

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-01.** Subdivision is designed so that it is efficient in layout, maintains public safety and is connected and integrated into the existing transport network.
- SUB-02.** 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-03.** 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-04.** 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-05.** Encourage subdivision which contributes to creating sustainable communities and enhances the key elements of character and amenity identified in the town concept plans.
- SUB-06.** 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-07.** 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-08.** Ensure that the Waikato River Vision and Strategy is given effect to by all development and subdivision.
- SUB-09.** 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-010.** 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-011.** 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.

SUB - Table 1 - Activities Rules

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	Activity status: RDIS Where: 1. All of the performance standards in SUB - Table 2 are complied with; and 2. The site is serviced by wastewater reticulation, every allotment including the balance allotment, must have a minimum net site area of 450 m² and must not have a maximum net site area greater than 2000 m²; and 3. The site is un-serviced by wastewater reticulation, every allotment including the balance allotment, must have a minimum net site area of 2500 m² and must not have a maximum net site area greater than 5000 m². Activity status where compliance is not achieved: DIS
Rural lifestyle zone	Activity status: RDIS Where: 4. All of the performance standards in SUB - Table 2 are complied with; and 5. Every allotment including the balance allotment, must have a minimum net site area of 2500 m²; and 6. There are no maximum net site area requirements. Activity status where compliance is not achieved: DIS
Future urban & general rural zone (except aerodrome precinct PREC3)	Activity status: RDIS Where: 7. All of the performance standards in SUB - Table 2 are complied with; and 8. Every allotment must have a minimum net site area of 2 hectares; and 9. There are no maximum net site area requirements; and 10. The access for the new allotment must not be from a State Highway. Activity status where compliance is not achieved: DIS
Māori purpose zone	Activity status: RDIS Where: 11. All of the performance standards in SUB - Table 2 are complied with; and 12. Subdivision is not for the purposes of a hapu partition under Te Ture Whenua Māori Act 1993; and 13. There are no minimum or maximum net site area requirements. Activity status where compliance is not achieved: DIS

Te Kūiti commercial zone (except Te Kūiti CBD precinct PREC5)	Activity status: RDIS Where: 14. All of the performance standards in SUB - Table 2 are complied with; and 15. Every allotment including the balance allotment, must have a minimum net site area of 300 m²; and 16. There are no maximum net site area requirements. Activity status where compliance is not achieved: DIS
Piopio commercial zone, Te Kūiti CBD precinct (PREC5) & aerodrome precinct (PREC3)	Activity status: RDIS Where: 17. All of the performance standards in SUB - Table 2 are complied with; and 18. There are no minimum or maximum net site area requirements. Activity status where compliance is not achieved: DIS
Industrial, rural production, open space & natural open space zones	Activity status: RDIS Where: 19. All of the performance standards in SUB - Table 2 are complied with; and 20. There are no minimum or maximum net site area requirements. Activity status where compliance is not achieved: DIS

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.	Boundary adjustments
All zones	Activity status: RDIS Where: 1. All of the performance standards in SUB - Table 2 are complied with; and 2. The size of the resulting allotments complies with the requirements of SUB-R1; and 3. The boundary adjustment must not limit or interfere with any existing allotment's access to a road. 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 boundary adjustment; 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) Infrastructure provision and site suitability; and (f) Effects on existing infrastructure including the provision of easements where required; and (g) Reverse sensitivity effects; and (h) Vehicle access point(s) location and formation. Activity status where compliance is not achieved: DIS
SUB-R3.	Subdivision of land exclusively for protection of scheduled sites and features
All zones	Activity status: RDIS Where: 1. The subdivision is to create a separate record of title exclusively for the protection of: (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; or

	(viii) An archaeological site listed in the NZAA site recording scheme; AND - The scheduled site or feature is protected in perpetuity by a legal mechanism; and - The size of the resulting allotments is not required to comply with the requirements of SUB-R1; and - For a heritage building or structure listed in SCHED1, the allotment must be provided with a formed vehicle access point to a road that is constructed to a permanent standard. See the transport chapter for further requirements; and - The subdivision is not required to comply with the performance standards in SUB - Table 2. Matters over which discretion is restricted: - The size, shape and configuration of the resulting allotments; and - The extent to which the subdivision will ensure the protection of the scheduled site or feature; and - Effects on existing infrastructure including the provision of easements where required; and - Measures proposed to ensure the ongoing protection and maintenance of the scheduled site or feature; and - Site suitability, infrastructure provision and provision of a suitable, hazard-free building platform on the balance lot; and - The resulting legal and physical access to allotments affected by the subdivision; and - Access including vehicle access point(s) location and formation. Activity status where compliance is not achieved: DIS
SUB-R4.	Subdivision of land for the purpose of public works, network utilities or reserves
All zones	Activity status: RDIS Where: - The subdivision does not limit or interfere with any existing allotment's access to a road; and - The size of the resulting allotments is not required to comply with the requirements of SUB-R1; and - The subdivision is not required to comply with the performance standards in SUB - Table 2. Matters over which discretion is restricted: - 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 - The resulting legal and physical access to allotments affected by the subdivision; and - Effects on existing infrastructure including the provision of easements where required; and - Effects on any scheduled site or feature, archaeological site, water body or area of indigenous vegetation; and - Impacts on the amenity values of adjacent sites, adjacent activities and the wider

