

## Chapter 23: ~~Country Living Zone~~ Rural Lifestyle Zone-<sup>1</sup>Rules <sup>2</sup>

- (1) The rules that apply to activities in the ~~Country Living~~ **Rural Lifestyle** zone are contained in **Rule 23.1** Land Use – Activities, **Rule 23.2** Land Use – Effects and **Rule 23.3** Land Use – Building.
- (2) The rules that apply to subdivision in the ~~Country Living~~ **Rural Lifestyle** zone are contained in **Rule 23.4**.
- (3) The activity status tables and standards in the following chapters also apply to activities in the ~~Country Living~~ **Rural Lifestyle** Zone:
  - 14 Infrastructure and Energy;
  - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:
  - (i) PR Prohibited activity
  - (ii) P Permitted activity
  - (iii) C Controlled activity
  - (iv) RD Restricted discretionary activity
  - (v) D Discretionary activity
  - (vi) NC Non-complying activity

### 23.1 Land Use – Activities

#### 23.1.1 Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
  - (a) ~~Activity-specific conditions:~~
  - ~~(a)(b)~~ Land Use – Effects rules in **Rule 23.2** (unless the activity rule and/~~or activity-specific~~ conditions identify a condition(s) that does not apply);
  - ~~(b)(c)~~ Land Use – Building rules in **Rule 23.3** (unless the activity rule and/~~or activity-specific~~ conditions identify a condition(s) that does not apply);
  - (d) ~~Activity-specific conditions.~~<sup>3</sup>

Activity		Activity specific conditions
P1	Residential activity, unless specified below.	Nil
P2	Home stay	<del>Nil-(a) for up to 4 people</del>
P3	A temporary event	(a) The event occurs no more than 3 times per single 12

<sup>1</sup> Anton Marais (249.1)

<sup>2</sup> Waikato District Council (697.844)

<sup>3</sup> Waikato District Council (697.846)

		<p>month period;</p> <p>(b) The duration of each event is less than 72 hours;</p> <p>(c) It may operate between 7.30am and 8.30pm Monday to Sunday;</p> <p>(d) Temporary structures are:</p> <p>(i) erected no more than 2 days before the event occurs, and</p> <p>(ii) removed no more than 3 days after the end of the event;</p> <p>(e) The <b>site</b> is returned to its original condition no more than 3 days after the end of the event;</p> <p>(f) There is no direct site access from a national route or regional arterial road.</p>
P4	A <b>home occupation</b>	<p>(a) It is wholly contained within a <b>building</b>;</p> <p>(b) The storage of materials or machinery associated with the <b>home occupation</b> are wholly contained within a <b>building</b>;</p> <p>(c) No more than 2 people who are not permanent residents of the site are employed at any one time;</p> <p>(d) Unloading and loading of vehicles <del>or</del> <b>and</b> the receiving of customers or deliveries <b>can</b> only occur after <del>7:30am</del> and before 7:00pm on any day;</p> <p>(e) Machinery may be operated after <del>7:30am</del> and up to <del>97pm</del><sup>4</sup> on any day.</p>
P5	<u>Emergency services training and management activities.</u>	(a) <u>Emergency services training shall be restricted to the hours of 7:00am-10:00pm</u> <sup>5</sup>
P6	<u>Farming</u>	<u>Nil</u> <sup>6</sup>
P7	<u>Childcare facility</u>	(a) <u>For up to 10 children</u> <sup>7</sup>
P8	<u>Visitor Accommodation</u>	(a) <u>For up to 5 people</u> <sup>8</sup>

### 23.1.1A Controlled Activities

(1) The activities listed below are controlled activities.

<u>Activity</u>		<u>Matters of control</u>
<u>CI</u>	<u>Construction of Emergency service facilities, that complies with all the Land Use – Building rules in Rule 23.3</u>	<p>(a) <u>Council's control shall be restricted to the following matters:</u></p> <p>(i) <u>Effects on amenity</u></p> <p>(ii) <u>Effects on Character</u></p> <p>(iii) <u>Road efficiency and safety</u></p> <p>(iv) <u>Building design</u></p> <p>(v) <u>Site layout and design</u></p> <p>(vi) <u>Privacy on other sites</u><sup>9</sup></p>

<sup>4</sup> Waikato District Council (697.848)

<sup>5</sup> Fire and Emergency New Zealand (378.38)

<sup>6</sup> Horticulture New Zealand (419.42)

<sup>7</sup> J and T Quigley Ltd [389.8]

<sup>8</sup> Waikato District Council (697.849)

<sup>9</sup> Fire and Emergency New Zealand (378.39)

## 23.1.1A Restricted Discretionary Activities

(1) The activities listed below are restricted discretionary activities

Activity		Activity-specific conditions
RDI	Education facilities	<p>(a) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) The extent to which it is necessary to locate the activity in the Country Living Rural Lifestyle Zone.</li> <li>(ii) Reverse sensitivity effects of adjacent activities.</li> <li>(iii) The extent to which the activity may adversely impact on the transport network.</li> <li>(iv) The extent to which the activity may adversely impact on the streetscape, character and amenity of the neighbour, with particular regard to the bulk and location of the buildings.<sup>10</sup></li> <li>(v) The extent to which the activity may adversely impact on the noise environment.</li> <li>(vi) Effects on character</li> <li>(vii) Building form, bulk and location</li> <li>(viii) Site layout and design</li> <li>(ix) Privacy on other sites.<sup>11</sup></li> </ul>

## 23.1.2 Discretionary Activities

(1) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with <u>one or more of the an-<sup>12</sup>Activity Specific Conditions' in Rule 23.1.1</u>
<del>D2</del>	<del>Any permitted activity that does not comply with Land Use—Effects Rule 23.2 or Land Use—Building Rule 23.3 unless the activity status is specified as controlled, restricted, discretionary or non-complying.<sup>13</sup></del>
<del>D3-D2</del>	A <b>commercial activity</b> (excluding <b>produce stall</b> )
<del>D4-D3</del>	A <b>community activity</b>
<del>D5-D4</del>	An <b>education facility</b> , excluding a <b>child care facility</b> for up to 10 children
<del>D6-D5</del>	A funeral home and/or crematorium

<sup>10</sup> Ministry of Education (781.15)

<sup>11</sup> Ministry of Education (781.15)

<sup>12</sup> Waikato District Council (697.851)

<sup>13</sup> Waikato District Council (697.852)

<del>D7-D6</del>	A health facility
<del>D8-D7</del>	A hospital, or a hospice with 10 or more beds
<del>D9-D8</del>	Travellers' Visitor accommodation for more than 5 people <sup>14</sup>
<del>D10-D9</del>	An industrial activity
<del>D11-D10</del>	A place of assembly
<del>D12</del>	Any permitted activity that does not comply with P7

### 23.1.3 Non-Complying Activities

(1) The activities listed below are non-complying activities.

NC1	A correctional facility
NC2	An extractive industry
NC3	A retirement village
NC4	Multi-unit development
NC5	Intensive farming
NC6	Transport depot
NC7	Motor sport and recreation events
NC8	(a) Within the Hamilton Airport Noise Outer Control Boundary: (i) a child care facility (ii) a hospital or hospice
NC9	Construction of a building on an indicative road
NC10	A waste management facility
NC11	Storage, processing or disposal of hazardous waste
NC12	Any activity that is not listed as Permitted, Restricted Discretionary or Discretionary
<del>NC13</del>	(a) <del>The following activities located within the Urban Expansion Area:</del> (i) <del>industrial activity; and</del> (ii) <del>rural industry.</del> <sup>15</sup>

## 23.2 Land Use - Effects

### 23.2.1 Noise

<sup>14</sup> Waikato District Council (697.853)

<sup>15</sup> Waikato District Council (697.855)

- (1) **Rule 23.2.1.1** Noise – General provides permitted noise levels in the **Country-Living Rural Lifestyle Zone**.
- (2) **Rule 23.2.1.2** Noise – Construction provides permitted noise levels for construction activities.

