

SECTION 42A REPORT

Report on submissions and further submissions

Topic: Chapter 29 - Subdivision

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Dated: 27 March 2024

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List of submitters and further submitters addressed in this report

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)
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
FS30	Transpower New Zealand Limited

1. Introduction

1.1 Qualifications and Experience

1. My name is Cathy O'Callaghan. I am contracted by Waitomo District Council to assist with the hearings process for the proposed plan. I hold a first class honours degree in resource and environmental planning from Massey University and a post-graduate qualification in agricultural-environmental science. I have been employed in consenting and policy planning roles in consultancy services, local, regional and central government for over 30 years. I drafted the provisions of the subdivision chapter.

1.2 Code of Conduct

2. I confirm that I have read the Code of Conduct for Expert Witness in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
3. I am authorised to give this evidence on the Council's behalf to the proposed district plan Hearings Commissioners (the Commissioners).

1.3 Conflict of Interest

4. I do not have any property, interests or investment relationships in Waitomo District. To the best of my knowledge, I confirm that I have no real or perceived conflict of interest.

1.4 Preparation of this report

5. I am the author of this report. The scope of evidence in this report relates to the evaluation of submissions and further submissions received in relation to the provisions related to the subdivision chapter.
6. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2. Scope of Report

2.1 Matters addressed by this report

7. The provisions of the subdivision chapter and associated definitions are covered by this report. The scope of my evidence relates to the evaluation of submissions and further submissions received in relation to the provisions in the subdivision chapter.

8. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA). This report considers submissions that were received by the Council in relation to the provisions relating to the management of subdivision within the Waitomo proposed district plan.

2.2 Overview of the chapter

9. Subdivision is the process of dividing an allotment or building into one or more additional allotments or units or changing an existing boundary location. The subdivision 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 and climate change), servicing requirements, the location of existing infrastructure and the need for a sustainable design and layout.
10. The chapter recognises the positive benefits that arise from integrated, well-planned subdivision and subsequent development. These include 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. Subdivision of land within some overlays or where it contains identified sites and features is generally subject to additional subdivision standards.
11. The subdivision chapter addresses the following main issues:
 - Supporting repopulation of the rural areas while maintaining the productive capacity of the rural land resource.
 - Enabling sufficient opportunities for growth and associated built development to ensure a wide range of living options that are managed in a way that results in anticipated amenity and that is integrated with infrastructure.
 - Subdivision may not have any direct physical effects on land, but it is a fundamental precursor to further development.
 - Development in some places can lead to situations where new occupants are adversely affected by the existing environment. This can be in relation to the effects of existing activities, such as nearby important infrastructure (also called reverse sensitivity), or characteristics of the land itself, such as susceptibility to natural hazards.
 - Subdivision of land and subsequent land use can generate adverse effects on the environment, including potential adverse effects on landform, biodiversity, water quality, infrastructure, hazards, public access, cultural and heritage sites, amenity values and reverse sensitivity effects on existing land uses.

- 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.
- Inappropriate subdivision in the coastal environment can also reduce natural character and opportunities for public access, and 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
- Inappropriate subdivision and development can also adversely affect the values of the identified scheduled, sites, features and overlays including on the identified sites and areas of significance to Māori, significant natural areas, and outstanding natural features and landscapes
- Fragmentation of land parcels into small lot sizes may lead to a loss of flexibility of their use in the future, but alternatively may promote diverse future land use.
- Creation of small un-serviced allotments may create difficulties in relation to disposal of effluent or provision of an adequate potable water supply. These may have adverse environmental effects and adversely affect public health.
- The additional traffic and property accesses generated as a result of subdivisions may adversely affect the safe and efficient operation of the transport network.
- Some areas of the district are prone to periodic flooding or coastal erosion. Intensive development and subdivision of this land may be inappropriate.

2.3 Statutory Requirements

Resource Management Act

12. This plan has been prepared in accordance with the Council's functions under the RMA, specifically Part 2, sections 31, 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32. The section 32 report which addresses this chapter sets out how the relevant national policy statements, national environmental standards, provisions of the Waikato Regional Policy Statement, the Manawatū-Whanganui One Plan, the Maniapoto Environmental Management Plan, the Waikato Tainui Environment Management Plan 2018 and Te Ture Whaimana o Te Awa o Waikato - The Vision and Strategy for the Waikato River have been assessed and considered.

3. Consideration of submissions received

3.1 Overview of submissions

13. The table of submissions is contained in Appendix 1 of this report. 189 submission points and further submission points were received on the subdivision chapter.

3.2 Structure of this report

14. This report is structured into 12 topic areas, being:

- Topic 1: Indigenous Biodiversity
- Topic 2: Primary Production
- Topic 3: Housing Typologies
- Topic 4: Infrastructure Provision
- Topic 5: Highly Productive Land
- Topic 6: Natural Hazards
- Topic 7: Awakino Catchment
- Topic 8: National Grid
- Topic 9: Subdivision Matters of Discretion
- Topic 10: Allotment Size
- Topic 11: Activity Status Amendments
- Topic 12: General Subdivision Matters

4. Analysis and recommendations

Topic 1: Indigenous Biodiversity

15. Forest and Bird request the overview section is amended to add a paragraph to promote indigenous biodiversity outcomes for any subdivision. Similarly, the submitter seeks a new objective to promote positive indigenous biodiversity outcomes for any subdivision, and an associated policy. The Waikato Regional Council (WRC) also requests a new objective to promote positive indigenous biodiversity outcomes that align with ECO-O1, ECO-P2 and UFD-P1 of the Waikato Regional Policy Statement (WRPS).
16. It is considered that this matter is fully covered by the following objectives and policies noting that 'overlays, scheduled sites and features' means any area of land, site, feature, building or structure identified or listed in SCHED1–SCHED13. This covers all the cultural heritage sites, all the

landscapes, significant natural areas (SNAs), the karst and coastal environment overlays. It is also considered that the policy framework in the context of subdivision, gives full effect to ECO-O1, ECO-P2 and UFD-P1 as follows:

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-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.**

17. As such it is considered that introducing a new objective and policy is not necessary as the matter is already fully provided for in the framework.
18. Forest and Bird request SUB-O4 is amended as follows: *Subdivision protects ~~or enhances~~ the subject matters of 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 and characteristics cannot be appropriately protected.*
19. Working through this, it is not clear why the submitter would not want the overlays and scheduled sites either protected or enhanced. The submission states that enhancement is not an appropriate alternative to protection. In respect of subdivision, this approach appears to be a win either way given the extent of landscapes and features that this provision provides for. The submitter may wish to provide more information on why 'enhancement' is inappropriate in the context of the activity of subdivision (rather than land use activities which are provided for in rules located in other parts of this plan).
20. Forest and Bird also request that 'identified' values are not referred to in the objective. This plan does identify the values associated with each feature or overlay in the schedules, and therefore the reference is valid. The exception is SNAs where Council holds the values identified for each site. This is because SCHED6 ran to 250 pages when the values were added (see below for an example):

Unique Identifier	Site Name	Site Code	Significance	Description of Values
SNA011	5/03/402 Extension	S16UP088	National	This SNA comprises areas in the Mangapu Valley which are near a Nga Whenua Rahui Covenant (S16P17043) and a QEII site (S16066). Vegetation is characterised by secondary/modified lowland palustrine podocarp forest dominated by kahikatea and (WRC oblique imagery 2017). Alluvial kahikatea forest is a nationally and regionally under-represented habitat and these patches are likely to be ecologically sustainable if managed for conservation. In conjunction with adjacent SNAs, patches like these provide important remnant connectivity through the broader landscape for mobile species. A nationally critical plant species has been recorded at the site. This SNA is recognised by Maniapoto Maori Trust as repo named: Piha. For the aforementioned reasons this SNA has been assessed as nationally significant.
SNA012	5/06/077	S17143	National	QEII reserve just south of Bennydale and connected with S17065.02 through a Council water purpose reserve (S17151) with an unprotected site (S17065.02) that has been identified as a recommended area for protection in Taumarunui ED. The QEII is dominated by secondary tawa forest in association with rimu, scattered matai, miro and totara and occasional northern rata and this is supported by both the Singer and Rogers (2017) vegetation mapping (unit MF7-2) and also the WRC oblique imagery (2017). Also serves as a buffer for S17151, S17065.02 and S17065. Assessed as nationally significant for its likely habitat for threatened species.
SNA013	5/06/085 (includes former S17140 and S17146)	S17142	National	This SNA is contiguous with QEII sites (S17144 and S17146) and therefore, in conjunction with these adjacent SNAs, likely to provide important remnant connectivity through the broader landscape for mobile species. Partially protected under QEII covenant. As the largest site in this tract, it is also likely to act as a buffer to the smaller sites. Vegetation is secondary lowland hardwood forest (WRC oblique imagery 2017), in good condition and likely to be ecologically sustainable if managed for conservation. The site also and includes archaeological features. For the aforementioned reasons but mostly because of its size and condition, this SNA has been assessed as nationally significant.

21. Given this, it is not considered that the amendments proposed enable the policy to be interpreted more clearly or ensure that the effects are managed more efficiently or effectively. As such, no changes are recommended to SUB-O4. However, in respect of SCHED6 it would be useful to let plan users know that Council does hold the identified values of each site. An advice note could be added to the schedule as follows:

Note: Given the extent of many significant natural areas, it is not possible to list the identified values of each site, however Council holds this information, and it can be obtained on request.

