards; and
- Any relevant provision in Part 2 District-Wide Matters; and
- Any relevant provision in Part 3 Area Specific Matters.

Where an activity breaches more than one rule, the most restrictive status shall apply to the activity.

[Refer to Part 1 - How the Plan Works](#) for an explanation of how to use this plan, including activity status abbreviations.

Note: All resource consent applications for subdivision must provide the information required in [Appendix 1](#).

|   |  |
|---|--|
| SUB-R1.   | Subdivision to create allotments in all zones  |
| Residential, settlement & tourism zones                             | <p>Activity status: RDI S</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All of the performance standards in SUB - Table 2 are complied with; and</li> <li>The site is serviced by wastewater reticulation, every allotment including the balance allotment, must have a minimum net site area of 450 m<sup>2</sup> and must not have a maximum net site area greater than 2000 m<sup>2</sup>; and</li> <li>The site is un-serviced by wastewater reticulation, every allotment including the balance allotment, must have a minimum net site area of 2500 m<sup>2</sup> and must not have a maximum net site area greater than 5000 m<sup>2</sup>.</li> </ol> <p>Activity status where compliance is not achieved: DI S</p> |
| Rural lifestyle zone  | <p>Activity status: RDI S</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All of the performance standards in SUB - Table 2 are complied with; and</li> <li>Every allotment including the balance allotment, must have a minimum net site area of 2500 m<sup>2</sup>; and</li> <li>There are no maximum net site area requirements.</li> </ol> <p>Activity status where compliance is not achieved: DI S</p>  |
| Future urban & general rural zone (except aerodrome precinct PREC3) | <p>Activity status: RDI S</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All of the performance standards in SUB - Table 2 are complied with; and</li> <li>Every allotment must have a minimum net site area of 2 hectares; and</li> <li>There are no maximum net site area requirements; and</li> <li>The access for the new allotment must not be from a State Highway.</li> </ol> <p>Activity status where compliance is not achieved: DI S</p>   |
| <b>Māori</b> purpose zone   | <p>Activity status: RDI S</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All of the performance standards in SUB - Table 2 are complied with; and</li> <li>Subdivision is not for the purposes of a hapu partition under Te Ture Whenua Māori Act 1993; and</li> <li>There are no minimum or maximum net site area requirements.</li> </ol> <p>Activity status where compliance is not achieved: DI S</p>  |

|  |   |
|--|---|
| Te Kūiti commercial zone (except Te Kūiti CBD precinct PREC5)                      | <p>Activity status: RDI S</p> <p>Where:</p> <p>14. All of the performance standards in SUB - Table 2 are complied with; and</p> <p>15. Every allotment including the balance allotment, must have a minimum net site area of 300 m<sup>2</sup>; and</p> <p>16. There are no maximum net site area requirements.</p> <p>Activity status where compliance is not achieved: DI S</p> |
| Piopio commercial zone, Te Kūiti CBD precinct (PREC5) & aerodrome precinct (PREC3) | <p>Activity status: RDI S</p> <p>Where:</p> <p>17. All of the performance standards in SUB - Table 2 are complied with; and</p> <p>18. There are no minimum or maximum net site area requirements.</p> <p>Activity status where compliance is not achieved: DI S</p>  |
| Industrial, rural production, open space & natural open space zones                | <p>Activity status: RDI S</p> <p>Where:</p> <p>19. All of the performance standards in SUB - Table 2 are complied with; and</p> <p>20. There are no minimum or maximum net site area requirements.</p> <p>Activity status where compliance is not achieved: DI S</p>  |

For SUB-R1.1 to R1.20, the matters over which discretion is restricted:

- (a) Whether the resulting allotments are an efficient use of land in terms of their size, shape and configuration; and
- (b) The resulting legal and physical access to allotments affected by the subdivision; and
- (c) Effects on any scheduled site or feature, archaeological site, water body or area of indigenous vegetation; and
- (d) Impacts on the amenity values of adjacent sites, adjacent activities and the wider receiving environment; and
- (e) Site suitability (including liquefaction risk) and the potential for the subdivision and consequential development to create new or exacerbate existing natural hazards; and
- (f) Infrastructure provision; and
- (g) Effects on existing infrastructure including the provision of easements where required; and
- (h) Reverse sensitivity effects; and
- (i) Vehicle access point(s) location and formation; and
- (j) Whether the subdivision layout is accessible from and connected to surrounding neighbourhoods; and
- (k) Whether the subdivision results in a use of land that is compatible with predominant character and function of the zone; and
- (l) Use of green infrastructure methods for stormwater, drainage and earthworks and use of energy

- efficient and water conservation (low impact) design principles; and
- (m) Whether subdivision design and layout minimises earthworks and land disturbance, by designing building platforms that integrate into the natural landform.

|           |   |
|-----------|---|
| SUB-R2.   | <a href="#">Boundary adjustments</a>  |
| All zones | <p>Activity status: RDI S</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All of the performance standards in SUB - Table 2 are complied with; and</li> <li>2. The size of the resulting allotments complies with the requirements of SUB-R1; and</li> <li>3. The boundary adjustment must not limit or interfere with any existing allotment's access to a road.</li> </ol> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> <li>(a) Whether the resulting allotments are an efficient use of land in terms of their size, shape and configuration; and</li> <li>(b) The resulting legal and physical access to allotments affected by the boundary adjustment; and</li> <li>(c) Effects on any scheduled site or feature, archaeological site, water body or area of indigenous vegetation; and</li> <li>(d) Impacts on the amenity values of adjacent sites, adjacent activities and the wider receiving environment; and</li> <li>(e) Infrastructure provision and site suitability; and</li> <li>(f) Effects on existing infrastructure including the provision of easements where required; and</li> <li>(g) Reverse sensitivity effects; and</li> <li>(h) Vehicle access point(s) location and formation.</li> </ol> <p>Activity status where compliance is not achieved: DI S</p> |
| SUB-R3.   | <a href="#">Subdivision of land</a> exclusively for protection of <a href="#">scheduled sites and features</a>  |
| All zones | <p>Activity status: RDI S</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The subdivision is to create a separate record of title exclusively for the protection of: <ol style="list-style-type: none"> <li>(i) A heritage building or structure listed in <a href="#">SCHED1</a>; or</li> <li>(ii) A significant archaeological site listed in <a href="#">SCHED2</a>; or</li> <li>(iii) A site or area of significance to Māori listed in <a href="#">SCHED3</a>; or</li> <li>(iv) A site or area of significance to Māori - wāhi tapu site listed in <a href="#">SCHED4</a>; or</li> <li>(v) A significant natural area listed in <a href="#">SCHED6</a>; or</li> <li>(vi) An outstanding natural feature listed in <a href="#">SCHED8</a>; or</li> <li>(vii) Land protected under a QEII Covenant; or</li> </ol> </li> </ol>  |