### 23.2.1.1 Noise – General

P1	Farming noise, and noise generated by emergency generators and emergency sirens.
P2	<p>(a) Noise measured at the notional boundary within any site in the Rural Zone and within any other site in the Country Living Rural Lifestyle Zone Noise measured in accordance with NZS6801:2008 and assessed in accordance with NZS 6802:2008 must not exceed:</p> <p>(i) 50dB LAeq(15min) (LAeq), 7am to 7pm every day;</p> <p>(ii) 45dB LAeq(15min) (LAeq), 7pm to 10pm every day;</p> <p>(iii) 40dB LAeq(15min) (LAeq) and 65dB (LAmax), 10pm to 7am the following day.</p> <p>(iv) 65db LAFmax, 10pm to 7am the following day;</p> <p>(b) The permitted activity noise limits for the zone of any other site where sound is received.<sup>16</sup> Noise measured within any site in any other zone, other than the Rural Zone, must meet the permitted noise levels for that other zone.</p> <p>(i) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics Measurement of Environmental Sound".</p> <p>(ii) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 "Acoustic Environmental noise".<sup>17</sup></p>
P3	<del>(a) Noise measured within any site in any zone, other than the Country Living Zone and Rural Zone, must meet the permitted noise levels for that zone.<sup>18</sup></del>
P4 P3	<p>(a) Noise generated by any activity in Tamahere Commercial Area A and Tamahere Commercial Area B, as identified on the planning maps, must not exceed the following levels:</p> <p>(i) In Tamahere Commercial Areas A and B does not exceed:</p> <p>A. 65dB (LAeq), 7am to 10pm;</p> <p>B. 50dB (LAeq) and 75dB (LAmax), 10pm to 7am the following day;</p> <p>(b) Outside Tamahere Commercial Areas A and B, does not exceed:</p> <p>A. 55dB (LAeq), 7am to 10pm;</p> <p>B. 40dB (LAeq) and 70dB (LAmax), 10pm to 7am the following day.</p> <p>(c) <sup>19</sup>Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics Measurement of Environmental Sound".</p> <p>(d) Noise levels shall be assessed in accordance with the requirements of Standard NZS 6802:2008</p>
P5	<p>(a) Noise levels shall be measured in accordance with the requirements of Standard NZS 6801:2008 "Acoustics Measurement of Environmental Sound".</p> <p>(b) Noise levels shall be assessed in accordance with the requirements of Standard NZS 6802:2008 "Acoustic Environmental noise".<sup>20</sup></p>
DI	<p>(a) Noise that is outside the scope of NZS 6802:2008 pr a permitted activity standard and;</p> <p>(b) Noise that does not comply with Rule 23.2.1.1 P1, P2, P3, <sup>21</sup>P3 P4 or P5.<sup>22,23</sup></p>

### 23.2.1.1A Noise-Tamahere Commercial Areas A and B

P1	Farming noise, and sound generated by emergency generators and emergency sirens.
P2	Noise measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 must not exceed:

<sup>16</sup> Waikato District Health Board (923.159)

<sup>17</sup> Waikato District Council (697.856)

<sup>18</sup> Waikato District Council (697.856)

<sup>19</sup> Waikato District Council (697.857)

<sup>20</sup> Waikato District Council (697.857)

<sup>21</sup> Waikato District Council (697.856)

<sup>22</sup> Waikato District Council (697.857)

<sup>23</sup> Waikato District Health Board (923.159)

	<p>(a) <u>The following noise limits at any point within any other site in Tamahere Commercial Areas A and B:</u></p> <ul style="list-style-type: none"> <li><u>(i) 65dB LAeq(15min), 7am to 10pm;</u></li> <li><u>(ii) 50dB LAeq(15min), 10pm to 7am;</u></li> <li><u>(iii) 75 dB LAFmax, 10pm to 7am the following day;</u></li> </ul> <p>(b) <u>The following noise limits at any point within any site outside the Tamahere Commercial Areas A and B:</u></p> <ul style="list-style-type: none"> <li><u>(i) 55dB LAeq(15min), 7am to 10pm;</u></li> <li><u>(ii) 40dB LAeq(15min), 10pm to 7am;</u></li> <li><u>(iii) 70dB LAFmax, 10pm to 7am the following day;</u></li> </ul>
DI	<p>(a) <u>Noise that is outside the scope of NZS 6802:2008 or a permitted activity standard;</u></p> <p>(b) <u>Noise that does not comply with Rule 23.2.1.1A P1 or P2<sup>24</sup></u></p>

<sup>24</sup> Waikato District Health Board (923.160)

### 23.2.1.2 Noise – Construction

PI	(a) Noise generated from the construction site must <del>not exceed</del> <del>meet</del> <sup>25</sup> the limits in NZS 6803:1999 (Acoustics – Construction Noise); (b) Construction noise shall be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'.
RDI	(a) Construction noise that does not comply with Rule 23.2.3 PI. (b) Council's discretion is restricted to the following matters: (i) Effects on amenity values; (ii) Hours of construction; (iii) Noise levels; (iv) Timing and duration; and (v) Methods of construction.

### 23.2.2 Glare and Artificial Light Spill

PI	(a) Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically at any other site. (b) Rule 23.2.2 PI does not apply to vehicles or equipment used in farming activities.
RDI	(a) Illumination from glare and artificial light spill that does not comply with Rule 23.2.2 PI. (b) Council's discretion is restricted to the following matters: (i) Effects on amenity values; (ii) Light spill levels on other site; (iii) Road safety; (iv) Duration and frequency; (v) Location and orientation of the light source; and (vi) Mitigation measures.

### 23.2.3 Earthworks

- (1) Rule 23.2.3.1 – Earthworks - General, provides the permitted rules for earthwork activities for the Country-Living Rural Lifestyle Zone. These rules do not apply to earthworks for subdivision. This rule does not apply in those areas specified in Rule, 23.2.3.2, 23.2.3.3 and 23.2.3.4.<sup>26</sup>
- (2) There are specific standards for earthworks within rules:
- Rule 23.2.3.2 – Earthworks - Maaori Sites and Maaori Areas of Significance;
  - Rule 23.2.3.3 – Earthworks - Significant Natural Areas;
  - Rule 23.2.3.4 – Earthworks - Landscape and Natural Character Areas.

#### 23.2.3.1 Earthworks – General

PI	(a) Earthworks within a site for: (i) Ancillary rural earthworks; or (ii) Construction and/or maintenance of tracks, fences or drains; or (iii) A building platform for a residential activity including an accessory building.
P2	(a) Earthworks within a site for purposes other those contained in PI (excluding the importation of fill material) must meet all of the following conditions: (i) Do not exceed a volume of more than 2500m <sup>3</sup> and an area of more than 1000m <sup>2</sup> within a site over any single consecutive 12 month period; <sup>28</sup>

<sup>25</sup> Waikato District Council (697.858)

<sup>26</sup> Waikato District Council (697.860)

<sup>27</sup> The Surveying Company (746.116)

