
Section 32 Report for the Proposed Waitomo District Plan

Section 32 Report – Subdivision

SUMMARY OF ISSUES	RESOURCE MANAGEMENT ACT 1991	NATIONAL DIRECTION	REGIONAL POLICY STATEMENTS	IWI MANAGEMENT PLANS CONT...
<p>The subdivision chapter addresses the following main issues:</p> <ul style="list-style-type: none"> Supporting repopulation of the rural areas while maintaining the productive capacity of the rural land resource through most sites being large enough to support primary production Enabling sufficient growth areas and opportunities for population growth and associated built development to ensure a wide range of living options is managed in a way that results in anticipated amenity and is integrated with infrastructure Subdivision may not have any direct physical effects on land, but it is a fundamental precursor to further development, particularly with regard to matters such as movement connectivity and permeability within and between developments, open space, and the future character of an area Most houses and buildings need infrastructure and facilities such as roads or vehicular accessways, water supply and effluent disposal. 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. Commercial and industrial activities should be of a size and function that does not compromise the vitality and viability of the primary commercial centres and industrial areas 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 	<p>Section 5 RMA Subdivision is a key tool for the management and use of land in the District. The rules and requirements for subdivision enable the sale of land and increased housing density and provide for the housing requirements of the community. In addition, subdivision enables commercial use of land for industry and business. The retention of rural sites that are large enough to enable primary production is important in providing economic activity, but also ensuring sufficient food sources for the District and wider. This will safeguard the life-supporting capacity soil. In the rural environment with a declining population this has to be balanced against the social and economic wellbeing of rural communities and the benefits from increased numbers of people living in the rural areas.</p> <p>The management of subdivision ensures sustainable development of the land resource in a way which meets the current needs of the community, as well as future generations.</p> <p>Section 6 RMA A number of section 6 matters are relevant to this topic. Because subdivision is a precursor to further development, and because it is more logical to address issues earlier in the development process than later, a number of provisions have been included in the subdivision chapter in response to the requirements in Part 2, including:</p> <p>Section 6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development – through the provision of additional requirements for subdivision in identified areas.</p> <p>Section 6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development – through the provision of additional requirements for subdivision in these identified areas.</p> <p>Section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna – through the provision of additional requirements for subdivision in these identified areas.</p> <p>Section 6(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers – through the provision of additional requirements for subdivision adjoining surface water bodies and the coastal marine area.</p> <p>Section 6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga – through the provision of additional requirements for subdivision in these identified areas.</p> <p>Section 6(f) the protection of historic heritage from inappropriate subdivision, use, and development – through the provision of additional requirements for subdivision in these identified areas.</p>	<p>There are six National Policy Statements (NPSs) currently in place:</p> <ul style="list-style-type: none"> New Zealand Coastal Policy Statement 2010 NPS for Electricity Transmission 2008 NPS for Renewable Electricity Generation 2011 NPS for Freshwater Management 2020 NPS on Urban Development 2020 NPS for Highly Productive Land 2022 <p>New Zealand Coastal Policy Statement 2010 Subdivision is referred to numerous times in the NZCPS, and is focussed on the impact's subdivision can have on Overlays within the coastal environment. Essentially the NZCPS seeks to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by avoiding inappropriate subdivision. Objective 6 seeks to enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development.</p> <p>NPS on Urban Development 2020 While the NPS-UD is not specific to subdivision, the content of it is relevant to subdivision. The NPSUD seeks to ensure there is sufficient development capacity for housing and business with a suite of objectives and policies to guide decision-making in urban areas. It is noted that under NPSUD, the Waitomo District is not an urban environment, and as such the Waitomo District Council is not required to implement the NPSUD. However, it is noted that PDP provides for a range of initiatives provided for in the NPSUD such as:</p> <ul style="list-style-type: none"> The Town Concept Plans identified new areas for growth The capacity of the existing zoned areas has been assessed A range of different housing options have been provided to ensure people have housing choice and affordable housing options. <p>There are also 8 National Environmental Standards (NESs) currently in place:</p> <ul style="list-style-type: none"> NES for Air Quality 2004 NES for Sources of Human Drinking Water 2007 NES for Telecommunication Facilities 2016 NES for Electricity Transmission Activities 2009 NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 NES for Plantation Forestry 2017 NES for Freshwater 2020 NES for Storing Tyres Outdoors 2021 <p>None of the National Environmental Standards are particularly relevant to subdivision.</p> <p>Relevant case law considered Gallagher v Tasman District Council [2014] NZEnvC 245</p> <p>Case considers - District plan change — Subdivision — Erosion — Coastal — Flooding.</p> <p>Court held: The Court stated that the issues had been identified as: the planning context for hazard risk identification and management; the nature and extent</p>	<p>The Waikato Regional Policy Statement The key objective in the Waikato RPS that is explicitly concerned with subdivision is Objective 3.12 Built environment: <i>Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes.</i></p> <p>The objectives set out ways in which the outcome can be achieved, and many of the matters are relevant to subdivision e.g. preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development, integrating land uses with infrastructure, protecting access to significant mineral resources etc. This objective is achieved by a number of policies in Chapter 6.</p> <p>In addition, other section 6 matters are addressed in the Objectives as subdivision can have adverse effects on them such as Objective 3.20 Outstanding Natural Features and Landscapes, and 3.22 Natural Character, 3.23 Public Access, 3.26 High Class Soils.</p> <p>The proposed subdivision provisions give effect to all of these matters outlined in the RPS through objectives, policies, performance standards and matters of discretion.</p> <p>The Manawatū-Whanganui One Plan The RPS contains a number of objectives and policies relevant to subdivision, including:</p> <ul style="list-style-type: none"> Policy 2.2 which seeks to protect wahi tapu, wāhi tūpuna and other sites of significance to Māori from inappropriate subdivision Objective 3-3 which seeks to integrate infrastructure with land use Objective 3-4 which requires consideration of the benefits of retaining Class I and II versatile soils for production land when providing for urban growth and rural residential subdivision The objectives and policies in Chapter 6 seeks to protect indigenous biodiversity, outstanding natural features and landscapes, natural character and historic heritage from inappropriate subdivision Policy 8-1 seeks to avoid subdivisions or development in any existing or potential hazard risk area, protect coastal dunes and avoid sprawling subdivision along the coastal edge <p>The proposed subdivision provisions give effect to all of these matters outlined in the RPS through objectives, policies, rules, performance standards and matters of discretion.</p>	<p>The Waikato Tainui Environment Management (WTEP) Plan 2018</p> <p>The WTEP includes provisions which explicitly relate to subdivision including: Policy 17.3.1.1 New land use and structures that increase the risk or magnitude of a natural hazard event shall be avoided Policy 24.3.4.1 Avoid sprawling subdivisions along the coastal edge Policy 25.3.2.1 and 25.3.2.2: For urban and rural development is well planned and the environmental, cultural, spiritual, and social outcomes are positive. The methods listed include:</p> <ul style="list-style-type: none"> avoid development or subdivision of high quality and versatile soils. Encourage the development and use of structure plans or similar tools Consider cumulative effects Use Low Impact Development principles Avoid ribbon development of rural residential development Require reserves next to oceans, lakes and rivers to be set-aside during the subdivision Subdivisions should not impede access to and along waterways Protection of significant cultural and/or spiritual sites may have precedence over subdivision <p>Policy 26.3.4.1 Sustainable transport options should be incorporated into subdivisions and developments</p> <p>The proposed subdivision provisions have taken into account all of these matters through objectives, policies, performance standards and matters of discretion.</p>