|           |  |
|-----------|--|
|           | <p>(viii) An archaeological site listed in the NZAA site recording scheme;</p> <p>AND</p> <ol style="list-style-type: none"> <li>The scheduled site or feature is protected in perpetuity by a legal mechanism; and</li> <li>The size of the resulting allotments is not required to comply with the requirements of SUB-R1; and</li> <li>For a heritage building or structure listed in <a href="#">SCHED1</a>, the allotment must be provided with a formed vehicle access point to a road that is constructed to a permanent standard. See the <a href="#">transport chapter</a> for further requirements; and</li> <li>The subdivision is not required to comply with the performance standards in SUB - Table 2.</li> </ol> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> <li>The size, shape and configuration of the resulting allotments; and</li> <li>The extent to which the subdivision will ensure the protection of the scheduled site or feature; and</li> <li>Effects on existing infrastructure including the provision of easements where required; and</li> <li>Measures proposed to ensure the ongoing protection and maintenance of the scheduled site or feature; and</li> <li>Site suitability, infrastructure provision and provision of a suitable, hazard-free building platform on the balance lot; and</li> <li>The resulting legal and physical access to allotments affected by the subdivision; and</li> <li>Access including vehicle access point(s) location and formation.</li> </ol> <p>Activity status where compliance is not achieved: DIS</p> |
| SUB-R4.   | <p><a href="#">Subdivision</a> of <a href="#">land</a> for the purpose of public works, <a href="#">network utilities</a> or reserves</p>  |
| All zones | <p>Activity status: RDIS</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The subdivision does not limit or interfere with any existing allotment's access to a road; and</li> <li>The size of the resulting allotments is not required to comply with the requirements of SUB-R1; and</li> <li>The subdivision is not required to comply with the performance standards in SUB - Table 2.</li> </ol> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> <li>Whether the resulting allotments are an efficient use of land in terms of their size, shape and configuration for the purpose of public works, network utilities, or reserves; and</li> <li>The resulting legal and physical access to allotments affected by the subdivision; and</li> <li>Effects on existing infrastructure including the provision of easements where required; and</li> <li>Effects on any scheduled site or feature, archaeological site, water body or area of indigenous vegetation; and</li> <li>Impacts on the amenity values of adjacent sites, adjacent activities and the wider</li> </ol>   |



|           |   |
|-----------|---|
|           | <p>receiving environment; and</p> <p>(f) Site suitability, infrastructure provision and provision of a suitable, hazard-free building platform on the balance lot; and</p> <p>(g) Reverse sensitivity effects; and</p> <p>(h) Whether the effects from the activity will be contained within the proposed allotment; and</p> <p>(i) Vehicle access point(s) location and formation.</p> <p>(j) For reserves, the provision of suitable connectivity via walking and cycling access and the provision of adequate car parking.</p> <p>Activity status where compliance is not achieved: DI S</p>   |
| SUB-R5.   | <a href="#">Subdivision</a> to convert (cross lease) leasehold estate to create freehold estate   |
| All zones | <p>Activity status: RDI S</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The subdivision is to create a separate record of title(s) for existing allotment(s); and</li> <li>2. The proposed boundaries must align with those exclusive use area boundaries on the cross-lease plan, except where there are no exclusive use areas; and</li> <li>3. It is required to protect services, easements must be provided; and</li> <li>4. Alterations to buildings or the erection of an accessory building must be either permitted or otherwise lawfully established; and</li> <li>5. The size of the resulting allotments is not required to comply with the requirements of SUB-R1; and</li> <li>6. The subdivision is not required to comply with the performance standards in SUB - Table 2.</li> </ol> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> <li>(a) Whether the resulting allotments are an efficient use of land in terms of their size, shape and configuration; and</li> <li>(b) The resulting legal and physical access to allotments affected by the subdivision; and</li> <li>(c) The provision of outdoor living space, off street parking and manoeuvring; and</li> <li>(d) Impacts on the amenity values of adjacent sites, adjacent activities and the wider receiving environment; and</li> <li>(e) Site suitability, infrastructure provision and provision of a suitable, hazard-free building platform on any resulting vacant lot; and</li> <li>(f) Effects on existing infrastructure including the provision of easements where required; and</li> <li>(g) Reverse sensitivity effects; and</li> <li>(h) Vehicle access point(s) location and formation.</li> </ol> <p>Activity status where compliance is not achieved: DI S</p> |
| SUB-R6.   | <a href="#">Subdivision</a> to amend cross leases or unit titles  |
| All zones | Activity status: RDI S  |