22. **Section 32AA:** The recommended amendment is simply an instruction which allows plan users to access information. The amendment does not materially affect the policy framework or rules. A section 32AA evaluation is not required.
23. Forest and Bird request an amendment to SUB-P18 to change the wording from 'encourage' to 'support.' SUB-P18 encourages subdivision which recognises the value of natural systems by employing green infrastructure solutions designed to avoid, remedy or mitigate adverse effects on the environment. Using the word 'support' might lead the reader to believe that there is monetary or 'in kind' assistance available to enable subdividers to use green infrastructure solutions in their development. While the infrastructure team can provide some advice, unfortunately Council is not in a position to provide monetary support. Rather than mislead, it is considered better to rely on the current wording of the policy.

24. Forest and Bird request that SUB-P24 is amended to 'ensure' rather than 'encourage' subdivision which permanently retains and protects scheduled sites and features and archaeological sites within one allotment. This policy relates specifically to SUB-R3 which enables subdivision of land protecting the sites and features listed in the rule as a restricted discretionary activity. The policy that seeks to ensure that the identified values of overlays, scheduled sites and features and archaeological sites are protected during subdivision is SUB-P21. As this matter is provided for in another policy provision, no amendment to SUB-P24 is recommended. Having said this, to make it clear that the policy applies to a specific rule, it could be moved down into the "specific subdivision policy" section of the policy framework to assist plan users. The structural change would look like this:

Specific Subdivision Policy

SUB-P24. Encourage subdivision which permanently retains and protects scheduled sites and features and archaeological sites within one allotment.

Specific Subdivision Policy

SUB-P25. Give effect to the Waikato River Vision and Strategy

25. Section 32AA: The recommended amendment moves a policy down one position so that it relates to a heading that better describes its function. There is no change to the wording of the policy proposed. A section 32AA evaluation is not required.
26. Approximately 35% of the district located in the Waikato Region has been identified as an SNA, meeting the WRPS criteria used to determine significance. The policy and rule framework is contained in the ecosystems and indigenous biodiversity chapter. Forest and Bird seek a further amendment to SUB-P24 to include a new policy to set direction for the assessment of subdivision sites against the significance criteria within Appendix 5 of the WRPS and to protect any significant natural areas (SNAs) that are identified. This protection is proposed to apply in the same way as protection is afforded to the scheduled (SCHED6) SNAs. The submission also asks for a rule to enforce this approach.
27. Additionally, Forest and Bird request another new rule requiring any subdivision to ensure there is sufficient land area within each allotment for a building platform and access to this without affecting any SNA or land newly identified as an SNA.
28. This plan already contains provisions which protect SNAs and maintain or enhance indigenous biodiversity that is not identified as an SNA. There are rules in the general rural zone, coastal environment and natural character chapters designed to promote positive indigenous biodiversity outcomes and to maintain the full range of ecosystem types. As areas of indigenous forest, shrublands and wetlands can also contribute to the visual amenity of the district's landscapes, there are also rules in the natural features and landscapes chapter about how much non-SNA indigenous vegetation can be cleared over the period of a calendar year. In the karst overlay, rules

restricting the clearance of indigenous vegetation are designed to protect the underlying hydrological and associated geomorphological and ecological processes of karst systems.

29. Subdivision is the process of apportioning land rather than the resulting land use, but this plan none-the-less anticipates the resulting land use through the policy framework. SUB-O4, SUB-P20 and P21 provide the policy framework for protecting indigenous vegetation, overlays, scheduled sites and features (including SNAs). The restricted discretionary criteria also specifically require the consideration of effects on any scheduled site or feature (including SNAs), archaeological sites, water bodies or areas of indigenous vegetation regardless of significance. Subdivision in outstanding natural landscapes, landscapes of high amenity value, very high/high or outstanding natural character and in the coastal environment overlay is discretionary. This allows the full range of potential effects to be considered.
30. ECO-R11 provides for the situations where the removal of indigenous vegetation is necessary for building platforms. Clearance is a permitted activity for the construction or relocation of one building per holding, where the new or relocated building is for the purpose of a tourism facility, tramping/hunting hut, visitor accommodation or honey production. In all cases to meet the permitted activity criteria, the removal of indigenous vegetation must not exceed 150 m² and may only occur in local category SNAs. All other clearance for building platforms in all other SNA categories is non-complying.
31. Given the extensive way in which the subdivision chapter and this plan consider impacts on both significant and non-significant indigenous vegetation, no amendment is considered to be necessary.
32. Forest and Bird request an addition to each of the zones in SUB-R1 to add a rule to ensure any SNA which is scheduled or identified through a site assessment, is in one allotment. A similar request is made in respect of SUB-R2 which applies to boundary adjustments. This amendment is proposed by the submitter to avoid habitat fragmentation. This plan does provide for subdivision to protect identified sites and features (SUB-R3). It is not understood what benefit there would be in imposing this requirement. Subdivision is a line on a plan and nature routinely ignores property boundaries, territorial and regional boundaries. The critical aspect is keeping intact, viable areas of indigenous forest, and this is achieved in this plan through the provisions in the ecosystems and indigenous biodiversity chapter, via the identification of SNAs, and through district-wide rules.
33. It is considered that this provision could result in some unanticipated outcomes. For example, applicants could find their applications become discretionary if minimum lot sizes cannot be achieved due to the requirement to subdivide off SNAs. There would be additional surveying costs and there is no physical gain in terms of the area of indigenous vegetation itself - and only limited administrative gain. It is also not clear what is meant by 'one allotment'. That is, is the expectation that the boundaries are configured so the SNA is in one allotment or amalgamated

with adjacent allotments (on the site itself or with the remainder of the SNA on adjacent properties?) On balance, the best mechanism to manage SNAs is considered to be the rules in the ecosystems and indigenous biodiversity chapter, and SUB-R3 remains the appropriate mechanism to apportion off areas which have identified sites and features.

34. As part of the suite of proposed amendments which would support assessment of subdivision sites against the significance criteria within Appendix 5 of the WRPS, Forest and Bird request the matters of discretion in SUB-R1(c), SUB-R2(c), SUB-R4(d) and SUB-R7(c) are amended. The proposed amendment would include '*significant habitats of indigenous fauna, or significant natural areas identified through the site assessment.*' Currently the matters of discretion address the effects on any scheduled site (including SNAs) or features, archaeological sites, water bodies or areas of indigenous vegetation. Given the matter of discretion specifically provides for both significant and non-significant indigenous vegetation, this amendment is not considered necessary.
35. As part of the suite of proposed amendments which would support assessment of subdivision sites against the significance criteria within Appendix 5 of the WRPS, Forest and Bird also request SUB-R3.1(v) is amended to include those sites identified as part of the assessment process. SUB-R3.1 currently concerns subdivision of land exclusively for protection of scheduled sites and features (including the protection of a significant natural area listed in SCHED6). Again, this amendment is not considered to be appropriate given SNAs are specifically identified in this plan and the scheduling of these sites provides certainty for those administering the rule.
36. Forest and Bird request an amendment to the activity status of SUB-R11 to make subdivision of land containing a scheduled feature or site a non-complying activity rather than a discretionary activity. The rule currently requires a discretionary activity resource consent because it is not possible to restrict discretion when considering how subdivision might impact the breadth of matters covered by the rule. It is also because a number of sites are quite complicated in so far as they contain more than one scheduled feature. By way of example, a property could contain an outstanding natural feature that is also a site or area of significance to Māori. However, the subdivision itself might not in any way impact the scheduled feature. Subdivision of 5 ha from a 500 ha block with an SNA in one corner of it does not warrant non-complying status. Non-complying status does not seem justified given that subdivision on the majority of sites with a scheduled feature is unlikely to have any adverse effect on that feature. Discretionary status does not preclude the consent from being declined if an adverse effect is identified. As this case-by-case evaluation is necessary for subdivision of these sites, the current activity status is considered to be appropriate.

Topic 2: Primary Production

37. Federated Farmers request SUB-O7 is amended so the retention of the primary productive potential of rural land it is not an absolute. They also seek to allow for appropriate subdivision of rural land used for primary

production. SUB-07 seeks to ensure 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. This is not considered to be an absolute. The word 'overall' and the phrase 'support the use of the general rural zone as a productive working environment' enable subdivision which contributes to the function of the general rural zone. Additionally, the subdivision rules are generally concerned with the division of land rather than the resulting land use. The only exception to this is where subdivision provisions are specified for a particular activity such as subdivision for the protection of a scheduled site (SUB-R3) or subdivision for public works, network utilities or reserves (SUB-R4). No amendment is considered necessary to SUB-07.

38. Two submitters (NZAAA and Heli A1) request SUB-O11 is amended to provide for 'primary production'. Currently, the objective ensures that new allotments created close to the boundary of a rural production zone, indicative rural production area or any established site of intensive indoor primary production identify a building platform in a location that minimises reverse sensitivity effects. The submitters would like to add 'established sites of primary production' to SUB-O11.
39. This objective has a specific purpose and relationship with SUB-P3.5, SUB-P3.9, SUB-P10.3 and SUB-R9. The purpose of these provisions is to manage the issues that some sites (which have an operational and functional need to locate in the general rural zone but generate effects that are potentially more significant than agriculture and horticulture), experience when more sensitive activities, such as residential dwellings, are located in their proximity. The two types of activities that experience these reverse sensitivity issues the most are rural production activities (such as quarries and meat works) and intensive indoor primary production (such as chicken sheds and indoor pig farms).
40. This does not mean that primary production activities are not also protected as far as possible from reverse sensitivity. This is covered by SUB-07, SUB-P3.4 and SUB-P10. So essentially the submitter's request is already met by the plan's provisions and SUB-O11 simply provides a more focused policy approach for two subsets of rural activities.
41. The NZPIB also seeks an amendment to SUB-O11 and SUB-P3 to replace 'intensive indoor primary production' with 'intensive primary production' and in SUB-O11, replace 'minimises' with 'avoids or mitigates'. As discussed in the section 42A report for the general rural zone, it is considered that the National Planning Standards definition of 'intensive indoor primary production' sufficiently describes intensive farming activities and amendment to extend this definition is not supported, and therefore not appropriate to use in SUB-O11 or SUB-P3.
42. Similar to the assessment of NZPIB's submission point on GRUZ-P3, it is considered appropriate to use the word 'minimised' in this objective rather than 'avoids or mitigates'. The purpose of the RMA requires the avoidance, remedy or mitigation of any adverse effects of activities on the environment. In this instance, the term 'minimise' encapsulates the 'ARM'

approach proposed to reduce the potential for reverse sensitivity issues to arise. No amendment is recommended.