Section 32 Report – Subdivision

<p>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</p> <ul style="list-style-type: none"> 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 district's roads and the State Highway network. Some areas of the district are prone to periodic flooding or coastal erosion. Intensive development and subdivision of this land may be inappropriate. 	<p>Section 6(h) the management of significant risks from natural hazards – through the provision of additional requirements for subdivision in these identified areas.</p> <p>Section 7 RMA The following clauses are relevant in section 7: Section 7(b) the efficient use and development of natural and physical resources – through matters of control and discretion.</p> <p>Section 7(c) the maintenance and enhancement of amenity values – through rule requirements and matters of control and discretion.</p> <p>Section 7(f) maintenance and enhancement of the quality of the environment – through matters of control and discretion.</p> <p>Subdivision of land has the potential to affect the efficient use of land if it results in allotment sizes that are of a size or shape that cannot accommodate their intended use. Subdivision layout and design directly impacts the amenity values and quality of the environment. Urban land is a finite resource and therefore it is important that it is developed in a manner that is efficient and maximises the use of this resource.</p>	<p>of present and future hazard risk exposure; the appropriateness of the provisions of PC22 to manage the hazard risk; and whether the relief sought by G was appropriate in the context of likely present and future hazard risks in the area and the site. The Court noted that PC22 would place the site within the newly identified Coastal Risk Area and make any further subdivision of the site a prohibited activity. G had put forward a structure plan showing a proposed subdivision into 13 residential lots, each of which was to have a raised building platform of 4.2 m above mean sea level, thus incorporating certain rules in PC22 allowing establishment of elevated platforms with re-locatable houses.</p> <p>Blakeley Pacific Ltd v Western Bay of Plenty District Council [2011] NZEnvC 354</p> <p>The Court considered possible effects of the proposal on ecology, visual amenity and natural character, archaeology, natural hazards, social well-being and cultural matters. Nearly all the island fell into the Acutely Threatened Land Environment NZ category. The Assessment of Environmental Effects identified four zones within the site: plantation forest, seaward, wetlands and harbour. The Court found there was no clear plan to prevent increased vehicular and other traffic from adversely affecting the coastal beach which was one of the major dotterel breeding areas in the North Island.</p>		
<p>OPERATIVE WAITOMO DISTRICT PLAN</p>	<p>Section 8 RMA Section 8 requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Consistent with the practice followed in the development of the Proposed District Plan (PDP), the section 8 principle of most relevance to this topic is the duty to make informed decisions through consultation. Tāngata whenua, through iwi authorities have been consulted a part of the review process and the obligation to make informed decisions based on that consultation is noted.</p>	<p>Federated Farmers of New Zealand (Inc) v Mackenzie District Council [2017] NZEnvC 53</p>	<p>IWI MANAGEMENT PLANS</p>	<p>OTHER RELEVANT PLANS OR LEGISLATION</p>
<p>The subdivision provisions in the Operative District Plan are contained in Chapter 26 and address 7 main outcomes:</p> <ul style="list-style-type: none"> To avoid, remedy or mitigate adverse effects on the district's natural and physical resources arising from the subdivision of land The design and layout of sites provides sufficient areas for leisure, daylight and sunlight Site inundation and slope stability Safeguard the life supporting capacity of soils Do not limit options for flexible future use of the land Ensure adequate wastewater and water supply Avoid adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna <p>The activity status of greenfield subdivision is controlled, and infill is controlled in the business and industrial zones and discretionary in residential. Subdivision that does not comply with the standards is discretionary.