|   |   |
|---|---|
|   | <p>Where:</p> <ol style="list-style-type: none"> <li>1. The subdivision is to amend any cross lease or unit title plan to accommodate alterations to buildings or the erection of an accessory building; and</li> <li>2. Alterations to buildings or the erection of an accessory building must be either permitted or otherwise lawfully established; and</li> <li>3. There is no material change to the unit site area or to the overall extent and configuration of the individual occupancy; and</li> <li>4. The size of the resulting allotments is not required to comply with the requirements of SUB-R1; and</li> <li>5. The subdivision is not required to comply with the performance standards in SUB - Table 2.</li> </ol> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> <li>(a) Whether the resulting allotments are an efficient use of land in terms of their size, shape and configuration; and</li> <li>(b) The resulting legal and physical access to allotments affected by the subdivision; and</li> <li>(c) The provision of outdoor living space, off street parking and manoeuvring; and</li> <li>(d) Impacts on the amenity values of adjacent sites, adjacent activities and the wider receiving environment; and</li> <li>(e) Infrastructure provision and site suitability; and</li> <li>(f) Effects on existing infrastructure including the provision of easements where required; and</li> <li>(g) Reverse sensitivity effects; and</li> <li>(h) Vehicle access point(s) location and formation.</li> </ol> <p>Activity status where compliance is not achieved: DIS</p> |
| SUB-R7.   | Benefit lots in the general rural zone  |
| Fencing of water bodies in the Upper Waipa River catchment or Upper Awakino River catchment | <p>Activity status: RDIS</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The property is located in the Upper Waipa River catchment or the Upper Awakino River catchment as identified on the planning maps; and</li> <li>2. Land 5 m (or more) from the edge of any water body as measured at its bankfull channel width, is permanently fenced, planted, stock excluded and protected in perpetuity by a legal mechanism then: <ol style="list-style-type: none"> <li>(i) A maximum of one benefit lot per holding can be obtained where the fence erected is over 1 km and up to and including 2 km in length; or</li> <li>(ii) A maximum of two benefit lots per holding can be obtained where the fence erected is over 2 km in length;</li> </ol> </li> </ol> <p>AND</p> <ol style="list-style-type: none"> <li>3. The minimum net site area of the allotment(s) to be created in the general rural zone must be 2,500 m<sup>2</sup>, exclusive of the area being protected, and the balance of the land being subdivided must be no less than 2 hectares; and</li> <li>4. A condition that no further subdivision in respect of the rule that the entitlement was acquired under (or restricted rights of subdivision as the case may be) shall apply to</li> </ol>  |

|  |   |
|--|---|
|  | <p>the balance of the land. The owner will be required to enter into a bond, or other legal instrument with Waitomo District Council which will be registered on the record of title(s) to that effect and will run with the land in perpetuity; and</p> <p>5. All of the performance standards in SUB - Table 2 are complied with.</p> <p>Activity status where compliance is not achieved: NC</p>   |
| <p>Significant natural areas in the coastal environment or karst overlay</p>                             | <p>Activity status: RDI S</p> <p>Where:</p> <p>6. The site is a significant natural area is located within the coastal environment; or</p> <p>7. The site is located in a karst overlay as identified on the planning maps;</p> <p>AND</p> <p>8. The significant natural area is identified in <a href="#">SCHED6</a> or it has been determined by a specialist ecologist report accepted by Waitomo District Council to be a significant natural area using the Criteria for Determining Significance of Indigenous Biodiversity, Section 11A in the Waikato Regional Policy Statement; and</p> <p>9. The significant natural area being protected is at least 5000 m<sup>2</sup> in size OR the karst area being protected is at least 1 ha in size AND the site is protected in perpetuity by a legal mechanism then:</p> <p>(i) A maximum of one benefit lot per holding can be obtained;</p> <p>AND</p> <p>10. The minimum net site area of the allotment(s) to be created in the general rural zone must be 2,500 m<sup>2</sup>, exclusive of the area being protected, and the balance of the land being subdivided must be no less than 2 hectares; and</p> <p>11. A condition that no further subdivision in respect of the rule that the entitlement was acquired under (or restricted rights of subdivision as the case may be) shall apply to the balance of the land. The owner will be required to enter into a bond, or other legal instrument with Waitomo District Council which will be registered on the record of title(s) to that effect and will run with the land in perpetuity; and</p> <p>12. All of the performance standards in SUB - Table 2 are complied with.</p> <p>Activity status where compliance is not achieved: NC</p> |
| <p>Provision of access to landlocked</p> <p><b>Māori</b></p> <p>Freehold land or</p> <p><b>Urupā</b></p> | <p>Activity status: RDI S</p> <p>Where:</p> <p>13. Provision is made for legal and physical access in perpetuity to the registered owner(s) of an allotment, which is legally described as an <b>Urupā</b> or Burial Ground; or</p> <p>14. Provision is made for legal and physical access in perpetuity to the registered owner(s) of a landlocked parcel of Māori Freehold land;</p> <p>AND</p> <p>15. The <b>Urupā or Burial Ground or Māori Freehold land parcel does not currently have</b> legal access then:</p> <p>(i) A maximum of one benefit lot can be obtained per holding;</p> <p>AND</p> <p>16. The minimum net site area of the allotment(s) to be created in the general rural zone must be 2,500 m<sup>2</sup>, exclusive of the area being protected, and the balance of the land</p>  |