43. Balance Agri-Nutrients seek to amend SUB-P3.5 to include primary production activities alongside regionally significant industries and regionally significant mineral resources. SUB-P3.5 discourages subdivision that would result in reverse sensitivity effects which compromise the operation or expansion of regionally significant industries or regionally significant mineral sources.
44. As discussed above in para 39, this policy has a specific purpose and relationship with SUB-O11, SUB-P3.9, SUB-P10.3 And SUB-R9. The purpose of these provisions is to manage the reverse sensitivity issues experienced by rural production activities (such as quarries and meat works). In this case, the policy point applies specifically to regionally significant industries and regionally significant mineral resources which are provided for in the rural production zone.
45. This does not mean that primary production activities are not also protected as far as possible from reverse sensitivity. This is covered by SUB-O7, SUB-P3.4 and SUB-P10. So essentially the submitter's request is already met by the plan's provisions.
46. NZPIB request an amendment to SUB-R9 which concerns subdivision of land to create allotment(s) in proximity to the rural production zones or sites of intensive indoor primary production. NZPIB have provided an amendment which they propose will replace *'the perimeter of the external walls of the closest building housing animals'*. The amendment suggests the use of *'any hard stand areas, treatment systems, buildings housing animals and any other structures related to an intensive primary production activity'*. This provides a more comprehensive approach to the operations of the activity and the management of reverse sensitivity effects. A similar amendment was proposed in the general rural zone (GRUZ-R43).
47. However, the inclusion of *'any other structures related to an intensive primary production activity'* is considered to be a little restrictive. A benign structure such as a hay shed, office building or smoko facilities and their associated hardstand would trigger this rule. The 500m setback requirement in the general rural zone is onerous and therefore it is better to ensure only those activities which may have effects that trigger reverse sensitivity issues are provided for in this rule. The amendment would read:
 3. In the general rural zone, the new allotment is created within 500 m of the perimeter of the external walls of the closest building housing animals treatment systems, structures housing animals (and hardstand areas associated with those) on an established site of intensive indoor primary production.
48. Section 32AA: See Appendix 3.

Topic 3: Housing Typologies

49. SUB-P4 currently works to avoid subdivision that creates allotments in specific situations. The first situation is in townships where, if the subdivision of a minor residential unit does not meet the minimum allotment size for the zone, it should be avoided to retain the built character and scale consistent with the surrounding residential environment. The other situation involves subdivision of tiny houses or papakaainga units where, if the minimum allotment size cannot be achieved, subdivision should be avoided to prevent compromising the character and amenity values of the underlying zone.
50. Kāinga Ora submit that SUB-P4 should be deleted and replaced with the following: *'In all zones, avoid subdivision that creates vacant allotments that are unable to contain a permitted household unit.'*
51. Kāinga Ora have identified a situation that is undesirable. Creating vacant lots which cannot contain a permitted residential unit would fail to provide for the efficient use of the land resource. That said, this would not apply to all zones (as SUB-P4 does), as residential units are not permitted in all zones. The situation appears most likely to arise in the residential, tourism and settlement zones where smaller lot sizes are enabled. Ensuring this outcome does not arise in those zones is covered by SUB-P16. SUB-P16 does not demand that vacant allotments are not created. Instead, it sets out the limited circumstances where subdivision that does not comply with the minimum allotment size standards might be considered appropriate. It is considered that SUB-P16 adequately addresses the amendment proposed by Kāinga Ora.
52. As stated above, the other two policy points in SUB-P4 manage specific effects. SUB-P4.1 and P4.2 seek to avoid subdivision of minor residential units, tiny houses or papakāinga units where the minimum lot size for the zone cannot be achieved. It is noted that Kāinga Ora are concerned about including tiny houses in the plan and consider the other housing typologies to be a form of residential development that do not need to be defined independently of any other residential use.
53. This matter is considered more fully in the residential zone section 42A report. However, while Kāinga Ora's position is understood, it is the intent of this plan to signal that these housing typologies are specifically provided for, rather than not referring to them / not listing them directly, and risking they fall into discretionary or non-complying status (as 'activities that are not otherwise listed'). Several projects have been observed with interest in other parts of the country including Kāinga Ora's role in the innovative 'Our Whare Our Fare' project. These projects signal ground-breaking changes to housing New Zealanders that are welcomed in Waitomo district. The desire is to make it very clear in the plan's provisions that diverse housing typologies are envisaged in identified zones and in the associated subdivision rules.
54. By way of example, a co-housing initiative to build 30 low-cost homes in Cambridge failed due to the requirements of the structure plan which managed the development of that site. The failure of that project is valid in that receiving environment, and the structure plan itself was agreed to

by that community. Conversely, Council has signalled that the plan should provide housing in ways that enable the community to have options; including the option to live in a more collective way, the option to provide for family members through minor residential units, the option to live in a more compact dwelling as well as the option to live in traditional residential units. This plan also provides the option to have a tiny home (within certain parameters). The notification of this plan tests whether the community supports this approach. Other than Kāinga Ora’s concerns (which do appear to be structural rather than opposing the use of different housing typologies), there are no submissions in opposition to the inclusion of these housing options. As such, it is recommended that the request to delete SUB-P4 is rejected.

Topic 4: Infrastructure Provision

55. Waka Kotahi request that SUB-P7.1 is amended to ensure that subdivision is integrated with infrastructure and there is sufficient capacity available at the design stage of development. Waka Kotahi considers that the amendment provides consistency with SUB-O3. It is agreed that this amendment is consistent with the governing objective. Additionally, the provision of infrastructure is ultimately reliant on there being capacity to meet the demand for services resulting from new development. Accordingly, this addition is considered appropriate and the amendment would read:

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

56. [Section 32AA:](#) See Appendix 3.

57. TLC request either a definition is added for ‘infrastructure’ or SUB-P7 is amended to explicitly provide for non-Council owned infrastructure (including Council’s three waters and transportation infrastructure). The RMA provides a definition of infrastructure. Where the RMA provides a definition, it is generally understood that that is applied in the context of a district plan. However, to ensure plan readers understand what is meant by ‘infrastructure’, it is agreed that this could be added to the definitions section of the plan as follows:

<u>infrastructure</u>	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>(a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:</p> <p>(b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:</p> <p>(c) a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:</p> <p>(d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines</p> </div>
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	<p><u>used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—</u></p> <p>(i) <u>uses them in connection with the generation of electricity for the person’s use; and</u></p> <p>(ii) <u>does not use them to generate any electricity for supply to any other person:</u></p> <p>(e) <u>a water supply distribution system, including a system for irrigation:</u></p> <p>(f) <u>a drainage or sewerage system:</u></p> <p>(g) <u>structures for transport on land by cycleways, rail, roads, walkways, or any other means:</u></p> <p>(h) <u>facilities for the loading or unloading of cargo or passengers transported on land by any means:</u></p> <p>(i) <u>an airport as defined in section 2 of the Airport Authorities Act 1966:</u></p> <p>(j) <u>a navigation installation as defined in section 2 of the Civil Aviation Act 1990:</u></p> <p>(k) <u>facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:</u></p> <p>(l) <u>anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166</u></p>	
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58. Section 32AA: The recommended amendment adds an RMA definition to the plan which would have been relied on in any event. There is no change to the intent or implementation of the policy or rule framework. A section 32AA evaluation is not required.
59. Currently SUB-R18.3 and R18.4 require every allotment to have provision for electricity, telephone and/or ethernet connections except for the Te Maika precinct (PREC7). TLC request that SUB-R18.3 is amended so that every new allotment (except for the Te Maika precinct), has electricity connections in place to the boundary of the allotment prior to the Record of Title being issued. On balance, this is considered particularly onerous for a district with very isolated properties and settlements. Some sites may not require a connection if they can generate their own electricity. A number of amendments are proposed below for consideration. It is noted that the provision of telecommunications and electricity have been considered together in the following assessment.
60. Chorus New Zealand Limited et al request SUB-R18.4 is amended and new standards are added so that:
- *All necessary easements for the protection of telecommunication network utility services must be duly granted and reserved.*

61. This is agreed in part as it is considered the rule should provide for easements but should refer to 'network utility services' rather than 'telecommunication network utility services'. See below for the recommended amendment.
- *In the residential, settlement, tourism, rural lifestyle, commercial and industrial zones and the Te Kuiti CBD precinct, every allotment must have provision for connections to an open access fibre network.*
62. This seems to be a reasonable way to address connectivity. However, there is no need to refer separately to the Te Kūiti CBD precinct as this is covered by the commercial zone. It is also considered the provision should only apply to new allotments and it is preferable to refer to telecommunication connections rather than 'open access fibre'. See below for the recommended amendment.
- *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.*
63. It is considered that this provision is not necessarily required. It seems quite onerous particularly for some of the extremely isolated parts of the district and for the natural open space zone. On balance this is quite an imposition for a rural district and is not necessarily justifiable. It is considered more reasonable to ensure sufficient land is set aside if this is actually required. This would be assessed at the time of the subdivision consent depending on the natural and scale of the proposal
64. This amendment would therefore read:
- ~~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 and electricity connections to their legal boundary and sufficient land set aside for them on site where required.
65. Chorus New Zealand Limited et al request that:
- *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.*

66. This approach seems unreasonable given the advances in satellite technology that are now available in the more isolated areas of the district. It is noted that the Māori Purpose zone is omitted from this list, and it is not considered reasonable to require this level of service in the Te Maika precinct (PREC7) or in the natural open space zone. Also, the tourism zone is duplicated in this provision and in the provision which requires connection to an open access fibre network. It is considered that a simpler approach might be to adopt the following wording:

4. In all other zones, where electricity lines and telecommunication lines are available within 200m of any boundary of a new allotment, these services must be provided to the legal boundary and sufficient land set aside for them on site where required; and

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.