</p> <p>Even with the comparatively small minimum lot sizes the demand for subdivision and hence rate of development in the rural zone has been low. Rural population is in decline and there is little existing demand for lifestyle type of sections as there is in other districts. The minimum lot size are as follows: Rural: 700m² serviced, 2500m² Residential: 600m² greenfield, 300m² greenfield Other zones: No minimum lot size but areas must be adequate to accommodate</p>	<p>In addition to the provisions of the RMA that relate to all activities, subdivision, including the creation of esplanades, is subject to Part 10 of the RMA. Within this Part, section 218 provides definitions of 'subdivision of land' and 'allotment', thereby defining the scope of the activities that may be covered by subdivision provisions. Sections 106, 108, 108AA, 108A and 220 set out the sorts of conditions that may be imposed on subdivision consents, and so the rules and standards of the proposed plan need to reflect these matters.</p> <p>Sections 229 – 237H set out the provisions relating to esplanade reserves and strips and access strips. Although the requirements can be altered by way of a rule in a plan or by the conditions of a resource consent, the assumption made by the RMA is that, whenever a subdivision occurs adjoining the sea or a qualifying lake or river that creates lots smaller than 4ha in area, a 20m wide esplanade reserve or strip will be created along the coast, river or lake boundary.</p>	<p>This was the eleventh decision of the Environment Court regarding Plan Change 13 ("PC13") to the Mackenzie District Plan ("the plan"). The purpose of PC13 was "to provide greater protection of the landscape values of the Mackenzie Basin from inappropriate subdivision, development and use".</p> <p>Fire and Emergency New Zealand v Kaipara District Council [2018] NZEnvC 211</p> <p>This decision resolved, by consent, the appeal by Fire and Emergency New Zealand ("FENZ") against decisions made by Kaipara District Council on Plan Change 4 to the district plan ("PC4"). FENZ challenged the removal from specified rules of all references to the New Zealand Fire Service Firefighting Water Supplied Code of Practice and other provisions. The Court stated that the parties had agreed that the appeal be resolved by making the specified amendments to the plan.</p>	<p>We are required to take into account planning documents recognised by an iwi authority and lodged with the territorial authority.</p> <p>A summary of the provisions in the Maniapoto Environmental Management Plan 2018 (MEMP) relevant to the subdivision is as follows:</p> <p>Policy 13.3.2.1 All aspects of subdivision, development, land use and activities recognise and provide for the need to avoid contributing further to climate change and associated natural hazards and their effects. Actions: (a) Encourage new subdivision design and location to make best use of renewable energy and transport and to provide for developments and land uses that are sustainable Policy 14.3.2.3 (g) Incorporate native riparian planting on esplanade reserves and strips in new and existing subdivisions</p> <p>Policy 19.3.1.2(l) Replant indigenous species as appropriate in ecological corridors along rivers and streams, rural shelterbelts, roadsides, subdivisions, and urban and amenity plantings throughout Maniapoto rohe.</p> <p>Policy 22.3.4.2 Ensure subdivision and land-use planning supports and enables all relevant modes of transport as a viable options for daily activities</p> <p>The proposed subdivision provisions have taken into account all of these matters through objectives, policies, performance standards and matters of discretion.</p>	<p>It is considered that the following legislation / regulations are relevant to this topic / issue:</p> <p>Local Government Act 1974 Although largely repealed, Council retains powers and responsibilities under the Local Government Act 1974 in relation to infrastructure such as roads, drainage and fire hydrants.</p> <p>Local Government Act 2002 Section 10 of the Local Government Act 2002 sets out the purpose of local government as including meeting the current and future needs of communities for good-quality local infrastructure and local public services in a way that is most cost-effective for households and businesses. The design and layout of land development via subdivision is one of the methods by which this is achieved.</p> <p>NZS 4404:2010 Land development and subdivision infrastructure This provides nationally consistent criteria for design and construction of land development and subdivision infrastructure, addressing a range of topics including requirements for earthworks, geotechnical needs, roads, stormwater, wastewater, water supply, landscaping and network utilities. It is applicable for greenfield, infill and brownfield redevelopments.</p> <p>Building Act 2004 The Building Act 2004 has limited applicability to subdivisions. However, section 75 and 76 of the Building Act 2004 do not allow for individual titles to be sold if a building straddles two titles.</p>