|   |  |
|---|--|
|   | <p>being subdivided shall be no less than 2 hectares; and</p> <p>17. <b>For the purposes of this rule, 'physical access' means 'accessible year-round by a 4WD vehicle'. Other than at any vehicle access point to a road, the access track is not necessarily required to be formed; and</b></p> <p>18. A condition that no further subdivision in respect of the rule that the entitlement was acquired under (or restricted rights of subdivision as the case may be) shall apply to the balance of the land. The owner will be required to enter into a bond, or other legal instrument with Waitomo District Council which will be registered on the record of title(s) to that effect and will run with the land in perpetuity; and</p> <p>19. All of the performance standards in SUB - Table 2 are complied with.</p> <p>Activity status where compliance is not achieved: NC</p>  |
| Provision of public access to the Upper Waipa River or the Upper Awakino Rivers | <p>Activity status: RDIS</p> <p>Where:</p> <p>20. The property is located in the Upper Waipa River catchment or the Upper Awakino catchment as identified on the planning maps; and</p> <p>21. Provision is made for legal and physical enduring access in perpetuity to the Upper Waipa River or to the Upper Awakino River; and</p> <p>22. That section of the river does not currently have legal public access then:</p> <p>(i) A maximum of one benefit lot per holding can be obtained where up to 1km of river can be accessed and there must be legal and practical means to enable fishers to move up or downriver; and</p> <p>(ii) A maximum of two benefit lots per holding can be obtained where access is provided to over 2 km of river in length and there must be legal and practical means to enable fishers to move up or downriver;</p> <p>AND</p> <p>23. The minimum net site area of the allotment(s) to be created in the general rural zone must be 2,500m<sup>2</sup>, exclusive of the area of river access being protected and any associated esplanade strips or reserves, and the balance of the land being subdivided shall be no less than 2 hectares; and</p> <p>24. <b>For the purposes of this rule, 'physical access' means 'accessible year-round by a 4WD vehicle or alternatively walking access where the distance between the river access and a publicly accessible vehicle parking area is less than 0.5 km and;</b></p> <p>25. A condition that no further subdivision in respect of the rule that the entitlement was acquired under (or restricted rights of subdivision as the case may be) shall apply to the balance of the land. The owner will be required to enter into a bond, or other legal instrument with Waitomo District Council which will be registered on the record of title(s) to that effect and will run with the land in perpetuity; and</p> <p>26. If there is no legal or practical means of moving up or downriver within the title, the addition of an enduring esplanade strip to facilitate this must be registered on the record of title; and</p> <p>27. All of the performance standards in SUB - Table 2 are complied with.</p> <p>Activity status where compliance is not achieved: NC</p> |

For SUB-R7.1 to R7.19, the matters over which discretion is restricted:

- (a) Whether the resulting allotments are an efficient use of land in terms of their size, shape and configuration; and
- (b) The resulting legal and physical access to allotments affected by the subdivision; and
- (c) Effects on any scheduled site or feature, archaeological site, water body or area of indigenous vegetation; and
- (d) Impacts on the amenity values of adjacent sites, adjacent activities and the wider receiving environment; and
- (e) Site suitability including the potential for the subdivision and consequential development to create new or exacerbate existing natural hazards; and
- (f) Infrastructure provision; and
- (g) Effects on existing infrastructure including the provision of easements where required; and
- (h) Reverse sensitivity effects; and
- (i) As applicable, **outcomes of consultation with mana whenua as to the site's importance and values; and**
- (j) As applicable, outcomes of **consultation with Auckland/Waikato Fish and Game as to the site's** significance as defined in the active Sports Fish and Game Management Plan for Auckland/Waikato Fish and Game Region; and
- (k) Vehicle access point(s) location and formation; and
- (l) Whether the subdivision results in a use of land that is compatible with rural character and with the function of the zone as a predominantly pastoral rural working environment; and
- (m) Use of green infrastructure methods for stormwater, drainage and earthworks and use of energy efficient and water conservation (low impact) design principles; and
- (n) Whether subdivision design and layout minimises earthworks and land disturbance, by designing building platforms that integrate into the natural landform; and
- (o) The benefits of protecting the scheduled site or feature or of providing legal and physical access.

|   |   |
|---|---|
| SUB-R8.   | <b>Subdivision of land</b> to create 7 or more allotments   |
| All zones   | <p>Activity status: DIS</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The size of the resulting allotments complies with the requirements of SUB-R1; and</li> <li>All of the performance standards in SUB - Table 2 are complied with.</li> </ol> <p>Activity status where compliance is not achieved: NC</p>  |
| SUB-R9.   | <b>Subdivision of land</b> to create <b>allotment(s)</b> in proximity to the rural production zones or sites of <b>intensive indoor primary production</b>  |
| General rural, rural lifestyle, residential, settlement, <b>Māori</b> purpose & | <p>Activity Status: DIS</p> <p>Where:</p> <ol style="list-style-type: none"> <li>In the general rural zone, the new allotment is created within 300 m of the boundary of a rural production zone or indicative rural production area; and</li> <li><b>In the residential, future urban, rural lifestyle, settlement and Māori purpose zones,</b> the new allotment is created within 250 m of the boundary of a rural production zone or indicative rural production area; and</li> </ol> |

|                    |  |
|--------------------|--|
| future urban zones | <p>3. In the general rural zone, the new allotment is created within 500 m of treatment systems, structures housing animals (and hardstand areas associated with those) on an established site of intensive indoor primary production.</p> <p>Activity status where compliance is not achieved: N/A</p>  |
| SUB-R10.           | Subdivision in the vicinity of the <a href="#">gas transmission network</a>  |
| All zones          | <p>Activity status: DIS</p> <p>Where:</p> <p>1. The subdivision occurs on an allotment which:</p> <p>(i) Cannot demonstrate that all resulting allotments are capable of accommodating a building platform for any building(s), which is located at least 20 m from any gas transmission pipeline or at least 60 m from any above ground structure associated with the gas transmission network.</p> <p>Activity status where compliance is not achieved: N/A</p> <p><i>Note: First Gas Ltd will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided.</i></p>  |
| SUB-R11.           | Subdivision of <a href="#">land</a> containing a <a href="#">scheduled feature or site</a> , or located in a <a href="#">hazard area</a> or <a href="#">coastal hazards area</a>   |
| All zones          | <p>Activity status: DIS</p> <p>Where:</p> <p>1. The subdivision occurs on an allotment which contains one or more of the following features:</p> <p>(i) Building Platform Suitability Area A, B or C, Coastal Erosion Hazard Area 2 or a Coastal Flood Hazard Area as identified on the Planning Maps; or</p> <p>(ii) A heritage building or structure listed in <a href="#">SCHED1</a>; or</p> <p>(iii) A significant archaeological site listed in <a href="#">SCHED2</a>; or</p> <p>(iv) A site or area of significance to Māori listed in <a href="#">SCHED3</a>; or</p> <p>(v) A site or area of significance to Māori - wāhi tapu site listed in <a href="#">SCHED4</a>; or</p> <p>(vi) A significant natural area listed in <a href="#">SCHED6</a>; or</p> <p>(vii) An outstanding natural feature listed in <a href="#">SCHED8</a>; or</p> <p>(viii) An archaeological site listed in the NZAA site recording scheme.</p> <p>Activity status where compliance is not achieved: N/A</p> |
| SUB-R12.           | Subdivision of <a href="#">land</a> located in scheduled landscapes and the coastal environment  |
| All zones          | <p>Activity status: DIS</p> <p>Where:</p> <p>1. The subdivision occurs on an allotment which:</p> <p>(i) Is located within or partially within an outstanding natural landscape identified in</p>  |