67. This approach is of course open to further discussion, but appears to be used successfully in a neighbouring plan which has similarly isolated communities.

68. Section 32AA: See Appendix 3.

69. The Waikato Regional Council request an advice note is added to SUB-R20 which directs plan users to the Waikato Stormwater Management Guideline. This is a useful addition. The amendment would read:

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.

70. Section 32AA: The recommended amendment refers readers to a document which will provide further information about stormwater management. A section 32AA evaluation is not required.

Topic 5: Highly Productive Land

71. The NZPIB requests an amendment to SUB-P10.2 to protect the use of highly productive land for primary production activities. SUB-P10.2 currently reads 'minimising the use of highly productive soils for activities other than primary production.' Objective 2.1 in the National Policy Statement for Highly Productive Land reads: *Highly productive land is protected for use in land-based primary production, both now and for future generations.* 3.12 also directs that territorial authorities must include objectives, policies, and rules in their district plans that prioritise

the use of highly productive land for land-based primary production over other uses.

72. This plan was largely completed by the introduction of the National Policy Statement for Highly Productive Land. The opportunity to amend this policy to align with national direction is helpful, however the document refers to 'land-based primary production' which does not include intensive indoor primary production. So for NZPIB, the alignment with national direction is rather unhelpful. Unfortunately, this plan must give effect to the national policy statement which overrides all of the plan's policy provisions. Some of NZPIB's wording is adopted. The recommended amendment is:

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. ~~Minimising~~ Protecting the use of highly productive land soils for activities other than land-based primary production; 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 soils for commercial and industrial purposes (~~with the exception of rural industry~~); 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.
73. The Commissioners may also wish to consider a consequential amendment to SUB-P10.5 to refer to highly productive land (the correct terminology) rather than highly productive soils. Additionally, the Commissioners might consider deleting reference to rural industry which is not provided for in the National Policy Statement for Highly Productive Land.
74. Section 32AA: The recommended amendments to SUB-P10 employ the wording and approach contained in the National Policy Statement for Highly Productive land which this plan must give effect to. Regardless of any amendment to this plan, the provisions in that national direction prevail over the subdivision policy framework. As such a section 32AA evaluation is unnecessary.

Topic 6: Natural Hazards

75. WRC request further clarification as to what 'significant risk' means in the context of SUB-P17. SUB-P17 concerns managing significant risks from natural hazards and contains a number of subpoints providing restrictions to help manage these potential risks. The phrase 'significant risk' is

employed as a matter of national importance in RMA section 6(h); *the management of significant risks from natural hazards*. In respect of subdivision, it is further employed in section 106 which states; *A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that there is a significant risk from natural hazards*. The RMA does not define this term.

76. Given there is no definition in the RMA, this plan states where 'natural hazard risks' have been identified using a series of hazard areas relating to coastal flooding and erosion, flooding, high risk flood zones and landslide susceptibility. The policy framework reflects these identified areas and subdivision is restricted based on the application of the three categories of 'natural hazard risk' in the WRPS. Based on expert assessment, it is the view of this plan that 'significant risk' areas are the High Risk Flood Zone (identified using the WRPS criteria) and Coastal Erosion Hazard Area 1. The policy framework therefore specifies that subdivision in these two identified areas should be 'avoided' and consequently, the activity is non-complying (SUB-R17). However, that does not mean that 'significant risk' cannot occur in other hazard areas, in areas which have not been mapped for hazards or in areas where hazards are unidentified or unknown at this point in time.
77. The policy cannot use the WRPS term 'natural hazard risk' in the governing sentence in place of 'significant risk' because of the application of the three categories (intolerable, tolerable and acceptable). These categories would make it unclear in the policy what level of risk needed to be avoided, remedied or mitigated. Hence the plan relies on the RMA term 'significant risk' which is applied specifically to subdivision in the Act.
78. However, the term 'natural hazard risk' is used in SUB-O6 which is applied at a broader level (as is appropriate for an objective), to ensure adequate assessment of the natural hazard risk is undertaken prior to the establishment of new subdivision and development. The objective observes that subdivision of some sites may not be possible if the natural hazard risk cannot be appropriately managed. The policy (SUB-P17) refines this approach.
79. Should the WRPS decide to define 'significant risk' in respect of subdivision, this would be welcomed as it would clarify the level of risk territorial authorities should 'assess to' in terms of both their subdivision policy and rule frameworks.
80. Identifying the primary hazard areas (WRPS HAZ-M2; *Waikato Regional Council will identify primary hazard zones in consultation with key stakeholders including but not limited to territorial authorities, tangata whenua, infrastructure providers, and affected communities and these shall be recognised and provided for in regional and district plans*) would also help in this assessment of 'significant risk'. No change is recommended to SUB-P17.

Topic 7: Awakino Catchment

81. Auckland Waikato Fish and Game request the benefit lot provisions are expanded to include the Awakino River catchment, due to its national

importance as a trout fishery. The submitter has requested amendments to SUB-P25 and P26 and SUB-R7 to enable this.

82. SUB-P25 currently works to 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. It is considered that this policy should remain specific to the Waikato River Vision and Strategy.
83. The amendment to SUB-P26.2, P26.4 and SUB-R7 would have the effect of including the Awakino River catchment in the benefit lot provisions. The rule has restricted discretionary status. The provisions would work in the following way; Where a property is located in the Awakino River catchment and land 5 m (or more) from the edge of any water body is permanently fenced, planted, stock excluded and protected in perpetuity by a legal mechanism, then 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 two benefit lots per holding can be obtained where the fence erected is over 2 km. The land must be in the general rural zone, the balance lot must be no less than 2 ha and no further subdivision using the rule would be permitted.
84. Additionally, the submitter requests that a benefit lots are enabled where new public access is offered on both the upper Waipa and Awakino catchments (noting the Waipa River is also of national importance as a trout fishery).
85. There is no particular objection to adding fencing of the Awakino catchment to the benefit lot provisions, however it is considered that more information is required. It would be useful to understand how national importance as a trout fishery is awarded and maintained, how large the Awakino catchment is and what its mapped area would be. This information will enable the Commissioners to better assess the request.
86. In terms of public access, it would be helpful to understand what this would entail. That is, how would the public access be provided, what legal mechanism would be used, would the access be in perpetuity, and are some access points more appropriate than others. In the interim, it is recommended that the submission points are rejected until more information can be shared.

Topic 8: National Grid

87. Transpower seek an amendment of SUB-P31 to remove the reference to the 'National Grid electricity transmission network' and provide a separate policy for subdivision within the national grid subdivision corridor. Transpower have also requested an amendment to SUB-R1 and SUB-R10 and the addition of a new rule.
88. It is agreed that for the purposes of subdivision, the national grid and the gas transmission network can be separated from one another. The new wording is specific to the national grid subdivision corridor and the amendments do not impact the gas transmission network. It is also agreed that subdivision can be the most effective point to address reverse

sensitivity effects and that it is important to design subdivision layouts to properly accommodate the transmission corridor.

89. The submitter considers that the reworded policy better gives effect to policy 10 of the National Policy Statement on Electricity Transmission and this is agreed. Further, it is considered that the proposed policy will have been tested in plans around the country and is likely to afford the best protection to this nationally significant infrastructure. Its adoption is also likely to provide for consistency across plans. The amendments would read:

SUB-P31. Provide for the ~~National Grid electricity transmission network and the~~ gas transmission network by ensuring subdivision does not compromise its ongoing operation, maintenance and development.

SUB-PX 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.

90. Transpower also request the addition of a new rule for subdivision within the National Grid Subdivision Corridor. This amendment would have the effect of reducing the activity status from discretionary to restricted discretionary. Failing to comply with the rule would invoke non-complying activity status. The new rule is specific to the national grid subdivision corridor and the amendments do not impact the gas transmission network.