Section 32 Report – Subdivision

<p>the proposed activity and to meet all relevant Conditions for Permitted Activities.</p> <p>There are additional limitations for subdivision seeking access directly to a State Highway or within a transmission line designed to operate at or above 110kV.</p>				<p>Te Ture Whenua Māori Act 1993 This Act sets out the laws relating to Māori land in accordance with its preamble, as summarised below:</p> <ul style="list-style-type: none"> • Recognise land is a taonga to Māori; • Promote the retention of that land in the hands of its owners/whanau/hapū; • Protect wāhi tapu; and • Facilitate the occupation, development and utilisation of that land for the benefit of its owners/whanau/hapū. <p>This act covers the Partition of Māori land (Part 14) into parcels for various purposes, the equivalent of subdivision of general land. The partitioning of Māori land is exempt from the subdivision process under the RMA and must be undertaken through the Māori Land Court under Te Ture Whenua Māori Act 1993.</p> <p>Land Transfer Act 2017 This Act maintains the Torrens system of land title in New Zealand, providing a register of land that describes and records the ownership of estates and interests in land, and facilitates the transfer and vesting of dealings with estates and interests in land.</p> <p>It sets out a Registrar that is required to hold records of title in a register for freehold estates, leasehold estates and stratum estates, and provides a unique identifier for the record of title. The register can amalgamate or separate records of title.</p> <p>The Act covers registration of leases of title, as well as registering a mortgage of an estate or interest in land. Easements and covenants created under the Property Law Act 2007 and their registration on records of title are also managed in the Land Transfer Act, as well as the merging, variation to or extinguishing easements or covenants already registered. Access strips on titles are also covered under this Act.</p> <p>Unit Titles Act 2010 This Act provides a legal framework for the ownership and management of land and associated buildings / facilities by communities of individual owners. In particular, the Unit Titles Act allows for the subdivision of land and buildings into unit title developments, comprising units that are owned in stratum estate in freehold / stratum estate in leasehold, and common property that is owned by the body corporate on behalf of the unit owners. This Act also creates bodies corporate to operate and manage unit title developments and creates a regime for the governance of unit title developments.</p>
--	--	--	--	---