	<ul style="list-style-type: none"> <li>(ii) The total depth of any excavation or filling does not exceed 1.5m above or below ground level;</li> <li>(iii) Earthworks are set back <u>at least</u> 1.5m from <u>any boundary</u>;</li> <li>(iv) Areas exposed by <u>earthworks</u> are re-vegetated <u>or otherwise stabilised</u> to achieve 80% ground cover within 6 months of the commencement of the <u>earthworks</u>;</li> <li>(v) Sediment resulting from the <u>earthworks</u> is retained on the <u>site</u> through implementation and maintenance of erosion and sediment controls;</li> <li>(vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</li> </ul>
<b>P3</b>	<p>(a) <del>Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material must meet the following condition:</del></p> <p>(i) <del>be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</del><sup>29</sup></p>
<b>P4-P3</b>	<p>(a) Earthworks for purposes other than creating a <u>building platform</u> for residential purposes within a <u>site</u>, using imported <u>fill material</u> must meet all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Not exceed a total volume of <u>250m<sup>3</sup></u>;<sup>30</sup></li> <li>(ii) Not exceed a depth of <u>1.5m</u>;<sup>31</sup></li> <li>(iii) The slope of the resulting filled area in <u>stable ground</u> must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</li> <li>(iv) Fill material is set back 1.5m from all boundaries;</li> <li>(v) Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the <u>earthworks</u>;</li> <li>(vi) Sediment resulting from the filling is retained on the <u>site</u> through implementation and maintenance of erosion and sediment controls;</li> <li>(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</li> </ul>
<b>RD1</b>	<p>(a) Earthworks that do not comply with <u>Rule 23.2.3.1 P1, P2, P3<sup>32</sup> or P3</u>.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Amenity values and landscape effects;</li> <li>(ii) Volume, extent and depth of <u>earthworks</u>;</li> <li>(iii) Nature of fill material;</li> <li>(iv) Contamination of <u>fill material</u>;</li> <li>(v) Location of the <u>earthworks</u> to waterways, significant <u>indigenous vegetation</u> and habitat;</li> <li>(vi) Compaction of the <u>fill material</u>;</li> <li>(vii) Volume and depth of <u>fill material</u>;</li> <li>(viii) Protection of the Hauraki Gulf Catchment Area;</li> <li>(ix) Geotechnical stability;</li> <li>(x) Flood risk, including natural water flows and established drainage paths;</li> <li>(xi) Land instability, erosion and sedimentation.</li> <li>(xii) <u>Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access.</u><sup>33</sup></li> </ul>
<b>NCI</b>	<u>Earthworks</u> including the importation of <u>cleanfill</u> to a <u>site</u> .

### 23.2.3.2 Earthworks - Maori Sites and Maori Areas of Significance

<b>RD1</b>	<p>(a) Earthworks within a <u>Maori site of significance</u> as identified in <u>Schedule 30.3</u> (Maori Sites of Significance) as shown on the <u>planning maps</u>.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) location of activity in relation to the site;</li> <li>(ii) effects on heritage and cultural values.</li> </ul>
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<sup>28</sup> Blue Wallace Surveyors (662.25)

<sup>29</sup> Waikato District Council (697.863)

<sup>30</sup> Sharp Planning Solutions Ltd (695.107)

<sup>31</sup> Sharp Planning Solutions Ltd (695.108)

<sup>32</sup> Waikato District Council (697.864)

<sup>33</sup> First Gas Limited (945.24)



RD2	<p>(a) Earthworks within a Maori area of significance as identified in Schedule 30.4 (Maori Areas of Significance) as shown on the planning maps.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) location of activity in relation to the site;</li> <li>(ii) effects on heritage and cultural values.</li> </ul>
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### 23.2.3.3 Earthworks – Significant Natural Areas

PI	<p>(a) Earthworks for the maintenance of existing tracks, fences or drains within an identified Significant Natural Area that meet all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Maximum volume of 50m<sup>3</sup> in a 12 month period;</li> <li>(i) Maximum area of 250m<sup>2</sup> in a 12 month period; and</li> <li>(ii) Not include importing any fill material.</li> </ul>
RDI	<p>(a) Earthworks that do not comply with Rule 23.2.3.3 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) The location of earthworks in relation to waterways, significant indigenous vegetation or habitat;</li> <li>(ii) The protection of adverse effects on the Significant Natural Area values.</li> </ul>
DI	Earthworks that do not comply with Rule 23.2.3.3 PI or RDI.

### 23.2.3.4 Earthworks – within Landscape and Natural Character Areas

PI	<p>(a) Earthworks are for the maintenance of existing tracks, fences or drains within an identified Landscape or Natural Character Area and must meet all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) The earthworks are undertaken within a 12 month period;</li> <li>(ii) The earthworks must not exceed the following areas and volumes within a 12 month period:</li> </ul> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Landscape or Natural Character Area</th> <th style="text-align: center;">Area (m<sup>2</sup>)</th> <th style="text-align: center;">Volume (m<sup>3</sup>)</th> </tr> </thead> <tbody> <tr> <td>Significant Amenity Landscape Hill Country</td> <td style="text-align: center;">1,000</td> <td style="text-align: center;">500</td> </tr> <tr> <td>Significant Amenity Landscape Waikato River Margins and Lakes</td> <td style="text-align: center;">500</td> <td style="text-align: center;">500</td> </tr> <tr> <td>Significant Amenity Landscape sand dune</td> <td style="text-align: center;">50</td> <td style="text-align: center;">250</td> </tr> <tr> <td>High Natural Character or Outstanding Natural Character area of the coastal environment</td> <td></td> <td></td> </tr> <tr> <td>Outstanding Natural Feature sand dune</td> <td></td> <td></td> </tr> <tr> <td>Outstanding Natural Feature</td> <td></td> <td></td> </tr> <tr> <td>Outstanding Natural Landscape</td> <td></td> <td></td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>(iii) The height of the resulting cut or batter face in stable ground does not exceed 1.5m;</li> <li>(iv) The maximum slope of the resulting cut or batter face in stable ground does not exceed 1:2 (1m vertical to 2m horizontal);</li> <li>(v) Areas exposed by the earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</li> </ul>	Landscape or Natural Character Area	Area (m <sup>2</sup> )	Volume (m <sup>3</sup> )	Significant Amenity Landscape Hill Country	1,000	500	Significant Amenity Landscape Waikato River Margins and Lakes	500	500	Significant Amenity Landscape sand dune	50	250	High Natural Character or Outstanding Natural Character area of the coastal environment			Outstanding Natural Feature sand dune			Outstanding Natural Feature			Outstanding Natural Landscape		
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	<p>(vi) Sediment is retained on the <b>site</b> through implementation and maintenance of erosion and sediment controls;</p> <p>(vii) The <b>earthworks</b> do not divert or change natural water flows, water bodies or established drainage paths.</p>
DI	<b>Earthworks</b> within an identified Landscape or Natural Character Area that do not comply with <b>Rule 23.2.3.4 PI</b> .

### 23.2.4 Hazardous substances

PI	<p>(a) The use, <b>storage</b> or disposal of any <b>hazardous substance</b> where:</p> <p>(i) The aggregate quantity of any <b>hazardous substance</b> of any hazard classification on a <b>site</b> is less than the quantity specified for the <b>Country-Living Rural Lifestyle</b> Zone in <b>Table 6.1</b> contained within <b>Appendix 5</b> (Hazardous Substances); and</p> <p>(ii) The <b>storage</b> or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</p>
P2	<p>(a) The storage or use of radioactive materials if it is:</p> <p>(i) an approved equipment for medical and diagnostic purposes; or</p> <p>(ii) specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</p>
CI	<p>(a) The <b>storage</b> of the following maximum volumes of fuel for retail sale within a service station:</p> <p>(i) 100,000 litres of petrol in underground <b>storage</b> tanks;</p> <p>(ii) 50,000 litres of diesel in underground <b>storage</b> tanks; and</p> <p>(iii) 6 tonnes of LPG (single vessel storage).</p> <p>(b) Council reserves its control over the following matters:</p> <p>(i) The proposed <b>site</b> design and layout in relation to:</p> <p>A. the sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities;</p> <p>B. interaction with natural hazards (flooding, instability), as applicable. proposed emergency management planning (spills, fire and other relevant hazards);</p> <p>(ii) Procedures for monitoring and reporting of incidents.</p>
DI	The use, <b>storage</b> or disposal of <b>hazardous substance</b> that does not comply with <b>Rule 23.2.4 PI, P2 or CI</b> .