|           |  |
|-----------|--|
|           | <p><a href="#">SCHED7</a>; or</p> <p>(ii) Is located within or partially within a landscape of high amenity value identified in <a href="#">SCHED9</a>; or</p> <p>(iii) Is located within or partially within an area of very high/high or outstanding natural character identified in <a href="#">SCHED10</a> or <a href="#">SCHED11</a>; or</p> <p>(iv) Is located within or partially within the coastal environment overlay identified in <a href="#">SCHED13</a>.</p> <p>Activity status where compliance is not achieved: N/A</p>  |
| SUB-R13.  | <a href="#">Subdivision</a> of <a href="#">land</a> that will require a <a href="#">road</a> to be vested as legal <a href="#">road</a>  |
| SUB-R14.  | <a href="#">Subdivision</a> of <a href="#">land</a> where the <a href="#">allotment</a> contains, or is located within 20 m of the edge of an indicative road  |
| SUB-R15.  | <a href="#">Subdivision</a> of <a href="#">land</a> that results in an increase of <a href="#">allotments</a> being accessed by an existing right of way/private way   |
| All zones | Activity Status: DIS   |
| SUB-R16.  | <a href="#">Subdivision</a> of an <a href="#">allotment</a> subject to a consent notice, bond, or other legal instrument registered on a record of title in favour of Waitomo District Council which restricts further <a href="#">subdivision</a> under this plan or a previous Waitomo District Plan   |
| SUB-R17.  | <a href="#">Subdivision</a> of <a href="#">land</a> within a High Risk Flood Zone or within Coastal Erosion Hazard Area 1  |
| All zones | Activity Status: NC  |
| SUB-R18.  | <a href="#">Subdivision</a> within the <a href="#">national grid subdivision corridor</a>  |
| All zones | <p>Activity status: RDIS</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All resulting allotments demonstrate they are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity outside of the National Grid Yard, other than where the allotments are for roads, access ways or network utilities; and</li> <li>Existing vehicle access to National Grid assets is maintained.</li> </ol> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> <li>The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply within the safe separate distance</li> </ol> |

|  |   |
|--|---|
|  | <p>requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances 34: 2001; and</p> <p>(b) The ability for continued access to existing National Grid transmission lines for maintenance, inspections and upgrading; and</p> <p>(c) The ability to provide a complying building platform outside of the National Grid Yard; and</p> <p>(d) The extent to which the design and construction of the subdivision allows for activities to be set back from National Grid transmission lines to ensure adverse effects on and from the National Grid Transmission Network and on public safety are appropriately avoided, remedied or mitigated for example, through the location of roads and reserves under the route of the line; and</p> <p>(e) The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid transmission lines, and how such landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid; and</p> <p>(f) The provision for the ongoing efficient operation, maintenance, and planned upgrade of the National Grid transmission lines; and</p> <p>(g) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity and nuisance effects on the transmission asset; and</p> <p>(h) The outcome of any technical advice provided by Transpower; and</p> <p>(i) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</p> <p>Activity status where compliance is not achieved: NC</p> <p><i>Note: Transpower New Zealand Ltd will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided.</i></p> <p><i>Note: An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</i></p> |
|--|---|

SUB- Table 2 - Performance Standards

| SUB-S1. | Allotment configuration and utilities  |
|---------|--|
| 1.      | All subdivision and boundary adjustments must comply with the requirements in SUB - Table 3; and   |
| 2.      | New allotments created by subdivision or boundary adjustments must be able to incorporate the allotment shape factor in a position which does not encroach on any building setback or easement requirements. A building platform may be located over the same area as the allotment shape factor; and                      |
| 3.      | Every new allotment in the residential, settlement, tourism, rural lifestyle, commercial and industrial zones must have provision for telecommunication (including open access fibre where practicable) and electricity connections to their legal boundary and sufficient land set aside for them on site where required. |
| 4.      | In all other zones:  |



- (i) where electricity lines and telecommunication lines are available within 200m of any boundary of a new allotment, these services electricity must be provided to the legal boundary and sufficient land set aside for them on site where required; and
  - (ii) a telecommunication connection (fibre, mobile or wireless including satellite) can be provided to all new allotments.
5. All necessary easements for the protection of network utility services must be duly granted and reserved; and
  6. The provisions of SUB-S1.3 – S1.5 do not apply to the Te Maika precinct (PREC7) or to the natural open space zone.

*Note: Where telecommunications and electricity are not required to be provided to a new allotment as set out in SUB-S1.3 – S1.5, pursuant to Section 221 of the Resource Management Act 1991 a consent notice must be placed on the Record of Title being created for the new allotment to advise of these circumstances.*

|         |  |
|---------|--|
| SUB-S2. | Requirements for <a href="#">building platform(s)</a> for each <a href="#">allotment</a> |
|---------|--|

1. Each allotment must provide a stable, flood-free building platform suitable for building foundations in accordance with the requirements of the New Zealand Building Code - Acceptable Solution B1/AS4 Approved Document B1/4: Structure Foundations; and
2. The area available for use as a building platform and the associated access alignment on each allotment must be identified in the subdivision or boundary adjustment application and it:
  - (i) Must allow the buildings to comply with the performance standards for a permitted activity in the underlying zone; and
  - (ii) Must not include any area of land to be used for access or for the disposal of wastewater or stormwater;

AND

3. In Building Platform Suitability Area C as identified on the planning maps, each allotment must have a building platform(s) in a complying location that can achieve a minimum free-board level 500 mm above the 1% AEP (100 year flood level). Also see [NH-R5](#).