Section 32 Report – Subdivision

SCALE & SIGNIFICANCE s32(1)(c)				STRATEGIC DIRECTION
<p>The assessment is based on eight factors outlined in Ministry for the Environment’s guidance on Section 32 reports. Each factor is scored in terms of its scale and significance (where 1 is low and 5 is high).</p> <p>Reason for Change: 2 Problem / Issue: 2 Degree of Shift from Status Quo: 2 Who and How Many Affected, Geographic Scale of Effects: 3 Degree of Impact on or Interest from Māori: 3 Timing and Duration of Effects: 2 Type of Effect: 2 Degree of Risk or Uncertainty:1</p> <p>Total (out of 40): 17</p>				<p>The following objective from the Strategic Directions chapter of the PDP are relevant to this topic:</p> <p>SD-05: Compatible activities with similar effects and functions are zoned together and new development is directed towards the appropriate zones to ensure that land use and subdivision:</p> <ol style="list-style-type: none"> 1. Are consistent with the anticipated character and amenity values of the areas where they are located; and 2. Efficiently use natural and physical resources in order to meet the community’s and the environment’s needs both now and in the future; and 3. Recognise existing lawful activities and protect their ongoing operation from incompatible activities. <p>SD-07: Urban development is directed to appropriately zoned areas in and around the existing settlements and townships, and rural residential development is directed to the rural lifestyle zones.</p> <p>SD-09: Subdivision, land use and development must not contribute to any further degradation of Kawhia Harbour.</p> <p>SD-011: The components of the coastal environment including outstanding landscapes and features, natural character and ecosystems, together with the cultural and spiritual values accorded by mana whenua, are recognised and protected.</p> <p>SD-013: The district’s communities have access to a diverse and connected network of open spaces which offer a range of recreational experiences while protecting the values of scheduled sites, features and overlays.</p> <p>SD-014: There is no significant increase in the risk from known natural hazards, including the effects of climate change, to people, property and infrastructure as a result of subdivision, land use and development.</p> <p>SD-019: Ensure that Te Kūiti offers an urban environment that functions well and enables its community to provide for their current and future social, economic, and cultural wellbeing, and for their health and safety.</p> <p>SD-021: Require subdivision and development within townships and within the future urban zone to occur in a planned, integrated and co-ordinated manner which ensures that infrastructure has sufficient capacity to accommodate the form and type of development anticipated.</p>

Section 32 Report – Subdivision

			<p>SD-022: Where the area is appropriately serviced by existing or planned infrastructure, encourage development and intensification that enables more people to live in, and more businesses and community services to be located in the district's existing townships.</p> <p>SD-025: Enable a variety of residential housing types for a diverse range of households across the district to meet the community's diverse social and economic housing needs.</p> <p>SD-026: Ensure that development in coastal settlements is appropriate in relation to its level of natural character, avoids ribbon development along coastal margins and ensures planned, cohesive, compact growth.</p> <p>SD-027: Encourage urban development that supports reductions in greenhouse gas emissions, minimises waste production, transport and energy demand, and is resilient to the current and future effects of climate change.</p> <p>SD-028: Minimise urban expansion onto highly productive land unless there is a demonstrated shortage of development capacity to meet demand and alternative locations and options to provide for the required demand, including intensification of existing urban areas, are unfeasible.</p> <p>SD-030: Recognise and provide for nationally and regionally significant infrastructure and industry, and for those activities associated with significant mineral resources.</p> <p>SD-031: Ensure the future urban areas transition to accommodate planned growth in a coordinated and efficient manner by requiring the development of a comprehensive, integrated structure plan for each individual future urban zone in its entirety.</p> <p>UNCERTAINTIES AND RISKS s32(2)(c)</p> <p>The degree of risk and uncertainty is low as the effects of subdivision are well understood. Subdivision, as a legal process, has no physical effects on land or other resources. It simply redefines the legal boundaries of titles for separate sale. However, land is often subdivided as a primary step for new development. It has associated or consequential activities and effects.</p>
--	--	--	---