### 23.2.5 Notable Trees

- (a) **Rules 23.2.5.1 – 23.2.5.3** provide permitted rules for notable trees, which are identified in **Schedule 30.2** (Notable Trees) as follows:
- (i) **Rule 23.2.5.1** – Notable tree - removal or destruction;
  - (ii) **Rule 23.2.5.2** – Notable tree - trimming;
  - (iii) **Rule 23.2.5.3** – Notable tree - activities within the dripline.

#### 23.2.5.1 Notable tree – removal or destruction

PI	Removal or destruction of a notable tree identified in <b>Schedule 30.2</b> (Notable Trees) where certification is provided to Council from a <b>works arborist</b> states the tree is dead, dying, diseased or is unsafe in accordance with <b>Appendix 11</b> (Tree Removal Certificate).
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RDI	<p>(a) Removal or destruction of a <b>notable tree</b> identified in <b>Schedule 30.2</b> (Notable Trees) that does not comply with <b>Rule 23.2.5.1 PI</b>.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) timing and manner in which the activity is carried out;</li> <li>(ii) effects on amenity values; and</li> <li>(iii) effects on heritage values.</li> </ul>
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### 23.2.5.2 Notable tree - trimming

PI	<p>(a) The trimming of a notable tree identified in <b>Schedule 30.2</b> (Notable Trees) is either:</p> <ul style="list-style-type: none"> <li>(i) to remove dead, dying, or diseased branches and the tree work is undertaken by a <b>works arborist</b>; or</li> <li>(ii) the maximum branch diameter does not exceed 50mm at the point of severance and no more than 10% of live foliage growth is removed in any single consecutive 12 month period.</li> </ul>
RDI	<p>(a) The trimming of a <b>notable tree</b> that does not comply with <b>Rule 23.2.5.2 PI</b>.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Timing and manner in which the activity is carried out;</li> <li>(ii) Effects on amenity values.</li> </ul>

### 23.2.5.3 Notable tree - activities within the dripline

PI	<p>(a) Any activity within the <b>dripline</b> of a <b>notable tree</b> identified in <b>Schedule 30.2</b> (Notable Trees) must not involve:</p> <ul style="list-style-type: none"> <li>(i) excavation, compaction, sealing or soil disturbance and placement of <b>fill material</b>, except for sealing of an existing road or footpath;</li> <li>(ii) parking or storage of materials, vehicles or machinery;</li> <li>(iii) discharge of an eco-toxic substance; and</li> <li>(iv) construction of any structure.</li> </ul>
RDI	<p>(a) Any activity that does not comply with <b>Rule 23.2.5.3 PI</b>.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) location of activity in relation to the notable tree;</li> <li>(ii) timing and manner in which the activity is carried out;</li> <li>(iii) remedial measures;</li> <li>(iv) effect on the health of the notable tree;</li> <li>(v) amenity values.</li> </ul>

### 23.2.6 Signs

- (1) **Rule 23.2.6.1** Signs – General provides permitted standards for any sign, including real estate signs, across the entire **Country-Living Rural Lifestyle** Zone.
- (2) **Rule 23.2.6.2** Signs – effects on traffic applies specific standards for signs that are directed at road users.

### 23.2.6.1 Signs – General

P1	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) It is the only sign on the site;</li> <li>(ii) The sign is wholly contained on the site;</li> <li>(iii) The sign does not exceed an area of 1 m<sup>2</sup>;</li> <li>(iv) The sign height does not exceed 3m;</li> <li>(v) The sign is not illuminated;</li> <li>(vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</li> <li>(vii) The sign is set back at least 50m from a state highway and the Waikato Expressway;</li> <li><del>(viii) The sign does not project over road reserve;</del><sup>34</sup></li> <li>(ix) The sign is not attached to a tree identified in Schedule 30.2 Notable Trees, except for the purpose of identification;</li> <li>(x) The sign is not attached to a heritage item listed in Schedule 30.1 (Heritage Items) except for the purpose of identification and interpretation;</li> <li>(xi) <del>The sign is not attached to a</del> On a site with a Maaori Site of Significance listed in Schedule 30.3 (Maaori Sites of Significance) <del>except is</del><sup>35</sup> for the purpose of identification and interpretation;</li> <li>(xii) The sign relates to: <ul style="list-style-type: none"> <li>A. goods or services available on the site; or</li> <li>B. a property name sign.</li> </ul> </li> </ul>
P3	<p>(a) A real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) There is no more than 1 sign per agency;</li> <li>(ii) The sign is not illuminated;</li> <li>(iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</li> <li>(iv) The sign does not project into or over road reserve.</li> </ul>
RDI	<p>(a) Any sign that does not comply Rule 23.2.6.1 P1, P2 or P3.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Amenity values;</li> <li>(ii) Rural character of the locality;</li> <li>(iii) Effects on traffic safety;</li> <li>(iv) Effects of glare and artificial light spill;</li> <li>(v) Content, colour and location of the sign;</li> <li>(vi) Effects on any notable trees;</li> <li>(vii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</li> <li>(viii) Effects on cultural values of any Maaori Site of Significance;</li> <li>(ix) Effects on notable architectural features of the building.</li> </ul>

<sup>34</sup> Waikato District Council (697.879)

<sup>35</sup> Waikato District Council (697.878)

### 23.2.6.2 Signs - effects on traffic

PI	<p>(a) Any sign directed at road users must <b>meet the following conditions</b>:</p> <ul style="list-style-type: none"> <li>(i) Not imitate the content, colour or appearance of any traffic control sign; and</li> <li>(ii) Be located at least 60m from controlled intersections, pedestrian crossings, <b>railway crossings</b> and any other sign <b>associated with roads and traffic management</b> and</li> <li>(iii) Not obstruct sight lines of drivers turning into or out of a <b>site</b> entrance and intersections <b>or at a level crossing</b>; and</li> <li><del>(iv) Be able to be viewed by drivers for at least 250m; and</del></li> <li>(v) Contain no more than 40 characters and no more than 6 symbols; and</li> <li>(vi) Have lettering that is at least 200mm high; and</li> <li>(vii) <del>Comply with the following wV</del>here the sign directs traffic to a <b>site</b> entrance <b>the sign must be at least</b>.<sup>36</sup> <ul style="list-style-type: none"> <li>A. 175m from the site entrance on any road with a speed limit of 80 km/hr or less; or</li> <li>B. 250m from the site entrance on any road with a speed limit of more than 80km/hr.</li> </ul> </li> </ul>
DI	Any sign that does not comply with <b>Rule 23.2.6.2 PI</b> .

### 23.2.7 Outdoor Storage

PI	<p><del>(a) Outdoor storage of materials must be fully screened by fencing or landscaping from any:</del></p> <ul style="list-style-type: none"> <li><del>(i) public road;</del></li> <li><del>(ii) public reserve;</del></li> <li><del>(iii) adjoining site.</del><sup>37</sup></li> </ul>
RDI	<p><del>(a) Outdoor storage of materials that do not comply with <b>Rule 23.2.7 PI</b>:</del></p> <ul style="list-style-type: none"> <li><del>(i) Council's discretion is restricted to the following matters:</del></li> <li><del>(ii) Visual amenity;</del></li> <li><del>(iii) Size and location of the outdoor storage area; and</del></li> <li><del>(iv) Measures to mitigate adverse effects.</del><sup>38</sup></li> </ul>