*Note: In a Building Platform Suitability Area A or B, Coastal Flood Hazard Area and Coastal Erosion Hazard Area 2 as identified on the planning maps, there are requirements for buildings. See the [coastal environment chapter](#) for the Coastal Flood Hazard Area and Coastal Erosion Hazard Area 2 and the [natural hazards chapter](#) for Building Platform Suitability Area A or B.*

|         |                                       |
|---------|---------------------------------------|
| SUB-S3. | Three waters infrastructure provision |
|---------|---------------------------------------|

#### Stormwater

1. All allotments must provide the means for treatment, catchment and disposal of stormwater from all impervious or potentially impervious surfaces, including, but not limited, to structures, compacted soils and sealed surfaces, within the net site area of the allotment; and
2. **Where a connection to Council's reticulated stormwater network is not possible, all allotments must** provide for the treatment, catchment and disposal of stormwater on-site through green infrastructure measures; and
3. Where the means of stormwater disposal is to ground, the area used for stormwater disposal must not be subject to instability or inundation, or used for the disposal of wastewater.

#### Water supply

4. Where a connection to the Council's reticulated water supply system is available, all allotments must be provided with a connection at the boundary; and
5. Where a connection to the Council's reticulated water supply system is unavailable, all allotments must be provided with access to a self-sufficient potable water supply; and
6. All allotments must have access to an independent water supply for fire fighting that is compliant with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice; and

#### Wastewater Disposal

7. Where a connection to the Council's reticulated wastewater system is available, all allotments must be provided with a connection at the boundary; and
8. Where a connection to the Council's reticulated wastewater supply system is unavailable, all allotments must be provided with a septic tank or soakage fields or an approved alternative means to dispose of sewage in a sanitary manner within the net site area of the allotment; and
9. Where wastewater is to be disposed of to ground, the area used for wastewater disposal must not be subject to instability or inundation, or used for the disposal of storm water. The wastewater treatment system must be located at least 25 m of the edge of any lake or river - as measured from the bankfull channel width (see [NATC-R2](#)); and
10. In Te Maika precinct ([PREC7](#)), every allotment must demonstrate that suitable wastewater disposal can be achieved on site with preference given to systems which do not require discharge of liquid waste and demonstrate that any wastewater or grey water disposal will be at least 900 millimetres above ground water level.

#### Site requirements

11. Where more than one serviced building (excluding accessory buildings) is erected on a site, all services shall be provided to each building as if the site was being subdivided to create separate records of title for each serviced building.

*Note: Stormwater and wastewater disposal, and ground and surface water takes may require a resource consent from the Waikato Regional Council or the **Manawatū Whanganui Regional Council**. Also see the Waikato Regional Council Stormwater Management Guideline.*

*Note: Also see the Waitomo District Council Water Services Bylaw.*

*Note: See SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice for further information about managing fire risk and storage of water for firefighting purposes.*

|         |        |
|---------|--------|
| SUB-S4. | Access |
|---------|--------|

1. Except in Te Maika precinct ([PREC7](#)), every allotment must be provided with a formed vehicle access point to a road that is constructed to a permanent standard.

*Note: See the [transport chapter](#) for further requirements.*

|         |  |
|---------|--|
| SUB-S5. | <a href="#">Esplanade reserves</a> or <a href="#">esplanade strips</a> – allotments less than 4 hectares |
|---------|--|

1. Other than provided for in SUB-S6, where any land adjoins the banks of a river or lake as defined in Section 230(4) of the Resource Management Act 1991 and where any allotment of less than 4 ha is created when the land is subdivided, an esplanade reserve or esplanade strip 5 m in width must be provided along the bank of the river or along the margin of the lake.

*Note: In determining any application for a resource consent, Waitomo District Council may reduce, increase or waive the requirements of this rule.*

|         |   |
|---------|---|
| SUB-S6. | Esplanade reserves or esplanade strips – specified water bodies |
|---------|---|

1. Where any land adjoins the banks of a river or lake listed in this rule and where any allotments, including any balance allotment, are created when the land is subdivided, an esplanade reserve or esplanade strip must be provided along the bank of the river or along the margin of the lake of the following minimum width:
    - (i) In the general rural and future urban zones – 20 m
    - (ii) In all other zones – 10 m

AND
  2. In the general rural and future urban zones, where a reserve or road of less than 20 m width already exists along that bank of a river or along that margin of a lake, then additional land shall be vested to increase the width to a minimum of 20 m; or
  3. In all other zones, where a reserve or road of less than 10 m width already exists along that bank of a river or along that margin of a lake, then additional land shall be vested to increase the width to a minimum of 10 m; or
- AND
4. This rule applies to the following water bodies:
    - (i) Mokau River
    - (ii) Awakino River and Mangaorongo Stream
    - (iii) Waikawau River
    - (iv) Kiriterehere Stream
    - (v) Marokopa River
    - (vi) Lake Taharoa
    - (vii) Waitomo Stream
    - (viii) Mangapu Stream
    - (ix) Waiharakeke Stream
    - (x) Mangaiti Stream
    - (xi) Tawarau River
    - (xii) Mangaohae Stream
    - (xiii) Mangaokewa Stream
    - (xiv) Manganui River
    - (xv) Turipoto Stream
    - (xvi) Mangapohue Stream
    - (xvii) Mapiu Stream
    - (xviii) Waimiha Stream
    - (xix) Waipa River

*Note: In determining any application for a resource consent, Waitomo District Council may reduce, increase or waive the requirements of this rule.*

|         |  |
|---------|--|
| SUB-S7. | Esplanade reserves or esplanade strips – coastline |
|---------|--|

1. Where any land abuts mean high water springs and where any allotments, including any balance allotment, are created when the land is subdivided, an esplanade reserve or esplanade strip 20 m in width must be provided along the margin of the coast; and
2. Where a reserve or road of less than 20 m width already exists along the mark of mean high water

springs, then additional land shall be vested to increase the width to a minimum of 20 m.