91. Transpower are concerned that the matters of discretion in SUB-R10 are not sufficiently directive in relation to the national grid. It is agreed that a specific national grid rule and restricted discretionary activity status incentivises applicants to design and layout subdivisions in a way that avoids building sites within the national grid yard. Additionally, this approach is consistent with the provisions of WRPS UFD-O1 and P2. On balance it is considered that the amendments are appropriate and protect the operation of regionally and nationally significant infrastructure. The changes would read:

SUB-R10.	<u>Subdivision within the national grid subdivision corridor or in the vicinity of the gas transmission network</u>
All zones	<p>Activity status: DIS</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The subdivision occurs on an allotment which: <ol style="list-style-type: none"> (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 (ii) 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>Activity status where compliance is not achieved: N/A</p> <p><i>Note: Transpower New Zealand Ltd and/or 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-RX.	Subdivision within the national grid subdivision corridor
All zones	<p>Activity status: RDIS</p> <p>Where:</p> <ol style="list-style-type: none"> 1. <u>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</u> 2. <u>Existing vehicle access to National Grid assets is maintained.</u> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> (a) <u>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.</u> (b) <u>The ability for continued access to existing National Grid transmission lines for maintenance, inspections and upgrading.</u> (c) <u>The ability to provide a complying building platform outside of the National Grid Yard.</u> (d) <u>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.</u> (e) <u>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.</u> (f) <u>The provision for the ongoing efficient operation, maintenance, and planned upgrade of the National Grid transmission lines.</u> (g) <u>The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity and nuisance effects on the transmission asset.</u> (h) <u>The outcome of any technical advice provided by Transpower.</u> (i) <u>The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</u> <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>

92. Section 32AA: See Appendix 3.

Topic 9: Subdivision Matters of Discretion

93. The Waikato Regional Council seek an amendment to the matters of discretion for SUB-R1. The submitter wishes to add 'productive capacity' as a category for determining whether the resulting allotments are an efficient use of land. The current other considerations in that matter of discretion are size, shape and configuration. Although this matter is provided for in the policy framework (SUB-O7 and SUB-P10.1) this is a difficult matter of discretion to assess in the absence of the end land use of the site. Would this amendment mean that an applicant would need to justify that a 4 ha block (for example), could be used for horticulture and

therefore the productive capacity is retained? It is not quite clear how this matter of discretion might be applied. The regional council may wish to provide further information to the hearing on the implementation of the proposed amendment. The submitter can rest assured that the matter would be assessed from a policy perspective. In the interim it is recommended that the submission point is rejected.

94. Waka Kotahi also requests an amendment to the matters of discretion in SUB-R1. They request the addition of a new matter 'effects on the safety and efficiency of the transport network.' This matter is not considered to be necessary as the rules only apply to the creation of less than 7 allotments which is unlikely to have a significant impact on the transport network. Additionally, the transport chapter has provisions relating to any access onto a state highway (TRAN-R8) and requirements relating to the provision of an integrated transport assessment above stated traffic thresholds.
95. Auckland Waikato Fish and Game also requests an amendment to the matters of discretion in SUB-R1. The proposed amendment is to matter (h) which they request is extended beyond 'reverse sensitivity effects' to include 'the adequacy of separation distances between building platforms and established rural-based activities (such as big game bird hunting). This plan makes specific provision for subdivision of properties in proximity to sites where the identified features of an activity mean the effects cannot be fully internalised, or separation is required for health and safety reasons. An example of this is the provisions of SUB-R9 and R10. This plan is also clear that recreational hunting is permitted in the general rural zone. As such no amendment is considered necessary.
96. NZPIB also requests an amendment to the matters of discretion in SUB-R1. The submitter seeks amendment of the matter of discretion (h) to say, 'reverse sensitivity effects on lawfully established and permitted primary production activities'. Similar to the response above, it is the resulting land use rather than the subdivision itself that is considered by this rule and the matters of discretion. This plan contains adequate provision to manage reverse sensitivity effects generated by land use in the general rural zone and the other zones where this is necessary to manage effects. No amendment is considered appropriate.

Topic 10: Allotment Size

97. The NZPIB seek amendments to SUB-R1 to change the minimum lot size from 2 hectares in the general rural zone to 40 ha. The submitter considers that lot sizes of 2 hectares do not support primary production, will contribute to the fragmentation and loss of the food-producing potential of productive rural land, and result in increased opportunities for reverse sensitivity. The current district plan allows allotments of 700m² (sewered sites) and 2500m² (unsewered) in the rural zone. Sadly, the district is not blessed with an abundance of LUC 1-3 land and the current rules have not led a to proliferation of rural-residential subdivision or generated reverse sensitivity issues that would drive this plan to address their effects through allotment size. Instead, this plan manages land use activities to address

any potential for reverse sensitivity. No amendment is considered necessary.

98. Kāinga Ora request that SUB-R1 is amended to reduce the allotment size in the residential, settlement & tourism zones where the site is serviced by wastewater reticulation. They request the balance allotment has a vacant net site area of 300m² instead of 450m² and wish to remove the maximum net site area limit of 2000 m². For sites un-serviced by wastewater reticulation, they request a minimum vacant net site area of 2500 m² and request removal of the maximum net site area of 5000m². They consider that the provisions need to be more enabling.
99. These changes are not supported. The maximum areas are designed to ensure that residentially zoned land is used efficiently, and large lots are not devoted to single dwellings without consideration of the property, its topography and other applicable matters including site constraints. While it is agreed that this may result in comprehensive housing developments such as co-housing requiring a discretionary consent for subdivision, this is likely to be less of an issue given the residential zone anticipates this type of development and it is preferable to the alternative of single dwellings on large lots. Similarly, the 450m² allotment size has been considered in respect of the current character of the zones and the provisions of neighbouring plans. The current district plan requires 600m² for vacant allotments in the residential zone which is reasonably common for small rural townships. However, after considering infrastructure capacity and in the interests of greater residential density, the allotment size is proposed to be reduced to 450m². This is considered to be the appropriate size for the serviced residential zones.

Topic 11: Activity Status Amendments

100. Kāinga Ora request that the activity status of SUB-R1 for the residential, settlement and tourism zones is changed from restricted discretionary to controlled and the status where compliance is not achieved is shifted from discretionary to restricted discretionary. For the remaining zones in SUB-R1, Kāinga Ora request the activity status is amended from restricted discretionary to controlled. In respect of SUB-R2 which concerns boundary adjustments, Kāinga Ora request the activity status is changed from restricted discretionary to controlled and where compliance is not achieved, amended from discretionary to restricted discretionary.
101. SUB-R5 concerns subdivision to convert (cross lease) leasehold estates to create freehold estates. Kāinga Ora request the activity status be amended from restricted discretionary to controlled and where compliance is not achieved, from discretionary to restricted discretionary. Kāinga Ora seek the activity status of SUB-R6, which concerns amending cross leases or unit titles, also be amended from restricted discretionary to controlled and where compliance is not achieved, from discretionary to restricted discretionary.
102. These changes are not supported. It is not agreed that subdivision in all zones for the matters these rules cover, can legitimately be assessed as a controlled activity – that is, the consent must be granted but Council may impose conditions. The thirteen matters of discretion identified for SUB-R1

are an indication of the breadth of effects the subdivision provisions need to contemplate. It is very difficult to restrict the matters of discretion to the pertinent effects and submitters have sought that more matters are added. These amendments are not considered to appropriately manage the effects associated with subdivision and it is recommended that the submission points are rejected.

103. Kāinga Ora also request that the activity status in SUB-R10 is amended from discretionary to restricted discretionary. Given the amendments proposed above in Topic 8, this submission point could be accepted in part insofar as the status of subdivision in the national grid subdivision corridor is proposed to be amended to restricted discretionary, but no change is proposed for the gas transmission network. Kāinga Ora do not propose any matters of discretion to support this amendment.
104. Similarly, Kāinga Ora request that the activity status in SUB-R13 – R15 is amended from discretionary to restricted discretionary. These rules apply to subdivision where it will require a road to be vested as legal road, where the allotment contains, or is located within 20 m of the edge of an indicative road or where there is an increase of allotments being accessed by an existing right of way/private way. These matters are discretionary because it is important to ensure roads are built to standard and the roading pattern is appropriately connected to the transport network; it is important that new allotments do not compromise the indicative road network; and it is important that private ways do not become de facto roads which could affect pedestrian and vehicle safety, access and manoeuvring.
105. There is not a great deal of supporting information provided to assist with the evaluation of these submission points. As such, it is hard to justify these changes and therefore it is recommended that they are not accepted.

Topic 12: General Subdivision Matters

106. NZHPT seek that the overall heading 'Natural Systems' covering SUB-P21 to SUB-P24 be amended to 'Natural Systems and Historical Heritage.' It is agreed that this heading better reflects the policies that it encompasses.
107. Section 32AA: The recommended amendments to the heading better reflect the contents of the policies it encompasses. No section 32AA evaluation is required.
108. The Ministry of Education request that SUB-P1.5 is amended to change the wording from 'schools' to 'educational facilities.' Educational facilities are defined as land or buildings used for teaching or training by childcare services, schools, or tertiary education services, including any ancillary activities. SUB-P1 seeks to ensure safe connected and accessible residential neighbourhoods. It is agreed that amendment although minor in nature, promotes accessibility to a slightly wider range of activities for the wider benefit of the community. The amendment would read:

SUB-P1. Ensure safe, connected and accessible residential neighbourhoods are created and maintained by supporting subdivision that:

.....