### 23.2.8 Indigenous vegetation clearance inside a Significant Natural Area

PI	<p>(a) <b>Indigenous vegetation clearance</b> in a <b>Significant Natural Area</b> identified on the planning maps or in <b>Schedule 30.5</b> (Urban Allotment Significant Natural Areas) for the following purposes:</p> <ul style="list-style-type: none"> <li>(i) Removing vegetation that endangers human life or any existing building or structure;</li> <li>(ii) Conservation fencing to exclude stock or pests;</li> <li>(iii) Maintaining existing farm drains;</li> <li>(iv) Maintaining existing tracks and fences;</li> <li>(v) Gathering plants in accordance with Maaori customs and values.</li> </ul>
P2	Removal of up to 5m <sup>3</sup> of manuka and/or kanuka outside of the Coastal Environment per year per property for domestic firewood purposes and arts or crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant.
P3	<p>(a) <b>Indigenous vegetation clearance</b> for building, access, parking and manoeuvring areas in a <b>Significant Natural Area</b> identified on the planning maps or in <b>Schedule 30.5</b> (Urban Allotment Significant Natural Areas) must comply with the following conditions:</p> <ul style="list-style-type: none"> <li>(i) there is no alternative development area on the site outside the <b>Significant Natural Area</b>; and</li> <li>(ii) the total indigenous <b>vegetation clearance</b> does not exceed 250m<sup>2</sup>.</li> </ul>

<sup>36</sup> Waikato District Council (697.880) and KiwiRail (986.120)

<sup>37</sup> Waikato District Council (697.881)

<sup>38</sup> Waikato District Council (697.881)

P4	(a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) where: <ul style="list-style-type: none"> <li>(i) There is no practical development area on the site outside the Significant Natural Area;</li> <li>(ii) The following total areas are not exceeded: <ul style="list-style-type: none"> <li>A. 1500m<sup>2</sup> for a marae complex, including areas associated with access parking and manoeuvring; and</li> <li>B. 500m<sup>2</sup> per dwelling, including areas associated with access parking and manoeuvring; and</li> <li>C. 500m<sup>2</sup> for a papakaainga building including areas associated with access parking and manoeuvring.</li> </ul> </li> </ul>
P5	(a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes: <ul style="list-style-type: none"> <li>(i) Removing vegetation that endangers human life or existing buildings or structures; or</li> <li>(ii) Conservation fencing to exclude stock or pests; or</li> <li>(iii) Maintaining existing farm drains; or</li> <li>(iv) Maintaining existing tracks and fences; or</li> <li>(v) Gathering plants in accordance with Maori customs and values.</li> </ul>
P6	Removal of up to 5m <sup>3</sup> of manuka and/or kanuka outside of the Coastal Environment per year per property for domestic firewood purposes and arts or crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant
D1	Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) that does not comply with Rule 23.2.8 P1, P2, P3, P4, P5 or P6.

### 23.2.9 Indigenous vegetation clearance - outside a Significant Natural Area

P1	(a) Indigenous vegetation clearance outside a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must be for the following purposes: <ul style="list-style-type: none"> <li>(i) removing vegetation that endangers human life or any existing building or structure;</li> <li>(ii) maintaining productive pasture through the removal of up to 1000m<sup>2</sup> per year of manuka and/or kanuka that is more than 10m from a waterbody, and less than 4m in height; or</li> <li>(iii) maintaining existing tracks and fences; or</li> <li>(iv) maintaining existing farm drains; or</li> <li>(v) conservation fencing to exclude stock or pests; or</li> <li>(vi) gathering of plants in accordance with Maori customs and values; or</li> <li>(vii) a building platform and associated access, parking and manoeuvring up to a total of 500m<sup>2</sup> clearance of indigenous vegetation.</li> </ul>
P2	(a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance outside a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must be for the following purposes: <ul style="list-style-type: none"> <li>(i) removing vegetation that endangers human life or existing buildings or structures; or</li> <li>(ii) maintaining productive pasture through the removal of up to 1000m<sup>2</sup> per single consecutive 12 month period of manuka and/or kanuka that is more than 10m from a waterbody, and less than 4m in height; or</li> <li>(iii) maintaining existing tracks and fences; or</li> <li>(iv) maintaining existing farm drains; or</li> <li>(v) conservation fencing to exclude stock or pests; or</li> </ul>

	(vi) gathering of plants in accordance with Maori custom and values.
P3	(a) On <b>Maaori Freehold Land</b> or <b>Maori Customary Land</b> , the clearance of <b>indigenous vegetation clearance</b> outside a <b>Significant Natural Area</b> identified on the planning maps or in <b>Schedule 30.5</b> (Urban Allotment Significant Natural Areas) must not exceed: <ul style="list-style-type: none"> <li>(i) 1500m<sup>2</sup> for a <b>marae complex</b> including associated access, parking and manoeuvring; and</li> <li>(ii) 500m<sup>2</sup> per <b>dwelling</b> including associated access, parking and manoeuvring; and</li> <li>(iii) 500m<sup>2</sup> for a <b>papakaainga building</b> including associated access, parking and manoeuvring.</li> </ul>
RDI	(a) Indigenous <b>Vegetation clearance</b> outside a <b>Significant Natural Area</b> identified on the planning maps or in <b>Schedule 30.5</b> (Urban Allotment Significant Natural Areas) that does not comply with <b>Rule 21.2.9 PI, P2 or P3</b> . (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) The extent to which the clearance will result in the fragmentation and isolation of indigenous ecosystems and habitats, including the loss of corridors or connections that link indigenous ecosystems and habitat and the loss of buffering of indigenous ecosystems;</li> <li>(ii) The extent to which the clearance will result in loss, damage or disruption to ecological processes, functions and ecological integrity, including ecosystem services;</li> <li>(iii) The extent to which cumulative effects have been considered and addressed;</li> <li>(iv) The extent to which the clearance affects Tangata Whenua relationships with indigenous biodiversity on the site;</li> <li>(v) The extent to which the indigenous biodiversity contributes to natural character and landscape values, including in areas of outstanding natural character, outstanding natural features, outstanding natural landscapes and significant amenity landscapes.</li> </ul>

## 23.3 Land Use – Building

### 23.3.1 Dwelling

PI	(a) One <b>dwelling</b> within a <b>site record of title</b> ; (b) The <b>dwelling</b> must not be located within any <b>of the following landscape and natural character areas</b> <sup>39</sup> : <ul style="list-style-type: none"> <li>(i) <b>Outstanding Natural Feature</b>;</li> <li>(ii) <b>Outstanding Natural Landscape</b>;</li> <li>(iii) <b>Outstanding Natural Character Area</b> of the coastal environment;</li> <li>(iv) <b>High Natural Character Area</b> of the coastal environment.</li> </ul>
DI	A <b>dwelling</b> that does not comply with <b>Rule 23.3.1 PI</b> .

### 23.3.2 Minor dwelling

PI	(a) One <b>minor dwelling</b> within a <b>site record of title</b> must <b>comply with the following conditions</b> <del>not exceed 70m<sup>2</sup> gfa</del> . <del>(b) Where there is an existing dwelling located within a site:</del> <ul style="list-style-type: none"> <li>(i) <b>Not exceed 70m<sup>2</sup> gross floor area</b></li> <li>(ii) <del>The minor dwelling must</del> be located within 20m of the <b>principal residential unit dwelling</b>;</li> <li>(iii) <del>The minor dwelling must</del> share a single driveway access with the <b>existing principal residential unit dwelling</b>.<sup>40</sup></li> </ul>
DI	A <b>minor dwelling</b> that does not comply with <b>Rule 23.3.2 PI</b> .

<sup>39</sup> Waikato District Council (697.890)

<sup>40</sup> Waikato District Council (697.891)

### 23.3.3 Buildings and structures in Landscape and Natural Character Areas

D1	(a) Any building or structure that is located within any: <ul style="list-style-type: none"> <li>(i) Outstanding Natural Feature;</li> <li>(ii) Outstanding Natural Landscape;</li> <li>(iii) Outstanding Natural Character Area;</li> <li>(iv) High Natural Character Area.</li> </ul>
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### 23.3.4 Height

- (1) Rules 23.3.4.1 and 23.3.4.2 provide permitted height limits for buildings, structures or vegetation.
- (2) Rule 23.3.4.1 Height – Building general provides permitted height limits across the entire Country-Living Rural Lifestyle Zone.
- (3) Rule 23.3.4.2 Height – Buildings, structures and vegetation within an airport obstacle limitation surface provides height limits for within this area.

