

APPENDIX 3 RECOMMENDED AMENDMENTS TO SUB-P26 AND SUB-R7.

- SUB-P26.** Enable subdivision in the general rural zone in identified circumstances where this:
1. Allows permanent legal and physical access to landlocked Maori 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-R7.	<u>Benefit lots</u> in the general rural zone
<p>Fencing of water bodies in the Upper Waipa River catchment <u>or Upper Awakino River catchment</u></p>	<p>Activity status: RDIS</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The property is located in the Upper Waipa River catchment <u>or the Upper Awakino River catchment</u> 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: <ol style="list-style-type: none"> (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; <p>AND</p> <ol style="list-style-type: none"> 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.

Appendix 3 Recommended amendments: Benefit lot provisions (SUB-P26) and (SUB-R7)

	<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: RDIS</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 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</p> <p>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:</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 m², 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 Māori Freehold land or Urupā</p>	<p>Activity status: RDIS</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 Urupā 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 Urupā or Burial Ground or Māori Freehold land parcel does not currently have 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 m², exclusive of the area being protected, and the balance of the land being subdivided shall be no less than 2 hectares; and</p> <p>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</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>
<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 2,500m², 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</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>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

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- 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 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.
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