5. Maximises accessibility and connectivity with surrounding neighbourhoods, to nearby shops, educational facilities schools, employment, open spaces and other activities through walkways and cycleways; and
109. Section 32AA: The recommended amendment, while widening the number of educational facilities that are encompassed, does not significantly change the intent or application of the policy. The policy currently provides for a broad range of activities to encourage better neighbourhood connectivity. No section 32AA evaluation is required.
110. The NZPIB request a change to the governing sentence of SUB-P3 from 'Discourage' to 'Avoid or otherwise mitigate'. Currently SUB-P3 seeks to discourage subdivision that does not meet its series of subpoints including subdivision that compromises the function of the transport network, results in reverse sensitivity effects or leads to poorly configured allotments. It is considered that the relief the submitter seeks is already provided for in the currently wording as both governing sentences appear to achieve the same outcome. It is not considered necessary to amend the policy to achieve the same outcome. The Commissioners may consider that one approach is preferable to the other, but in the interim, no change is recommended.
111. Federated Farmers seek that SUB-P27 is amended to refer directly to the taking of esplanade reserves or strips when subdivision of land adjoining water bodies and the coastline is proposed. Federated Farmers considers the RMA provisions relating to esplanade reserves and strips are the most appropriate method to achieve the outcome sought by the policy. Currently SUB-P27 only refers to 'providing for public access where required', rather than to the mechanisms themselves. It is agreed that this amendment clarifies the intent of the policy. The change would read:
- SUB-P27.** Unless specifically protecting a scheduled site or feature or archaeological site, council will consider taking esplanade reserves or strips when ensure that subdivision of land adjoining water bodies ~~and or~~ the coastline is proposed provides for public access where required.
112. Section 32AA: There are limited mechanisms the Council can employ to provide for public access to water bodies and the coastline. The amendment to this policy clarifies its application and better relates its provisions to the governing objective (SUB-O9) and to the rule framework (SUB-R22 and R23). The policy's original wording was not particularly clear. On balance the amendment assists interpretation and has no substantive effect on the application of the policy itself or the rule framework. No section 32AA evaluation is required.
113. Federated Farmers seek amendment of SUB-R3 regarding matters over which discretion is restricted in SUB-R3(f) and (g). Essentially the request is for the removal of SUB-R3(g) and its amalgamation with SUB-R3(f). It is not considered that this structural change adds any clarity to the interpretation of the plan and as such the amendment is not supported.
114. Kāinga Ora request that SUB-R8 is deleted. SUB-R8 deals with subdivision of land to create 7 or more allotments. Kāinga Ora does not consider it is necessary to have an additional subdivision rule for 7 or more allotments

and suggest that this can be addressed through SUB-R1. This amendment is not supported. There are many effects which need to be considered when the number of allotments increases over a certain level. For Waitomo, it is considered that more than 6 lots could have an impact on the roading network and the provision of infrastructure would need to be considered (where this is applicable). Additionally, there are numerous zone-dependent matters which might need more careful evaluation. It is considered that this rule is appropriate in terms of the effects it seeks to manage and should be retained.

115. Kāinga Ora request that SUB-R16 is deleted. SUB-R16 outlines 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. Kāinga Ora does not consider that this type of subdivision should be considered any differently to a normal fee simple subdivision. The existing consent notices, bonds or other legal instruments were added to the records of title on new allotments for valid reasons. Ensuring these consent notices are enforced is considered to be a significant issue for Council. There is always a valid effects-based reason to enforce the historic restrictions that have been registered on record of titles. Accordingly, this amendment is not supported.
116. Kāinga Ora request that SUB-R18 is deleted. Kāinga Ora does not support the inclusion of allotment shapes where subdivision and land use are to be undertaken in conjunction with one another. In order to ensure vacant allotments are able to contain a permitted dwelling, the submitter suggests criteria should require an indicative, permitted dwelling as part of the subdivision application. They consider the dimensions provided in Table 3 are overly restrictive and will not be enabling of development. It is not considered that the allotment shapes are overly restrictive. It is also not clear how use of an indicative permitted dwelling might be extended to provide for subdivision and associated activities in other zones. While Kāinga Ora's focus on housing is understood, this plan must provide for subdivision for a variety of uses. The shape factors included in this plan are not onerous and the minimum dimensions support and maintain the level of amenity generally expected in the zones they are applied to. No amendment is recommended.
117. The NZPIB request the numbering of standards in SUB Table 2 is amended to clearly differentiate between standards and rules. In drafting the plan, the National Planning Standards were carefully followed to meet the format provisions. However, the numbering continuity between the activity rules and the performance standards is unhelpful. We note that other plans use 'SUB-S' and consider that is a clearer way to format the plan. We advise that the renumbering will likely not occur until the operative version.

5. Conclusion

118. This report provides an assessment of submissions received in relation to the subdivision chapter. It is considered that the submissions should be accepted, accepted in part or rejected as set out in Appendix 1. It is

recommended that the subdivision chapter is amended as set out in Appendix 2 for the reasons discussed in the report above. It is considered that the amended provisions will be efficient and effective in achieving the purpose of the RMA (particularly for any for changes recommended to objectives), the relevant objectives of this plan and other relevant statutory documents, for the reasons set out in the section 32AA evaluations undertaken and included in this report.

APPENDIX 1 SUBMISSIONS 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. And Add a new objective to the Subdivision chapter to promote positive indigenous biodiversity outcomes as part of any subdivision. And 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). And 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-O1, ECO- P2 and UFD-P1 of the WRPS.	Reject
FS03.48	Director-General of Conservation	Support		Allow	Reject
17.68	Waka Kotahi	Support	SUB-01	Retain as notified.	Accept
17.69	Waka Kotahi	Support	SUB-03	Retain as notified.	Accept
25.20	The Lines Company (TLC)	Support	SUB-03	Retain as notified.	Accept
03.138	Heritage New Zealand Pouhere Taonga (NZHPT)	Support	SUB-04	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-04	Amend SUB-04 as follows: Subdivision protects or enhances the subject matters of 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 <u>and characteristics</u> cannot be appropriately protected. And 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-07	Retain as notified.	Accept
46.55	Federated Farmers	Support with amendment	SUB-07	Amend SUB-07 so <ul style="list-style-type: none"> that it is not as absolute in the retention of the primary productive potential of rural land and to allow for appropriate subdivision of rural land used for primary production. And Any consequential amendments required as a result of the relief sought.	Reject
46.53	Federated Farmers	Support	SUB-08	Retain as notified.	Accept
18.16	Auckland Waikato Fish and Game (AWFG)	Support	SUB-09	Retain as notified.	Accept
25.21	TLC	Support	SUB-010	Retain as notified.	Accept
31.65	Transpower	Support	SUB-010	Retain as notified.	Accept
39.51	Firstgas	Support	SUB-010	Retain as notified.	Accept
51.38	KiwiRail Holdings	Support	SUB-010	Retain as proposed.	Accept

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
	Ltd (KiwiRail)				
04.17	New Zealand Agricultural Aviation Association (NZAAA)	Support in part	SUB-O11	Retain SUB-O11 and add: 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</u> or 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: 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</u> or 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: 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 <u>Intensive Primary Production</u> identify a building platform(s) in a location which minimises <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
03.139	NZHPT	Support	SUB-P1	Retain as notified.	Accept in part

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
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: 5. Maximises accessibility and connectivity with surrounding neighbourhoods, to nearby shops, schools educational facilities, employment... And 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	Te Tokanganui- a-noho Whare (TTRMC)	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: SUB-P3. Discourage <u>Avoid or otherwise</u> mitigate subdivision that would: 9. Constrain the operation of established intensive indoor primary production <u>Intensive Primary Production</u> activities; and/or	Reject
FS23.57	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. Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural	Accept

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
				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.	
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	Amend SUB-P3 as follows: Discourage subdivision that would: 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 And Any other additional, alternative or consequential relief as may be necessary to give effect to the changes sought.	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
25.22	TLC	Support	SUB-P3.8	Retain as notified.	Accept
36.11	Kāinga Ora	Oppose with amendment	SUB-P4	Amend SUB-P4 as follows: In all zones, avoid subdivision that creates <u>vacant allotments that are unable to contain a permitted household unit.</u> 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.	Reject

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
				<p>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</p> <p>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</p> <p>And</p> <p>Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.</p>	
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>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
25.23	TLC	Support with amendment	SUB-P7	<p>Add a definition for 'Infrastructure' in Chapter 9.</p> <p>Or</p> <p>Amend SUB-P7 to explicitly provide for non-Council owned infrastructure (as well as Council's three waters and transportation infrastructure).</p>	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

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
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: 2. Minimising <u>Protecting</u> the use of highly productive land soils for activities other than primary production <u>activities</u> .	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. 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
46.57	Federated Farmers	Support	SUB-P11	Retain as notified.	Accept
10.106	WRC	Support with amendments	SUB-P17	Provide clarification regarding what ‘significant risk’ means in the context of this policy.	Reject
47.140	Forest and Bird	Support with amendment	SUB-P18	Amend SUB-P18 as follows: <u>Support encourage</u> subdivision.... And 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 “Natural Systems” is amended as follows: “Natural Systems and <u>Historic Heritage</u> ”	Accept

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
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 Maori land.	Accept
50.22	Te Nehenehenui	Support	SUB-P21.	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 Maori land	Accept
03.140	NZHPT	Support in part	SUB-P24	That Policies SUB-21 and SUB-P24 are retained, and the subheading "Natural Systems" is amended as follows: "Natural Systems and <u>"Historic Heritage"</u>	Accept
FS05.15	Federated Farmers	Oppose		Decline the relief sought	Accept
47.141	Forest and Bird	Support with amendment	SUB-P24	Amend SUB-P24 as follows: Encourage <u>Ensure</u> subdivision which permanently retains and protects scheduled sites and features and archaeological sites within one allotment. And 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. And Include rules to implement this policy that: Subdivision includes an assessment demonstrating whether the significance criteria in Appendix 5 of the WRPS are met or not. 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	Reject

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
				assessment, in the allotment. And Any consequential changes or alternative relief to achieve the relief sought.	
FS05.110	Federated Farmers	Oppose		Decline the relief sought	Accept
18.20	AWFG	Seek amendment	SUB-P25	Amend SUB-P25 as follows: 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.	Reject
18.21	AWFG	Seek amendment	SUB-P26	Amend SUB-P26 as follows: 2. Achieves permanent protection of riparian margins in the Upper Waipa River <u>and Awakino River</u> catchments; or 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</u> catchments 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.	Reject
03.141	NZHPT	Support	SUB-P26	Retain as notified.	Accept
38.76	TTRMC	Support	SUB-P26	Retain as notified.	Accept
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 Maori land.	Accept
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
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	Accept

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
				Maaori land	
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
46.59	Federated Farmers	Support with amendment	SUB-P27	Amend SUB-P27 as follows: 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 National Grid electricity transmission network and the gas transmission network by ensuring subdivision does not compromise its ongoing operation, maintenance and development. And Add a new National Grid specific subdivision policy as follows: SUB-PX <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>	Accept