#### 23.3.4.1 Height – Building General

PI	The maximum height of any building must not exceed 7.5m.
C1	(a) <del>The maximum height emergency facilities (of excluding hose drying towers) associated with emergency services must not exceed a height of 9m+5m.</del> (b) <del>The matters over which control will be reserved:</del> <ul style="list-style-type: none"> <li>(i) <del>Location on the site</del></li> <li>(ii) <del>Dominance on adjoining sites</del></li> <li>(iii) <del>Design<sup>41</sup></del></li> </ul>
C2	(c) <del>The maximum height of emergency services hose drying towers must not exceed 15m</del> (d) <del>The matters over which control will be reserved:</del> <ul style="list-style-type: none"> <li>(i) <del>Location on the site</del></li> <li>(ii) <del>Dominance on adjoining sites</del></li> <li>(iii) <del>Design<sup>42</sup></del></li> </ul>
D1	Any building that does not comply with Rule 23.3.4.1 PI or C1 and C2

#### 23.3.4.2 Height - Buildings, structures and vegetation within an airport obstacle limitation surface

PI	A building, structure or vegetation that does not protrude through any airport obstacle limitation surface as shown on the planning maps.
NCI	A building, structure or vegetation that does not comply with Rule 23.3.4.2 PI.

### 23.3.5 Daylight admission

PI	Buildings must not protrude through a height control plane rising at an angle of 37.45 <sup>43</sup> degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.
RDI	(a) A building that does not comply with Rule 23.3.5 PI.

<sup>41</sup> Fire and Emergency (378.42)

<sup>42</sup> Fire and Emergency (378.42)

<sup>43</sup> Waikato District Council (697.897)



	(b) Council's discretion is restricted to the following matters: (i) Height of the building; (ii) Design and location of the building; (iii) Extent of shading on adjacent site; (iv) Privacy on any other site; (v) Effects on amenity values of the locality. <sup>44</sup>
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### 23.3.6 Building coverage

PI	The total building coverage must not exceed 10% of the site or 300m <sup>2</sup> , whichever is the larger. <sup>45</sup>
DI	Total <sup>46</sup> building coverage that does not comply with Rule 23.3.6 PI.

#### 23.3.6A Impervious surfaces

PI	The impervious surface of a site must not exceed 70%. <sup>47</sup>
RDI	(a) Impervious surfaces that does not comply with Rule 23.3.4A PI (b) Council's discretion is restricted to the following matters: (i) Site design, layout and amenity; (ii) The risk of flooding, nuisance or damage to the site or other buildings and sites. <sup>48</sup>

### 23.3.7 Building setbacks

- (1) Rules 23.3.7.1 to 23.3.7.6 provide the permitted building setback distances for a building from a site boundary, specific land use activities and environmental features.
- (2) Rule 23.3.7.1 Building setbacks – all boundaries provides permitted building setback distances from any boundary on any site within the Country-Living Rural Lifestyle Zone. Different setback distances are applied based on the type of building.
- (3) Rule 23.3.7.2 Building setback - sensitive land use provides permitted setback distances for any building containing a sensitive land use from specified land use activities.
- (4) Rule 23.3.7.3 Building setbacks from Tamahere Commercial Areas and A and B provides specific setback requirements for these commercial areas at Tamahere.
- (5) Rule 23.3.7.4 Building – Airport Noise Outer Control Boundary.
- (6) Rule 23.3.7.5 Building setback - waterbodies provide permitted setback distances from a lake, wetland, river and coast.
- (7) Rules 23.3.7.6 Building setback - Environmental Protection Area provide specific setback distances from specified environmental features.

#### 23.3.7.1 Building Setbacks – All boundaries

PI	(a) A building located on a site Record of Title <sup>49</sup> containing more than 1000m <sup>2</sup> must be set back a minimum of: (i) 7.5m from a road boundary; (ii) 17.5m from the centre line of an indicative road; (iii) 12m from every boundary other than a road boundary.
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<sup>44</sup> Waikato District Council (697.897)

<sup>45</sup> Waikato District Council (679.898) and Sharp Planning Solutions Ltd (695.117)

<sup>46</sup> Waikato District Council (697.899)

<sup>47</sup> Waikato District Council (697.896)

<sup>48</sup> Waikato District Council (697.896)

<sup>49</sup> Waikato District Council (697.901)

	(b) <u>Despite rule 23.3.7.1 PI(a)(ii), this rule does not apply where the indicative road has been formed, is open to the public and has been vested in Council.</u> <sup>50</sup>
P2	(a) Any <b>building</b> located on a lot containing 1000m <sup>2</sup> or less must be set back a minimum of: <ul style="list-style-type: none"> <li>(i) 3m from a <b>road boundary</b>;</li> <li>(ii) 1.5m from every <b>boundary</b> other than a <b>road boundary</b>;</li> <li>(iii) 24m from an existing <b>dwelling</b> on any <b>adjoining site</b>.</li> <li>(iv) <u>5m from the designated boundary of the railway corridor</u><sup>51</sup></li> </ul>
RDI	(a) A <b>building</b> that does not comply with <b>Rule 23.3.7.1 PI or P2</b> . (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) amenity values;</li> <li><del>(ii) effects on traffic, transport network safety and efficiency.</del><sup>52</sup></li> <li>(iii) daylight admission to adjoining properties;</li> <li>(iv) effects on privacy of adjoining sites.</li> <li>(v) <u>reverse sensitivity effects</u><sup>53</sup></li> </ul>

### 23.3.7.2 Building setback - sensitive land use

PI	(a) Any new <b>building</b> or alteration to an existing <b>building</b> for a <b>sensitive land use</b> must be set back a minimum of: <ul style="list-style-type: none"> <li><del>(i) 5m from the designated boundary of the railway corridor;</del><sup>54</sup></li> <li>(ii) 15m from a national route or regional arterial <b>boundary</b>;</li> <li>(iii) 35m from the designated <b>boundary</b> of the Waikato Expressway;</li> <li>(iv) 200m from an <b>Aggregate Extraction Area</b> containing a sand resource;</li> <li>(v) 500m from an <b>Aggregate Extraction Area</b> containing a rock resource;</li> <li>(vi) 300m from the <b>boundary</b> of another <b>site</b> containing an <b>intensive farming</b> activity;</li> <li>(vii) 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another <b>site</b>;</li> <li><del>(viii) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed.</del></li> </ul>
<sup>55</sup> RDI	(a) <u>Any building for a sensitive land use that does not comply with Rule 23.3.7.2 PI(a)(i) regarding setbacks from the railway corridor</u> (b) <u>Council's discretion is restricted to the following matters:</u> <ul style="list-style-type: none"> <li>(i) <u>The size, nature and location of the buildings on the site.</u></li> <li>(ii) <u>The extent to which the safety and efficiency of rail and road operations will be adversely affected.</u></li> <li>(iii) <u>The outcome of any consultation with KiwiRail.</u></li> <li>(iv) <u>Any characteristics of the proposed use that will make compliance unnecessary.</u></li> </ul>
DI	Any <b>building</b> for a <b>sensitive land use</b> that does not comply with <b>Rule 23.3.7.2 PI (other than PI (a)(i))</b>

### 23.3.7.3 Building setbacks from Tamahere Commercial Areas and A and B

PI	(a) Any new building or alteration to an existing building for a sensitive land use must be: <ul style="list-style-type: none"> <li>(i) Set back at least 100m from Tamahere Commercial Area A; or</li> <li>(ii) Within 100m of Tamahere Commercial Area A: <ul style="list-style-type: none"> <li>A. the alteration is to a dwelling that has existed since 30 June 2012;</li> <li>B. no part of the alteration is located between the existing dwelling and any boundary of Tamahere Commercial Area A;</li> <li>C. it is designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation) – Table 14.</li> </ul> </li> </ul>
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<sup>50</sup> Sharp Planning solutions Ltd [695.118]