<p>OBJECTIVE(S) s32(1)(a)</p>
<p>Relevance –</p> <ul style="list-style-type: none"> • The proposed objectives respond to the issues identified above. The proposed objectives seek to ensure that subdivision maintains the form and function of the applicable zone. • Section 31(1)(a) requires Councils manage the effects of use, development or protection of land, and the proposed objectives allow the Council to manage the effects from subdivision of land. The proposed objectives allow Council to manage the effects from development such as connecting to reticulated water, wastewater and stormwater systems (where appropriate and possible) or providing on-site servicing for rural sites and ensuring these that these systems are able to accommodate the demand generated by the development. The proposed objectives allow the Council to manage the effects from undertaking subdivision adjacent to rivers and the coastal marine area. • The proposed objectives assist with the Council giving effect to the relevant higher order policy documents in relation to urban and non-urban areas. • The proposed objectives seek to ensure that future developments in urban areas are serviced by the three waters network that have sufficient capacity to accommodate the demand that they will generate. This will ensure that development does not result in increasingly frequent discharges into the natural environment or reduced levels of service for existing users. • The proposed objectives seek to ensure that esplanade reserves are provided at the time of subdivision and outlines the values that are sought to be maintained, protected and enhanced by the esplanade reserves.

Section 32 Report – Subdivision

Usefulness –

- The proposed objectives outline the outcomes sought for the subdivision. It will guide decision making when considering a resource consent application under section 104.
- The proposed objectives outline the outcome sought and provides the direction for the subdivision of land.
- the proposed objective outlines the outcomes sought in relation to esplanade strips and reserves and what values will be considered when determining whether esplanade strips or reserves are appropriate.

Reasonableness –

- The proposed objectives will not impose unjustifiably high costs on the community. They provide clarity around the outcomes sought from subdivision within the District (all subdivisions require resource consent under the status quo and the proposed provisions). As such, many of the costs incurred by these objectives are already being realised by the development community and this objective will not add to these costs.
- The proposed objectives have little uncertainty and sets the clear outcomes sought in relation to subdivision.
- Esplanade strip or reserves have been a requirement in the ODP (as a financial contribution) since it became operative and are also engrained into the RMA itself. The proposed objectives provide clarity around the purpose of the esplanade strips or reserves and the values they are seeking to maintain. The objective itself does not result in any additional costs beyond existing practices.
- SUB-09 directs the provisions of esplanade strips and reserves where a subdivision is undertaken adjacent to a river or the coastal marine area.

Achievability –

- All subdivisions require resource consent and are able to be processed under Council’s statutory powers.
- Subdivision applications adjacent to rivers and the coastal marine area are currently assessed to determine whether an esplanade strip or reserve is required. SUB-09 provides greater clarity in regards to this matter than the status quo. It is therefore considered that the outcomes sought in the objective are able to be achieved within the Council’s powers, skills and resources.

Are the objectives the most appropriate way to achieve the Purpose of the Act?

The proposed objectives are considered to meet the tests of relevance, usefulness, reasonableness and achievability. The objectives are the most appropriate way to achieve the purpose of the RMA because they:

- Provide clear directions on the outcomes sought in relation to subdivision and better responds to the identified issues and strategic directions than the status quo.
- Provides flexibility in subdivision design and enables people to provide for their needs now and for future generations.
- Ensures that sites are able to be used for their intended use, thereby achieving the strategic objectives.
- Ensures subdivision can be serviced by appropriate infrastructure, therefore ensuring the health and safety of the community.
- Ensures subdivision protects or enhances the values of overlays or scheduled sites in section 6 of the RMA
- Ensure sustainability of communities.
- Protects character and amenity in accordance with section 7(c).
- Allows Council to meet its Local Government Act 2002 obligations to provide good-quality and cost-effective local infrastructure and local public services to households and businesses.
- Recognises that site size is also relevant to the functional requirements of commercial and industrial sites and thus provides for the economic well-being of the District.
- Ensures consideration of natural hazard risks in accordance with section 6(h).
- Achieves section 6(a) of the RMA as it allows for the preservation of the natural character of waterbodies.
- Achieves section 6(d) of the RMA as it provides for public access to rivers and the coastal marine area.
- Achieves section 6(e) – of the RMA as it assists with improving the relation of Māori and their culture to ancestral water sites.
- Achieves the NZCPS as the proposed objectives assist with retaining the ecological, amenity, natural character, cultural, public access, recreational values of the coastal environment as well as natural hazard management.
- Achieves the RPS as the proposed objective assist with retaining the ecological, amenity, natural character, cultural, public access, recreational values of the coastal environment and freshwater bodies as well as natural hazard management.
- SUB-07 will reduce the risk of large scale fragmentation that will prevent the land being used for productive purposes.