	receiving environment; and (f) Site suitability, infrastructure provision and provision of a suitable, hazard-free building platform on the balance lot; and (g) Reverse sensitivity effects; and (h) Whether the effects from the activity will be contained within the proposed allotment; and (i) Vehicle access point(s) location and formation. (j) For reserves, the provision of suitable connectivity via walking and cycling access and the provision of adequate car parking. Activity status where compliance is not achieved: DIS
SUB-R5.	Subdivision to convert (cross lease) leasehold estate to create freehold estate
All zones	Activity status: RDIS Where: 1. The subdivision is to create a separate record of title(s) for existing allotment(s); and 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 3. It is required to protect services, easements must be provided; and 4. Alterations to buildings or the erection of an accessory building must be either permitted or otherwise lawfully established; and 5. The size of the resulting allotments is not required to comply with the requirements of SUB-R1; and 6. The subdivision is not required to comply with the performance standards in SUB - Table 2. 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) The provision of outdoor living space, off street parking and manoeuvring; and (d) Impacts on the amenity values of adjacent sites, adjacent activities and the wider receiving environment; and (e) Site suitability, infrastructure provision and provision of a suitable, hazard-free building platform on any resulting vacant lot; and (f) Effects on existing infrastructure including the provision of easements where required; and (g) Reverse sensitivity effects; and (h) Vehicle access point(s) location and formation. Activity status where compliance is not achieved: DIS
SUB-R6.	Subdivision to amend cross leases or unit titles
All zones	Activity status: RDIS

	Where: 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 2. Alterations to buildings or the erection of an accessory building must be either permitted or otherwise lawfully established; and 3. There is no material change to the unit site area or to the overall extent and configuration of the individual occupancy; and 4. The size of the resulting allotments is not required to comply with the requirements of SUB-R1; and 5. The subdivision is not required to comply with the performance standards in SUB - Table 2. 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) The provision of outdoor living space, off street parking and manoeuvring; and (d) Impacts on the amenity values of adjacent sites, adjacent activities and the wider receiving environment; and (e) Infrastructure provision and site suitability; and (f) Effects on existing infrastructure including the provision of easements where required; and (g) Reverse sensitivity effects; and (h) Vehicle access point(s) location and formation. Activity status where compliance is not achieved: DIS
SUB-R7.	Benefit lots in the general rural zone
Fencing of water bodies in the Upper Waipa River catchment or Upper Awakino River catchment	Activity status: RDIS Where: 1. The property is located in the Upper Waipa River catchment or the Upper Awakino River catchment as identified on the planning maps; and 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: (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 (ii) A maximum of two benefit lots per holding can be obtained where the fence erected is over 2 km in length; AND 3. The minimum net site area of the allotment(s) to be created in the general rural zone must be 2,500 m², exclusive of the area being protected, and the balance of the land being subdivided must be no less than 2 hectares; and 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

	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 5. All of the performance standards in SUB - Table 2 are complied with. Activity status where compliance is not achieved: NC
Significant natural areas in the coastal environment or karst overlay	Activity status: RDIS Where: 6. The site is a significant natural area is located within the coastal environment; or 7. The site is located in a karst overlay as identified on the planning maps; AND 8. The significant natural area is identified in SCHED6 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 9. The significant natural area being protected is at least 5000 m² 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: (i) A maximum of one benefit lot per holding can be obtained; AND 10. The minimum net site area of the allotment(s) to be created in the general rural zone must be 2,500 m², exclusive of the area being protected, and the balance of the land being subdivided must be no less than 2 hectares; and 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 12. All of the performance standards in SUB - Table 2 are complied with. Activity status where compliance is not achieved: NC
Provision of access to landlocked Māori Freehold land or Urupā	Activity status: RDIS Where: 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 Urupā or Burial Ground; or 14. Provision is made for legal and physical access in perpetuity to the registered owner(s) of a landlocked parcel of Māori Freehold land; AND 15. The Urupā or Burial Ground or Māori Freehold land parcel does not currently have legal access then: (i) A maximum of one benefit lot can be obtained per holding; AND 16. The minimum net site area of the allotment(s) to be created in the general rural zone must be 2,500 m², exclusive of the area being protected, and the balance of the land