<sup>51</sup> Kiwi Rail [986.55]

<sup>52</sup> New Zealand Transport Agency [742.239]

<sup>53</sup> Horticulture New Zealand (419.46) and Waikato District Council (697.902)

<sup>54</sup> Kiwi Rail [986.55]

<sup>55</sup> KiwiRail (986.68]

P2	<p>(a) Any new <b>building</b> or alteration to an existing <b>building</b> for a <b>sensitive land use</b> must be:</p> <ul style="list-style-type: none"> <li>(i) Set back at least 100m from <b>Tamahere Commercial Area B</b>; or</li> <li>(ii) Within 100m of <b>Tamahere Commercial Area B</b> and either: <ul style="list-style-type: none"> <li>A. the alteration is to a dwelling that has existed since 30 June 2012 and no part of the alteration is located between the existing <b>dwelling</b> and <b>boundary</b> of Tamahere Commercial Area B; or</li> <li>B. it is a new <b>dwelling</b> that is placed within the <b>building platform</b> approved in the course of any <b>subdivision</b> and it is designed and constructed to achieve the internal design sound level specified in <b>Appendix I</b> (Acoustic Insulation) – Table 14;</li> <li>C. Within <b>Tamahere Commercial Area B</b>, be designed and constructed to achieve the internal design sound level specified in <b>Appendix I</b> (Acoustic Insulation). – Table 14.</li> </ul> </li> </ul>
RD I	<p>(a) Any new <b>building</b> or alteration to an existing <b>building</b> for a <b>sensitive land use</b> that does not comply with <b>Rule 23.3.7.3 PI or P2</b>.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) reverse sensitivity;</li> <li>(ii) the means to avoid, remedy or mitigate adverse effects on amenity within the site;</li> <li>(iii) the setback distance from <b>Tamahere Commercial Area A</b> and <b>Tamahere Commercial Area B</b>;</li> <li>(iv) the position, orientation and design of the <b>building</b> and outdoor living court in relation to <b>Tamahere Commercial Area A</b> and <b>Tamahere Commercial Area B</b>.</li> </ul>

#### 23.3.7.4 Building – Airport Noise Outer Control Boundary

PI	Construction, addition to, or alteration of a <b>building</b> containing a <b>noise sensitive activity</b> within the Airport Noise Outer Control Boundary that is designed and constructed to achieve the internal design sound levels specified in <b>Appendix I</b> (Acoustic Insulation) Table I.
DI	<p>(a) Construction, addition to, or alteration of a <b>building</b> that does not comply with <b>Rule 23.3.7.4 PI</b></p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>On-site</b> amenity values;</li> <li>(ii) <b>Noise</b> levels received at the <b>notional boundary</b> of the <b>building</b>;</li> <li>(iii) Timing and duration of <b>noise</b> received at the <b>notional boundary</b> of the <b>building</b>;</li> <li>(iv) Potential for reverse sensitivity effects.</li> </ul>

#### 23.3.7.5 Building setback – waterbodies

PI	<p>(a) Any <b>building</b> must be set back a minimum of:</p> <ul style="list-style-type: none"> <li>(i) <b>232m</b> from the margin of any; <ul style="list-style-type: none"> <li>A. Lake <b>over 4ha</b>; and</li> <li>B. wetland;</li> </ul> </li> <li>(ii) <b>232m</b> from the bank of any river (other than the Waikato River and Waipa River);</li> <li>(iii) 37m from the banks of the Waikato River and the Waipa River; and</li> <li>(iv) <b>27.532m</b> from mean high water springs <b>or</b></li> <li>(v) <b>10m from the bank of a perennial or intermittent stream (named or unnamed)</b> <sup>56</sup> <b>10m from a managed wetland</b> <sup>57</sup></li> </ul> <p><del>(b) — PI does not apply to a <b>public amenity</b> of up to 25m<sup>2</sup>, or a pump shed. <sup>58</sup></del></p>
P2	<del>A public amenity of up to 25m<sup>2</sup>, or a pump shed (public or private) within any building setback identified in rule 23.3.7.5 PI. <sup>59</sup></del>
DI	Any <b>building</b> that does not comply with <b>Rule 23.3.7.5 PI, or P2</b> <sup>60</sup>

<sup>56</sup> The Surveying Company (746.119)

<sup>57</sup> Blue Wallace Surveyors Ltd (662.26)

<sup>58</sup> Waikato District Council (697.905) and (697.906)

<sup>59</sup> Waikato District Council (697.905)

### 23.3.7.6 Building setback – Environmental Protection Area

PI	Any <b>building</b> must be set back a minimum of 3m from an <b>Environmental Protection Area</b> .
DI	Any <b>building</b> that does not comply with <b>Rule 23.3.7.6 PI</b> .

### 23.3.8 Building - Horotiu Noise Acoustic Area

PI	Construction, addition to, or alteration of a <b>building</b> containing a <b>noise sensitive activity</b> within the Horotiu Noise Acoustic Area that is designed and constructed to achieve the internal design sound levels specified in <b>Appendix I</b> (Acoustic Insulation) – Table I I.
DI	(a) Construction, addition to, or alteration of a <b>building</b> that does not comply with <b>Rule 23.3.8 PI</b> . (b) Council's discretion is restricted to the following matters: (i) <b>On-site</b> amenity values; (ii) <b>Noise</b> levels received at the <b>notional boundary</b> of the <b>building</b> ; (iii) Timing and duration of <b>noise</b> received at the <b>notional boundary</b> of the <b>building</b> ; (iv) Potential for reverse sensitivity effects.

### 23.3.9 Historic Heritage

- (I) The following rules manage **heritage items** (buildings and monuments):
- (a) **23.3.9.1** Group A Heritage Item – demolition, removal or relocation;
  - (b) **23.3.9.2** Group B Heritage Item – demolition, removal or relocation;
  - (c) **23.3.9.3** All Heritage Items – alteration or addition;
  - (d) **23.3.9.4** All Heritage Items – maintenance or repair;
  - (e) **23.3.9.5** All Heritage Items – all site development.

#### 23.3.9.1 Group A heritage item - demolition, removal or relocation

NCI	Demolition, removal or relocation of any Group A <b>heritage item</b> listed in <b>Schedule 30.1</b> (Heritage Items).
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#### 23.3.9.2 Group B heritage item - demolition, removal or relocation

DI	Demolition, removal or relocation of any Group B <b>heritage item</b> listed in <b>Schedule 30.1</b> (Heritage Items).
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#### 23.3.9.3 All heritage items – alteration or addition

PI	(a) <b>Alteration</b> of, or <b>addition</b> to, a <b>heritage item</b> listed in <b>Schedule 30.1</b> (Heritage Items) comply with the following conditions: (i) <b>No significant feature of interest</b> is removed, destroyed or damaged; (ii) <b>Alterations</b> or <b>additions</b> are not visible from a public place.
RDI	(a) Any activity that does not comply with <b>Rule 23.3.9.3 PI</b> . (b) Council's discretion is restricted to the following matters:

<sup>60</sup> Waikato District Council (697.905)

	<ul style="list-style-type: none"> <li>(i) Form, style, materials and appearance;</li> <li>(ii) Effects on heritage values.</li> </ul>
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#### 23.3.9.4 All heritage items – maintenance or repair