PROVISIONS s32(1)(b)

EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii), 32(2)(a)(i), s32(2)(a)(ii)

ALTERNATIVES s32(1)(b)(i)

Benefits Anticipated

Environmental

- Managing subdivision location and design will manage potential environmental health effects and reverse sensitivity effects (ensuring adequate separation between sensitive activities and major infrastructure / major industrial activities).
- Careful consideration of the effect on the natura and valuers of section 6 overlays.
- When the three waters networks do not have capacity for the proposed development, there will be the ability to incorporate mitigation measures into the development. This will ensure that environmental issues arising from matters such as wastewater discharges and increased stormwater runoff rates do not increase with time.
- Increased ability to use alternative transport modes with greater connectivity.
- Promotes urban consolidation and more effectively uses the land resource.
- Ensures all development can be appropriately serviced.
- Enable subdivision that achieves permanent protection of a significant natural area in the coastal environment or karst overlay and other areas of high benefit such as where waterbodies are fenced in the upper Waipa catchment.

Economic

- More housing / more business (facilitated by subdivision) would contribute to the economic prosperity of the community.
- Requiring the installation of common infrastructure (such as roads, pipes and wires) at subdivision stage is more efficient and cost effective than relying on their installation by individuals.
- Retains larger sites in the general rural zone to enable primary production activities
- The provisions ensure that subdivision is appropriate for the form and function of the respective zones and ensures that urban development occurs in urban zones and non-urban development in the non-urban zones.
- The proposed provisions allow for private properties to be subdivided and for applicants to realise the financial benefits from undertaking this process.
- Subdivision of land allows Council to generate additional revenue in the form of rates and development contributions. This revenue can be used to pay for a range of services and infrastructure upgrades.
- The subdivision of rural and residential land increases the number of people that live within the District. This results in more people being available to support local businesses and services and increases the overall economic performance of the District.
- The proposed provisions ensure that the development that is undertaken in the District is appropriate for the form and function of the zone. This will assist with providing future employment opportunities through ensuring that industrial and commercial zoned land is not fragmented in a manner that prevents its efficient use in the future.

For the purpose of this evaluation, the Council has considered the following potential options:
 1. The proposed provisions; and
 2. The status quo,
 The subdivision provisions of other similar councils

The ODP provisions are not considered to be efficient or effective in achieving the objectives.

In order to identify other reasonably practicable options, the Council has undertaken the following:

- Reviewed other relevant district plan provisions.
- Sought feedback from Council asset managers in terms of infrastructure.
- Collated feedback from discussions with iwi.
- Sought feedback from key infrastructure providers.
- Sought feedback from the Council resource consents team.

Section 32 Report – Subdivision

- There will be increased employment opportunities as a result of the additional development.
- Protect the operation and security of established network utilities and regionally significant infrastructure.
- Protect the operation of established intensive indoor primary production activities.
- The relevant appendices to the PDP will ensure cost effectiveness for applicants when preparing resource consent applications.

Social

- Managing subdivision location and design will avoid potential reverse sensitivity effects.
- Provides for a range of living opportunities in the District.
- Well placed subdivision enhances live, work, play opportunities within communities.
- Well-designed subdivisions will enhance the wellbeing of future residents / workers.
- Purchasers can be confident that the site they purchase will be appropriate for the zone, and that wider community facilities are able to be provided.
- Provides a range of living options and choices.
- Enables people to continue living in the community as their housing needs change through their lifetime.
- The proposed provisions allow for additional housing to be provided. This allows for more people to live in the District and for the urban and rural areas to become more vibrant.
- Future development allows for increased recreation, cultural, economic and social activities to be undertaken within the District as a result of the additional housing and increased population
- Less risk to people and communities from natural hazards.
- Provides public access to waterbodies.

Cultural

- Specific provisions for subdivision affecting identified sites and areas of significance to Māori.
- Incorporates mātauranga Māori principles into the design of the subdivision.
- Enable subdivision that allows permanent legal and physical access to landlocked Māori freehold land or urupā.
- Enable subdivision that achieves permanent protection of riparian margins in the Upper Waipa River catchment.
- Gives effect to the Waikato River Vision and Strategy.
- Māori may benefit from more employment opportunities and access to new housing areas.

Costs Anticipated

Environmental

- Temporary construction effects (dust, stormwater runoff during construction, stripping topsoil, removing vegetation).
- Increased demand on stormwater, sewerage, roading, energy, and water supply.
- Extensive land modification associated with subdivision can result in a loss of natural character and biodiversity.
- There has been increased demand on the three waters network which has resulted in environmental effects.