	being subdivided shall be no less than 2 hectares; and 17. 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 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 19. All of the performance standards in SUB - Table 2 are complied with. Activity status where compliance is not achieved: NC
Provision of public access to the Upper Waipa River or the Upper Awakino Rivers	Activity status: RDIS Where: 20. The property is located in the Upper Waipa River catchment or the Upper Awakino catchment as identified on the planning maps; and 21. Provision is made for legal and physical enduring access in perpetuity to the Upper Waipa River or to the Upper Awakino River; and 22. That section of the river does not currently have legal public access then: (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 (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; AND 23. The minimum net site area of the allotment(s) to be created in the general rural zone must be 2,500m², 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 24. 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; 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 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 27. All of the performance standards in SUB - Table 2 are complied with. Activity status where compliance is not achieved: NC

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.	Subdivision of land to create 7 or more allotments
All zones	Activity status: DIS Where: 1. The size of the resulting allotments complies with the requirements of SUB-R1; and 2. All of the performance standards in SUB - Table 2 are complied with. Activity status where compliance is not achieved: NC
SUB-R9.	Subdivision of land to create allotment(s) in proximity to the rural production zones or sites of intensive indoor primary production
General rural, rural lifestyle, residential, settlement, Māori purpose &	Activity Status: DIS Where: 1. 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 2. In the residential, future urban, rural lifestyle, settlement and Māori purpose zones, the new allotment is created within 250 m of the boundary of a rural production zone or indicative rural production area; and

future urban zones	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. Activity status where compliance is not achieved: N/A
SUB-R10.	Subdivision in the vicinity of the gas transmission network
All zones	Activity status: DIS Where: 1. The subdivision occurs on an allotment which: (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. Activity status where compliance is not achieved: N/A <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>
SUB-R11.	Subdivision of land containing a scheduled feature or site, or located in a hazard area or coastal hazards area
All zones	Activity status: DIS Where: 1. The subdivision occurs on an allotment which contains one or more of the following features: (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 (ii) A heritage building or structure listed in SCHED1; or (iii) A significant archaeological site listed in SCHED2; or (iv) A site or area of significance to Māori listed in SCHED3; or (v) A site or area of significance to Māori - wāhi tapu site listed in SCHED4; or (vi) A significant natural area listed in SCHED6; or (vii) An outstanding natural feature listed in SCHED8; or (viii) An archaeological site listed in the NZAA site recording scheme. Activity status where compliance is not achieved: N/A
SUB-R12.	Subdivision of land located in scheduled landscapes and the coastal environment
All zones	Activity status: DIS Where: 1. The subdivision occurs on an allotment which: (i) Is located within or partially within an outstanding natural landscape identified in

	SCHED7; or (ii) Is located within or partially within a landscape of high amenity value identified in SCHED9; or (iii) Is located within or partially within an area of very high/high or outstanding natural character identified in SCHED10 or SCHED11; or (iv) Is located within or partially within the coastal environment overlay identified in SCHED13. Activity status where compliance is not achieved: N/A
SUB-R13.	Subdivision of land that will require a road to be vested as legal road
SUB-R14.	Subdivision of land where the allotment contains, or is located within 20 m of the edge of an indicative road
SUB-R15.	Subdivision of land that results in an increase of allotments being accessed by an existing right of way/private way
All zones	Activity Status: DIS
SUB-R16.	Subdivision of an allotment 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 subdivision under this plan or a previous Waitomo District Plan
SUB-R17.	Subdivision of land within a High Risk Flood Zone or within Coastal Erosion Hazard Area 1
All zones	Activity Status: NC
SUB-R18.	Subdivision within the national grid subdivision corridor
All zones	Activity status: RDIS Where: 1. 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 2. Existing vehicle access to National Grid assets is maintained. Matters over which discretion is restricted: (a) The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply within the safe separate distance

- requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001; and
- (b) The ability for continued access to existing National Grid transmission lines for maintenance, inspections and upgrading; and
 - (c) The ability to provide a complying building platform outside of the National Grid Yard; and
 - (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
 - (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
 - (f) The provision for the ongoing efficient operation, maintenance, and planned upgrade of the National Grid transmission lines; and
 - (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
 - (h) The outcome of any technical advice provided by Transpower; and
 - (i) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

Activity status where compliance is not achieved: NC

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.

Note: An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.

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 building platform(s) for each allotment
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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
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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 Manawātū 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
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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.	Esplanade reserves or esplanade strips – allotments less than 4 hectares
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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
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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
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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 benefit lots in the general rural zone
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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 (excluding rear allotments)	Allotment shape factor
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
General rural, Māori purpose & future urban zone	20 m	30 m diameter circle