*Note: In determining any application for a resource consent, Waitomo District Council may reduce, increase or waive the requirements of this rule.*

|         |  |
|---------|--|
| SUB-S8. | Location of <a href="#">benefit lots</a> in the general rural zone |
|---------|--|

1. Benefit lots must be located in the general rural zone and must not be located on a site which contains:
  - (i) A heritage building or structure listed in [SCHED1](#); or
  - (ii) A significant archaeological site listed in [SCHED2](#); or
  - (iii) **A site or area of significance to Māori listed in [SCHED3](#)**; or
  - (iv) **A site or area of significance to Māori** - wāhi tapu site listed in [SCHED4](#); or
  - (v) A significant natural area listed in [SCHED6](#); or
  - (vi) An outstanding natural feature listed in [SCHED8](#); or
  - (vii) Land protected under a QEII Covenant.

SUB - Table 3 – Allotment frontage and shape factor

| Zone  | Minimum allotment frontage<br>(excluding rear allotments) | <a href="#">Allotment shape factor</a> |
|---|---|--|
| Residential, settlement & tourism zones                     | 20 m  | 13 m diameter circle                   |
| Commercial zone   | No minimum  | No shape factor required               |
| Industrial & rural production zones                         | 20 m  | No shape factor required               |
| Natural open space & open space zones                       | No minimum  | No shape factor required               |
| Rural lifestyle zone  | 20 m  | 30 m diameter circle                   |
| <b>General rural, Māori purpose &amp; future urban zone</b> | 20 m  | 30 m diameter circle                   |

## 8. Appendix 3 – Section 32AA Evaluation

21. A section 32AA evaluation is only required for any changes that are proposed to the provisions of this plan since the original section 32 evaluation report for the proposal was completed. The section 32AA evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes.

### Provisions not requiring an evaluation

22. The section 32AA evaluation for this chapter is contained in the section 42A Report. The following evaluation only applies to those provisions later amended by the Panel.

### Amendment of the application of wider plan provisions

1. This chapter does not require the relevant objectives and policies of part **3 to be considered or "all" the rules to be considered** when assessing the activity as many will be irrelevant to an application. This wording was erroneously included. RMA schedule 1, clause 16 enables a local authority to make an amendment to its proposed plan, without using the process in schedule 1, to alter any information, where such an alteration is of minor effect, *or to correct any minor errors*. Using RMA schedule 1, clause 16 the Panel has directed that the following amendments are made:

#### Objectives & Policies

*Refer also to the relevant objectives in Part 2 District - Wide Matters ~~and Part 3 – Area Specific Matters~~*

#### Rules

The rules that apply to subdivision are contained in the tables listed below. To undertake any activity, it must comply with ~~all~~ the rules listed in:

- SUB - Table 1 - Activities rules; and
- SUB - Table 2 - Performance Standards; and
- Any relevant provision in Part 2 District-wide matters; and
- Any relevant provision in Part 3 Area Specific Matters.

2. There is also scope to make these amendments under BP Oil New Zealand Limited and Z Energy Limited (the Fuel Companies) submission to make any alternative or consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the proposed plan that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the document.

# Rules

|          |   |
|----------|---|
| SUB-R18. | <a href="#">Allotment</a> configuration and utilities |
|----------|---|

1. All subdivision and boundary adjustments must comply with the requirements in SUB - Table 3; and
2. New allotments created by subdivision or boundary adjustments must be able to incorporate the allotment shape factor in a position which does not encroach on any building setback or easement requirements. A building platform may be located over the same area as the allotment shape factor; and
- ~~3. Except in the Te Maika precinct (PREC7), every allotment must have provision for electricity connections; and~~
- ~~4. Except in the Te Maika precinct (PREC7), every allotment must have provision for telephone and/or ethernet connections.~~
- ~~3. Every new allotment in the residential, settlement, tourism, rural lifestyle, commercial and industrial zones must have provision for telecommunication (including open access fibre where practicable) and electricity connections to their legal boundary and sufficient land set aside for them on site where required.~~
- ~~4. In all other zones:~~
  - ~~(i) where electricity lines and telecommunication lines are available within 200m of any boundary of a new allotment, these services electricity must be provided to the legal boundary and sufficient land set aside for them on site where required; and~~
  - ~~(ii) a telecommunication connection (fibre, mobile or wireless including satellite) can be provided to all new allotments.~~
- ~~5. All necessary easements for the protection of network utility services must be duly granted and reserved; and~~
- ~~6. The provisions of SUB-R18.3 – R18.5 do not apply to the Te Maika precinct (PREC7) or to the natural open space zone.~~

*Note: Where telecommunications and electricity are not required to be provided to a new allotment as set out in SUB-R18.3 – R18.5, pursuant to Section 221 of the Resource Management Act 1991 a consent notice must be placed on the Record of Title being created for the new allotment to advise of these circumstances.*

23. The recommended amendments clarify that the provision for telecommunications should include open access fibre where practicable and separates out the rules for electricity lines and telecommunication connections. The amendments are a slight reduction from requirements that were proposed in the Section 42A Report. As the changes are largely for clarification purposes a section 32AA evaluation is not required.