Economic

- The subdivision provisions may not result in increased housing affordability in the District.
- Limitations on subdivisions (by way of consent notices, covenants and encumbrances) may have an economic impact on future development.
- Requiring the installation of common infrastructure (such as roads, pipes and wires) at subdivision stage is a cost on developers that must then be recouped through site sales.
- For some properties, the ability to subdivide will be reduced when compared to the existing situation.
- There will be increased costs to developments as a result of the need to incorporate mitigation measures into some development forms (particularly in relation to three waters).
- Fragmentation of land can limit the use of land in future .
- For some property owners there will be a lost opportunity cost from not being able to subdivide and develop their property due the constraints in infrastructure networks or on-site constraints.

Social

- Subdivision provided for in the District Plan may not be responsive to the housing needs / living needs of the community.
- The proposed provisions will allow for sites to be subdivided, which will result in changes in the amenity values and character of areas over time.

Cultural

- There are no cultural costs anticipated.

Economic growth opportunities

For some sites the proposed provisions will increase the development opportunities when compared to the existing situation (this is due to a combination of sites being up zoned or greater clarity and certainty for the rules). However, for some properties there would be a loss in development opportunities as a direct result of the proposed overlays. These lost opportunities could be for a variety of reasons and include:

- Needing to preserve the values of the landscapes (ONLF, SAL);
- Needing to maintain the character of the coastal environment;
- Having to retain vegetation (SNA);
- Protecting lives or property (natural hazards); and
- Protect sites of cultural value or heritage (Historic Heritage and Sites and Areas of Significance to Māori).

Employment opportunities

There are some employment benefits likely to arise from the provisions. The creation of additional lots has the associated employment benefits of development including:

- Professional services creating the allotment;
- Construction of any services and resulting dwellings;
- Earthworks and site preparation; and
- Selling and marketing of the property.

QUANTIFICATION OF BENEFITS & COSTS s32(2)(b)

Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified. Given the assessment of the scale and significance of the proposed provisions, specific quantification of the benefits and costs in this report is considered neither necessary, beneficial nor practicable in relation to this topic.

Section 32 Report – Subdivision

EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii)	REASONS FOR PROVISIONS s32(1)(b)(iii)
<p>Section 32(1)(b)(ii) requires assessing the efficiency and effectiveness of the provisions in achieving the objectives:</p> <p><u>Efficiency</u> The proposed provisions are considered to be the most efficient means to achieve the proposed objectives because:</p> <ul style="list-style-type: none"> • The proposed provisions are more nuanced and ensure a more logical consent elevation when standards are not met than the status quo. • While the proposed provisions will result in some additional economic costs, it is considered that the resulting benefits to future occupants of the District outweigh these costs. • The proposed provisions take a consistent approach across development in the District and are therefore a simple framework to apply. <p><u>Effectiveness</u> The proposed provisions are considered to be the most effective means to achieve the proposed objectives because:</p> <ul style="list-style-type: none"> • They address the relevant effects associated with subdivision and ensure that Council is able to impose the required conditions of consent for controlled activities. • The proposed provisions ensure that the form and function of the zones are not compromised by future subdivision. • The proposed provisions apply to all the new zones and therefore ensures that no zones are stranded without subdivision provisions. • The proposed provisions give effect to the higher order policy documents through a clear, transparent and consistent framework. • It is also noted that the additional costs to a development to incorporate mitigation measures into the design are often considerably less than the costs to ratepayers that result from having to continually upgrade the three waters networks to accommodate additional demand resulting from development. 	<p>Section 32(1)(b)(iii) requires a summary of the reasons for deciding on the provisions: Having considered the proposed provisions it is considered that the proposed provisions are the most appropriate way to achieve the objective. The reasons for this are as follows:</p> <ul style="list-style-type: none"> • The additional costs associated with some limited lost development rights for private property owners are outweighed by the benefits to the District; • The proposed provisions will ensure that all zones within the PDP Plan have subdivision provisions; • The proposed matters addressed within the subdivision rules better address the effects arising from the development of land; • The proposed provisions will be more effective and efficient at addressing the effects from subdivision than the status quo; • The provisions give effect to the higher order policy documents. • The provisions align with the iwi management plans • The provisions are the most appropriate method for ensuring that subdivision results in an efficient use of land, achieves patterns of development that reflect good quality community environments, are compatible with the role, function and predominant character of the area, and minimises any adverse effects on the environment. <p>Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.</p>