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
				And Any consequential amendments.	
39.53	Firstgas	Support	SUB-P31	Retain as notified.	Accept
FS30.22	Transpower	Oppose		In its submission Transpower sought significant amendment to SUB-P31, including separation of the activities and a new National Grid specific policy. The relief sought by the submitter is opposed in so far as it is inconsistent with the relief sought in the Transpower submission, noting Transpower has no interest in gas transmission activities or provisions.	Reject
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: "Whether the resulting allotments are an efficient use of land in terms of their size, shape and configuration, and productive capacity."	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). And 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: For SUB-R1.1 to R1.20, the matters over which discretion is restricted: ... (n) <u>Effects on the safety and efficiency of the transport network.</u>	Reject

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
46.58	Federated Farmers	Support	Table 1	<p>Retain SUB Table 1 in respect of:</p> <ul style="list-style-type: none"> The restricted discretionary activity status for subdivision in the general rural and rural production zones; The retention of no requirements for minimum or maximum net site areas; the retention of the default activity status of discretionary for subdivision in the general rural and rural production zones; <p>And</p> <p>Any consequential amendments required as a result of the relief sought.</p>	Accept
18.24	AWFG	Seek amendment	SUB – Table 1: Activities Rules: SUB R1.1-1.20 & SUB - Table 2	<p>Amend SUB-R1.1-1.20 as follows:</p> <p>matters over which discretion is restricted... (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></p>	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	<p>Retain SUB-R1.1 to SUB-R1.20.</p> <p>Or</p> <p>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).</p> <p>And</p> <p>Any consequential amendments.</p>	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

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
14.12	NZPIB	Support in part/oppose in part	SUB-R1	Amend minimum lot size to 40ha. Amend matters of discretion: Reverse sensitivity effects <u>on lawfully established and permitted primary production activities.</u>	Reject
36.12	Kāinga Ora	Oppose with amendment	SUB-R1 Residential, settlement & tourism zones	Amend SUB-R1 as follows: Restricted Discretionary Controlled Where: <ul style="list-style-type: none"> All of the performance standards in SUB - Table 2 are complied with; and The site is serviced by wastewater reticulation, every allotment including the balance allotment must have a minimum <u>vacant net</u> site area of 450300<u>300</u>m² and must not have a maximum net site area greater than 2000 m²; and The site is un-serviced by wastewater reticulation, every allotment including the balance allotment, must have a minimum <u>vacant net</u> site area of 2500 m² and must not have a maximum net site area greater than 5000 m² <u>Restricted Discretionary</u> : where compliance is not achieved. And Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.	Reject
FS23.150	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
36.13	Kāinga Ora	Oppose with amendment	SUB-R1 All other zones	Amend SUB-R1 as follows: Restricted Discretionary Controlled ... <u>Restricted Discretionary</u> : where compliance is not achieved. And Any further, alternative or consequential relief as may be	Reject

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
				necessary to fully achieve the relief sought.	
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 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
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	Add to each of these 'zone' sections in SUB-R1: Residential, settlement & tourism zones; Rural lifestyle zone; Future urban & general rural zone; Māori purpose zone; Industrial, rural production, open space & natural open space zones a rule to read: <u>Ensure any significant natural area, scheduled or identified through the site assessment, is in one allotment.</u> And Any consequential changes or alternative relief to achieve the relief sought.	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	Amend SUB-R1(c) as follows: (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> Add Any consequential changes or alternative relief to achieve the relief sought.	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 Boundary adjustments	Amend SUB-R2 as follows: Restricted Discretionary Controlled: ... <u>Restricted Discretionary:</u> where compliance is not achieved. And Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.	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	Add to SUB-R2 a new clause as follows: 4. <u>The boundary adjustment must ensure any significant natural area, scheduled or identified through the site assessment, is in one allotment.</u> And Any consequential changes or alternative relief to achieve the relief sought.	Reject
FS05.113	Federated Farmers	Oppose		Decline the relief sought	Accept
47.145	Forest and Bird	Support with amendment	SUB-R2 matters over which discretion is restricted	Amend SUB-R2(c) as follows: 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> And Any consequential changes or alternative relief to achieve the relief sought.	Reject

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
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	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>	Reject
47.146	Forest and Bird	Support with amendment	SUB-R3	Amend SUB-R3 as follows: 1.(v) A significant natural area listed in SCHED6, <u>or significant natural area identified through a site assessment;</u> or And 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: (c) <u>Effects on any scheduled site or feature, archaeological site, water body, or area of indigenous vegetation,</u> significant habitat of indigenous fauna, or <u>significant natural area identified through the site assessment;</u> And Any consequential changes or alternative relief to achieve the relief sought.	Reject
FS05.116	Federated Farmers	Oppose		Decline the relief sought	Accept
36.15	Kāinga Ora	Oppose with amendment	SUB-R5 To convert (cross lease) leasehold estate to create	Amend SUB-R5 as follows: Restricted Discretionary Controlled: ... <u>Restricted Discretionary:</u> where compliance is not achieved. And Any further, alternative or consequential relief as may be	Reject

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
			freehold estate	necessary to fully achieve the relief sought.	
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	SUB-R6 To amend cross leases or unit titles	Amend SUB-R6 as follows: Restricted Discretionary <u>Controlled</u> ... Restricted Discretionary where compliance is not achieved. And Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.	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
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
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 Maori land	Accept
03.145	NZHPT	Support	SUB-R7	That SUB-R7-matters of discretion; (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: Fencing of water bodies in the Upper Waipa <u>and Awakino</u> catchments. The property is located in the Upper Waipa River or <u>Awakino River</u> catchment as identified on the planning maps;	Reject

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
				and	
38.79	TTRMC	Support	SUB-R7	Retain SUB-R7 as notified.	Accept
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 Maori land.	Accept
47.148	Forest and Bird	Support with amendment	SUB-R7 matters over which discretion is restricted	Amend SUB-R7(c) as follows: (c) 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; And 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
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

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
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
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 All zones	Delete SUB-R8 – All zones. And 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 the perimeter of the external walls of the closest building housing animals <u>any hard stand areas, treatment systems, buildings housing animals and any other structures related to an intensive primary production activity;</u> on an established site of intensive indoor primary production.	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 – All zones	Delete reference to the National Grid from SUB-R10 as follows: Subdivision within the National Grid Subdivision Corridor or in the vicinity of the gas transmission network Activity status: DIS Where: 1. The subdivision occurs on an allotment which: (j) — 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	Accept

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
				(ii) Cannot demonstrate that all resulting And Add a new rule SUB-RX as outlined in the submission point 31.69. And Any consequential amendments.	
36.18	Kāinga Ora	Oppose with amendment	SUB-R10	Amend SUB-R10 as follows: Activity Status <u>Restricted</u> Discretionary And Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.	Accept in part
FS30.21	Transpower	Oppose		In its submission Transpower sought significant amendment to SUB-R10, including separation of the activities. Clear reasoning was provided in the submission. The relief sought by the submitter is opposed in so far as it is inconsistent with the relief sought in the Transpower submission and no supporting reasoning is provided by Kāinga Ora for the relief sought.	Reject 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. And 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: Activity Status <u>Restricted</u> Discretionary. And Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.	Reject
36.20	Kāinga Ora	Oppose with	SUB-R14	Amend SUB-R14 as follows:	Reject

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
		amendment		Activity Status- <u>Restricted</u> Discretionary. And Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.	
36.21	Kāinga Ora	Oppose with amendment	SUB-R15	Amend SUB-R15 as follows: Activity Status- <u>Restricted</u> Discretionary. And Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.	Reject
36.22	Kāinga Ora	Oppose	SUB-R16	Delete SUB-R16. And 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, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Oppose in part	SUB-R18	Amend SUB-R18 as follows: 4. <u>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> 5. <u>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> 6. <u>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> 7. <u>All necessary easements for the protection of</u>	Accept in part

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
				<u>telecommunication network utility services must be duly granted and reserved.</u>	
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 – Maniapoto’s 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 in part
36.23	Kāinga Ora	Oppose	SUB-R18	<p>Delete SUB-R18.</p> <p>And</p> <p>Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.</p>	Reject
25.25	TLC	Support with amendment	SUB-R18(3)	<p>Amend SUB-R18(3) as follows:</p> <p>3. Except in the Te Maika precinct (PREC7), every <u>new</u> allotment must have provision for <u>electricity connections in place to the boundary of the allotment prior to the Record of Title being issued;</u> and</p> <p>Or wording to similar effect.</p>	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 'Waikato Stormwater Management Guideline'.	Accept
16.23	FENZ	Support	SUB – Table 2 - Performance Standards 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

APPENDIX 2 AMENDMENTS TO THE SUBDIVISION CHAPTER

Strikethrough is shown as an addition or ~~deletion~~

APPENDIX 3 SECTION 32AA EVALUATION

1. 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.

1. Policies

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

Other reasonably-practicable options

2. Other than recommending the amendment above, the other reasonably practicable options include retaining the notified version, not providing a policy position on infrastructure capacity or relying entirely on the governing objective SUB-O3. On balance, the amendment to SUB-P7 is considered to be reasonably critical in terms of ensuring that infrastructure has the capacity to provide for new development. The proposed amendment corresponds better with the governing objective SUB-O3, however it would not provide the required level of detail in the absence of SUB-P7.

Effectiveness and efficiency

3. The provision of infrastructure is ultimately reliant on there being capacity to meet the demand for services resulting from new development. The notified version of the policy would be neither effective nor efficient if it did not make provision for the capacity of supporting services as well as the physical provision of infrastructure to the subdivision.