## Objective and Rule

- SUB-O9. Ensure that esplanade reserves, esplanade strips and reserves, and other forms of legal enduring access are created through subdivision where these contribute to the maintenance, enhancement and protection of ecological, amenity, public access, recreational and hazard management values.

|  |   |
|--|---|
| <u>Provision of public access to the Upper Waipa River or the Upper Awakino Rivers</u> | <p><u>Activity status: RDIS</u></p> <p><u>Where:</u></p> <p>20. <u>The property is located in the Upper Waipa River catchment or the Upper Awakino catchment as identified on the planning maps; and</u></p> <p>21. <u>Provision is made for legal and physical enduring access in perpetuity to the Upper Waipa River or to the Upper Awakino River; and</u></p> <p>22. <u>That section of the river does not currently have legal public access then:</u></p> <p style="padding-left: 40px;">(iii) <u>A maximum of one benefit lot per holding can be obtained where up to 1km of river can be accessed and there must be legal and practical means to enable fishers to move up or downriver; and</u></p> <p style="padding-left: 40px;">(iv) <u>A maximum of two benefit lots per holding can be obtained where access is provided to over 2 km of river in length and there must be legal and practical means to enable fishers to move up or downriver;</u></p> <p><u>AND</u></p> <p>23. <u>The minimum net site area of the allotment(s) to be created in the general rural zone must be 2,500m<sup>2</sup>, exclusive of the area of river access being protected and any associated esplanade strips or reserves, and the balance of the land being subdivided shall be no less than 2 hectares; and</u></p> <p>24. <u>For the purposes of this rule, 'physical access' means 'accessible year-round by a 4WD vehicle or alternatively walking access where the distance between the river access and a publicly accessible vehicle parking area is less than 0.5 km and;</u></p> <p>25. <u>A condition that no further subdivision in respect of the rule that the entitlement was acquired under (or restricted rights of subdivision as the case may be) shall apply to the balance of the land. The owner will be required to enter into a bond, or other legal instrument with Waitomo District Council which will be registered on the record of title(s) to that effect and will run with the land in perpetuity; and</u></p> <p>26. <u>If there is no legal or practical means of moving up or downriver within the title, the addition of an enduring esplanade strip to facilitate this must be registered on the record of title; and</u></p> <p>27. <u>All of the performance standards in SUB - Table 2 are complied with.</u></p> <p><u>Activity status where compliance is not achieved: NC</u></p> |
|--|---|

For SUB-R7.1 to R7.19, the matters over which discretion is restricted:

- (a) Whether the resulting allotments are an efficient use of land in terms of their size, shape and configuration; and
- (b) The resulting legal and physical access to allotments affected by the subdivision; and
- (c) Effects on any scheduled site or feature, archaeological site, water body or area of indigenous vegetation; and
- (d) Impacts on the amenity values of adjacent sites, adjacent activities and the wider receiving environment; and
- (e) Site suitability including the potential for the subdivision and consequential development to create new or exacerbate existing natural hazards; and
- (f) Infrastructure provision; and
- (g) Effects on existing infrastructure including the provision of easements where required; and
- (h) Reverse sensitivity effects; and

- 
- (i) As applicable, outcomes of consultation with mana whenua as to the site's importance and values; and
  - (j) As applicable, outcomes of consultation with Auckland/Waikato Fish and Game as to the site's significance as defined in the active Sports Fish and Game Management Plan for Auckland/Waikato Fish and Game Region; and
  - (k) Vehicle access point(s) location and formation; and
  - (l) Whether the subdivision results in a use of land that is compatible with rural character and with the function of the zone as a predominantly pastoral rural working environment; and
  - (m) Use of green infrastructure methods for stormwater, drainage and earthworks and use of energy efficient and water conservation (low impact) design principles; and
  - (n) Whether subdivision design and layout minimises earthworks and land disturbance, by designing building platforms that integrate into the natural landform; and
  - (o) The benefits of protecting the scheduled site or feature or of providing legal and physical access.
- 

### **Purpose of the RMA and comparison with any relevant existing objectives in this plan**

- 24. The amended objective SUB-O9 aligns with the purpose of the RMA, particularly sections 5(2)(b), 6(a), 6(d), and 7(c), by promoting the protection of natural values and enhancing public access to rivers and their margins. It supports outcomes that maintain and enhance the quality of the environment while enabling subdivision that delivers wider public benefits. The objective encourages improved access and ecological resilience.
- 25. Compared to existing subdivision objectives in the plan, which primarily focus on lot configuration and infrastructure provision, SUB-O9 introduces a complementary environmental and public access lens. It provides a clear rationale for the proposed legal access mechanism, rather than relying on esplanade provisions.

### **Decision about the most appropriate option**

- 26. SUB-O9 is the most appropriate way to achieve the purpose of the Act. It strengthens the plan's policy framework by ensuring that subdivision is not only a vehicle for development but also a mechanism to enhance ecological and community values. It promotes the proactive use of subdivision to deliver enduring access outcomes, recognising the role of riparian margins as access for recreation and amenity purposes.

### **Effectiveness and efficiency**

- 27. New rule SUB-R7.20 to R7.27 is effective in incentivising the creation of legal and enduring public access to rivers where none currently exists, aligning with section 6(d) of the RMA. It does so by linking defined access criteria to the allocation of benefit lots, providing both structure and incentive. The use of measurable thresholds (e.g. 1 km and 2 km of accessible river) ensures access outcomes are substantial, while the requirement for legal mechanisms and practical physical access ensures enduring benefit. Efficiency is achieved by embedding access enhancement within the subdivision process without necessitating additional plan changes or resource consent procedures.



### **Costs and benefits**

28. The primary costs include legal and surveying expenses for establishing enduring access, and the opportunity cost where landowners may forgo standard subdivision entitlements in favour of an access-linked benefit lot. Applicants must also ensure practical access and long-term compliance through bonding or title instruments, which adds a layer of administrative obligation. However, these costs are outweighed by significant public and ecological benefits along a defined stretch of two rivers. The rule improves recreational connectivity and enhances access to riparian margins. It also reflects the opportunity to use innovative planning practice by ensuring subdivision delivers wider public good rather than private benefit alone.

### **Risk of acting or not acting**

29. The risk of acting is low due to the clear structure of the performance standards, matters of discretion and enforceable legal instruments required. The risk of not acting is moderate, as it would forgo the opportunity to formalise river access.

### **Decision about the most appropriate option**

30. The proposed rule is the most appropriate way to implement access-related outcomes in the context of rural subdivision. It provides a measurable and enforceable mechanism to deliver public access benefits in a manner that is consistent with the purpose of the Act and broader policy objectives. Please note that as a result of these changes, consequential amendments are required to SUB-P26 and SUB-R7.1 and to include the mapped areas the rule applies to.