Costs and benefits

4. The amendment has the effect of ensuring there are no unanticipated costs as a result of development. The early identification of any capacity issues as part of a policy assessment helps to ensure that infrastructure can meet the proposed change in demand resulting from subdivision. This has the benefit of discouraging subdivision or seeking alternative measures were a site cannot be provided with the necessary services.

Risk of acting or not acting

5. There are no additional risks in acting to amend this policy, however there are risks to not acting if this amendment is not made. There is sufficient information to justify the amendment to the policy.

Decision about most appropriate option

6. The amendment gives effect to the relevant objective SUB-O3. It is considered to be more appropriate in achieving the purpose of the objective than that of the notified version or the absence of the matter in a policy provision.

SUB-P31. Provide for the ~~National Grid electricity transmission network and the~~ gas transmission network by ensuring subdivision does not compromise its ongoing operation, maintenance and development.

SUB-PX 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.

Other reasonably-practicable options

7. Other than recommending the amendment and new policy above, the other reasonably practicable options include retaining the notified version which addresses both the national grid and gas transmission network together, not providing a policy position on subdivision close to the national grid, relying entirely on the governing objective SUB-O10, or relying on the land use rules to ensure sensitive activities to not locate within specified distances of the infrastructure. The proposed amendments do provide more detail about managing the effects of subdivision in respect of the national grid. Given the importance of this resource which traverses the district, a standalone policy is considered to provide the most appropriate policy coverage of this matter. The proposed amendments remain consistent with the governing objective SUB-O10.

Effectiveness and efficiency

8. While it is always preferable to minimise the number of provisions in a plan, the submitter considers that the reworded policy gives more full effect to policy 10 of the National Policy Statement on Electricity Transmission, and this is agreed. Ensuring that the policy framework gives appropriate effect to national direction is critical. It increases both effectiveness and efficiency by reducing duplication and applying provisions in a consistent and anticipated manner across planning documents, which in turn, assists plan users.

Costs and benefits

9. The amendment is specific to the national grid subdivision corridor and the changes do not impact the gas transmission network, imposing no costs or benefits on that party. Managing subdivision within the national grid subdivision corridor at the early stage of land development enables the avoidance or management of subsequent land use activities which might

affect the effective and efficient operation of the National Grid. There may be associated costs to landowners affected by this provision, but it is agreed that subdivision can be the most effective point to address reverse sensitivity effects. Intervention at this point enables subdivision layouts to properly accommodate the transmission corridor. One benefit of the recommended amendment is the reduction of the activity status from discretionary to restricted discretionary.

Risk of acting or not acting

10. There are no additional risks in acting to amend this policy, however there are risks to not acting if this amendment is not made. There is sufficient information to justify the amendment to the policy.

Decision about most appropriate option

11. The amendment gives effect to the relevant objective SUB-O10. It is considered to be more appropriate in achieving the purpose of the objective than that of the notified version, the absence of the matter in a policy provision or the other options considered above.

2. Rules

- 3 In the general rural zone, the new allotment is created within 500 m of ~~the perimeter of the external walls of the closest building housing animals treatment systems, structures housing animals (and hardstand areas associated with those)~~ on an established site of intensive indoor primary production.

Effectiveness and efficiency

12. The proposed amendment to the rule refines its application to make it easier for users to interpret the provisions. This is both efficient and effective. The notified version referred to '*the perimeter of the external walls of the closest building housing animals*' which is reasonably clear but did not make provision for treatment systems which can be a major source of nuisance. The introduction of 'hardstand areas' into the rule also assists with the management of noise issues (loading and unloading and machinery maintenance and use).

Costs and benefits

13. There are costs associated with the imposition of this rule insofar as a resource consent would be required where the setbacks cannot be achieved. However, this rule applies to established sites and therefore the aim of managing reverse sensitivity has the benefit of avoiding the location of incompatible activities within close proximity of one another. It also has the advantage of incentivising the design and layout of subdivision to address the potential for issues to arise in advance of them occurring. There are also benefits where the potential for nuisance effects to impact surrounding activities are minimised.

Risk of acting or not acting

14. There are no additional risks in amending this rule. The amendment clarifies the rule's application and ensures that potential sources of nuisance effects are accounted for in the rule's provisions. There is sufficient information to justify the amendment to the rule.

Decision about most appropriate option

15. The recommended rule is the most appropriate way to achieve the purpose of the RMA as it increases certainty and manages the potential for reverse sensitivity issues to arise where new sensitive activities are introduced in close proximity to an established activity which might generate nuisance effects. The recommended rule is consistent with the policy framework, particularly SUB-O11 and SUB-P3.9.

SUB-R10.	<u>Subdivision within the national grid subdivision corridor or in the vicinity of the gas transmission network</u>
All zones	<p>Activity status: DIS</p> <p>Where:</p> <p>2. The subdivision occurs on an allotment which:</p> <p style="padding-left: 20px;">(iii) 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</p> <p style="padding-left: 20px;">(iv) 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: Transpower New Zealand Ltd and/or 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-RX.	<u>Subdivision within the national grid subdivision corridor</u>
All zones	<p>Activity status: RDIS</p> <p>Where:</p> <p>3. <u>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</u></p> <p>4. <u>Existing vehicle access to National Grid assets is maintained.</u></p> <p>Matters over which discretion is restricted:</p> <p>(a) <u>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.</u></p> <p>(b) <u>The ability for continued access to existing National Grid transmission lines for maintenance, inspections and upgrading.</u></p>

	<p>(c) <u>The ability to provide a complying building platform outside of the National Grid Yard.</u></p> <p>(d) <u>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.</u></p> <p>(e) <u>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.</u></p> <p>(f) <u>The provision for the ongoing efficient operation, maintenance, and planned upgrade of the National Grid transmission lines.</u></p> <p>(g) <u>The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity and nuisance effects on the transmission asset.</u></p> <p>(h) <u>The outcome of any technical advice provided by Transpower.</u></p> <p>(i) <u>The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</u></p> <p>Activity status where compliance is not achieved: NC</p> <p><u>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.</u></p> <p><u>Note: An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</u></p>
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Effectiveness and efficiency

16. While it is always preferable to minimise the number of provisions in a plan, the effect of separating out the national grid rule provisions from the gas transmission network rule provisions enables the activity status to be reduced from discretionary to restricted discretionary. This is because the matters of discretion can be clearly identified for this activity when it is considered on its own. This means that the resource consent process is more efficient as the applicant and territorial authority are both restricted by the matters that can be assessed. Failing to comply with the rule would invoke non-complying activity status, which is effective insofar as it incentivises applicants to ensure that subdivision design and layout are as compliant as possible.

Costs and benefits

17. There are costs in applying for a restricted discretionary consent although these are likely less than the cost of a discretionary application. The rule precludes notification which also ensures that the costs are reasonably contained. This is not the case for the notified rule. The benefits relate to the application of matters of discretion which effectively set the parameters for consideration and assessment of the consent application.

Risk of acting or not acting

18. There are no additional risks in introducing a new rule. By setting the matters of discretion the risks associated with the consideration of a resource consent application are reduced as the information requirements are clearly established. There is sufficient information to justify this change.

Decision about most appropriate option

19. The recommended rule is the most appropriate way to achieve the purpose of the RMA. Additionally, this approach is consistent with the provisions of WRPS UFD-O1 and P2. On balance, it is considered that the new rule is appropriate and protects the operation of regionally and nationally significant infrastructure. The recommended rule is consistent with the policy framework, particularly SUB-O10 and new policy SUB-PX.

SUB-R18.	Allotment configuration and utilities
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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
~~Except in the Te Maika precinct (PREC7), every allotment must have provision for electricity connections; and~~
~~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 and electricity connections to their legal boundary and sufficient land set aside for them on site where required.
 4. In all other zones, where electricity lines and telecommunication lines are available within 200m of any boundary of a new allotment, these services must be provided to the legal boundary and sufficient land set aside for them on site where required; and
 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.*

Effectiveness and efficiency

20. The notified version of this rule required every allotment to have provision for electricity, telephone and/or ethernet connections except for the Te Maika precinct. Te Maika is a small settlement in Kawhia Harbour which is only accessible by boat and has no services at all. Submitters enabled this rule to be refined so that specific circumstances could be considered. The rule is more efficient and effective as it now specifies the zones where provision for telecommunication and power connections must be supplied to the legal property boundary. It also now requires that where needed, sufficient land must be set aside to accommodate these services. This provision and the requirement to provide services to the legal boundary was absent from the notified rule.
21. A number of other amendments increase the effectiveness and efficiency of the rule by being more specific. For example, an advice note refers to

the use of consent notices on new allotments where telecommunications and power are not required to be provided. This mechanism is effective as it provides certainty to new landowners about what infrastructure is available on the new allotment.

22. Other efficiencies include specifying the distance from a property boundary of power lines and telecommunication lines. If these lines are available within 200m of any boundary of a new allotment, the rule now clarifies that services must be provided to the legal boundary. This provision and the provision to ensure that the necessary easements are provided for were also absent from the notified rule.

Costs and benefits

23. On balance, costs should be reduced. The rules now clarify the zones and specifications for the provision of power and telecommunications to new allotments. The provisions are more tailored and reflect the nature and character of the district more effectively. The requirement to set aside land and provide easements as necessary, should assist the service providers and ensure sufficient areas of land are available or protected for service delivery. This clarity has the effect of reducing costs.

Risk of acting or not acting

24. There are some additional risks in introducing a new rule. Exempting Te Maika and the natural open space zone from the provisions could result in unintended consequences, but the costs to these areas of requiring services are likely to be higher than the benefits received. On balance there is sufficient information to justify this change.

Decision about most appropriate option

25. The recommended rule is the most appropriate way to achieve the purpose of the RMA. Additionally, this approach is consistent with the policy framework, particularly SUB-O3 and SUB-P7.