PI	<ul style="list-style-type: none"> <li>(a) Maintenance or repair of a heritage item listed in Schedule 30.1 (Heritage Items) comply with the following conditions: <ul style="list-style-type: none"> <li>(i) No significant feature of interest is destroyed or damaged;</li> <li>(ii) Replacement materials are the same as, or similar to, the original in terms of form, style and appearance.</li> </ul> </li> </ul>
RD I	<ul style="list-style-type: none"> <li>(a) Any activity that does not comply with Rule 23.3.9.4 PI.</li> <li>(b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Form, style, materials and appearance;</li> <li>(ii) Effects on heritage values.</li> </ul> </li> </ul>

#### 23.3.9.5 All heritage items – site development

PI	<ul style="list-style-type: none"> <li>(a) Development on a site containing a heritage item listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions: <ul style="list-style-type: none"> <li>(i) Be set back at least 10m from the heritage item;</li> <li>(ii) Not a building between the front of the heritage item and the road.</li> </ul> </li> </ul>
RD I	<ul style="list-style-type: none"> <li>(a) Any activity that does not comply with Rule 23.3.9.5 PI.</li> <li>(b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Effects on the values, context and setting of the heritage item;</li> <li>(ii) Location, design, size, materials and finish;</li> <li>(iii) Landscaping;</li> <li>(iv) The relationship of the heritage item with the setting.</li> </ul> </li> </ul>

### 23.4 Subdivision rules<sup>61</sup>

~~(1) Rule 23.4.1 lists Prohibited Subdivision in the Country Living Zone.<sup>62</sup>~~

(1) Rule 23.4.2 provides for General Subdivision in the Country Living Rural Lifestyle Zone and is subject to the following specific rules:

- (i) Rule 23.4.3 - Subdivision within identified areas
- (ii) Rule 23.4.4 - Title Boundaries – contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities and aggregate extraction areas
- (iii) Rule 23.4.5 - Site boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori
- (iv) Rule 23.4.6 - Subdivision of land containing heritage items
- (v) Rule 23.4.6B- Subdivision of land within the National Grid Corridor<sup>63</sup>
- (vi) <sup>64</sup>Rule 23.4.7 - Subdivision - Road frontage
- (vii) Rule 23.4.8 - Subdivision Building platform
- (viii) Rule 23.4.9 – Subdivision for a Reserve
- (ix) Rule 23.4.10 - Subdivision of land containing mapped off-road walkways
- (x) Rule 23.4.11 - Subdivision of land containing all or part of an Environmental Protection Area
- (xi) Rule 23.4.12 - Esplanade reserves and esplanade strips

<sup>61</sup> Waikato District Council (697.917)

<sup>62</sup> Martin Lynch (161.2)

<sup>63</sup> Waikato District Council (697.918)

<sup>64</sup> Waikato District Council (697.918)

### 23.4.1 Prohibited subdivision

PR1	Any subdivision within Hamilton's Urban Expansion Area involving the creation of any additional lot. <sup>65</sup>
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### 23.4.2 General Subdivision

RDI	<p>(a) Subdivision must comply with all of the following conditions, <u>where applicable</u><sup>66</sup>:</p> <ul style="list-style-type: none"> <li>(i) All proposed lots must have a <b>net site area</b> of at least 5000m<sup>2</sup>.</li> <li>(ii) Where the land being subdivided is inside the Airport Subdivision Control Boundary, <u>or wholly</u><sup>67</sup> or inside the SEL 95 Boundary identified on the planning maps, the average <b>net site area</b> of all proposed <b>lots</b> must be at least 1.1 ha;</li> <li>(iii) Where the land being subdivided straddles the Airport Subdivision Control Boundary, the maximum number of proposed titles must be the smallest nearest whole number calculated by the following formula:</li> </ul> $\text{Proposed Record of Titles allotments}^{68} = \frac{\text{area (ha) outside}^*}{0.5} + \frac{\text{area (ha) inside}^*}{1.1}$ <p>* outside and inside Airport Subdivision Control Boundary</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Adverse effects on amenity values;</li> <li>(ii) Effects on the <u>operation of the airport Airport Subdivision Control Boundary or the SEL 95 Boundary</u>.<sup>69</sup></li> <li>(iii) <u>The provision of infrastructure, including water supply accessible for firefighting, where practicable</u>.<sup>70</sup></li> <li>(iv) <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of infrastructure assets, or give rise to reverse sensitivity effects on existing land transport networks</u>.<sup>71</sup></li> <li>(v) <u>Measures to mitigate and minimise reverse sensitivity effects, including on adjoining Rural Zone land</u>.<sup>72</sup></li> </ul>
DI	<u>Subdivision within Hamilton's Urban Expansion Area (as identified on the planning maps) where all proposed allotments have a net site area of at least 5000m<sup>2</sup></u> . <sup>73</sup>
NCI	<u>General Subdivision</u> that does not comply with <u>Rule 23.4.1 RDI</u> or <u>Rule 23.4.2 DI</u> . <sup>74</sup>

<sup>65</sup> Martin Lynch (161.2)

<sup>66</sup> Waikato District Council (697.920)

<sup>67</sup> Waikato District Council (697.920)

<sup>68</sup> Waikato District Council (697.920)

<sup>69</sup> Waikato District Council (697.920)

<sup>70</sup> Fire and Emergency New Zealand (378.44)

<sup>71</sup> First Gas Limited (945.25)

<sup>72</sup> Horticulture New Zealand (419.49) and Balle Bros Group Limited (466.31)

<sup>73</sup> Martin Lynch (161.2)

<sup>74</sup> Martin Lynch (161.2)

### 23.4.3 Subdivision within identified areas

DI	<p>(a) Subdivision of any lot containing any these areas:</p> <ul style="list-style-type: none"> <li>(i) High Natural Character Area;</li> <li>(ii) Outstanding Natural Character Area;</li> <li>(iii) Outstanding Natural Landscape;</li> <li>(iv) Outstanding Natural Feature;</li> <li>(v) Significant Amenity Landscape dune;</li> <li>(vi) Coal Mining Area;</li> <li>(vii) Aggregate Resource Area;</li> <li>(viii) Aggregate Extraction Area.</li> <li>(ix) A natural hazard area<sup>75</sup></li> </ul>
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### 23.4.4 Title boundaries – Existing Buildings natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas<sup>76</sup>

RDI	<p>Subdivision of land containing any natural hazard area, contaminated land, Significant Amenity Landscape, notable tree, intensive farming activity or Aggregate Extraction Area must comply with all of the following conditions:<sup>77</sup></p> <p>(i) (a) The boundaries of every proposed lot containing an existing building must demonstrate compliance with the Land Use - Building rules in Rule 23.3 relating to:</p> <ul style="list-style-type: none"> <li>(i) Rule 23.3.5 (Daylight admission);</li> <li>(ii) Rule 23.3.6 (Building coverage);</li> <li>(iii) Rule 23.3.7 (Building Setbacks);</li> </ul> <p>(b) Rule 23.4.4 RDI (a)(i) does not apply to any non-compliance with the Land Use – Building rules in Rule 23.3 that existed lawfully prior to the subdivision.</p> <p>(ii) — Any boundary of a proposed lot must not divide the following:<sup>78</sup></p> <ul style="list-style-type: none"> <li>a natural hazard area;</li> <li>contaminated land;</li> <li>Significant Amenity Landscape;</li> <li>Notable tree.</li> </ul> <p>(iii) — Any boundary of a proposed lot must provide the following setbacks:</p> <ul style="list-style-type: none"> <li>300m from any intensive farming activity;</li> <li>200m from an Aggregate Extraction Area for sand extraction;</li> <li>500m from an Aggregate Extraction Area for rock extraction.<sup>79</sup></li> </ul> <p>(b)(c) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Landscape values;</li> <li>(ii) Amenity values and character;</li> <li>(iii) Reverse sensitivity effects;</li> <li>(iv) Effects on any existing building;</li> <li>(v) Effects on a natural hazard area;</li> <li>(vi) Effects on contaminated land;</li> <li>(vii) Effects on a notable tree;</li> <li>(viii) Effects on an intensive farming activity;</li> <li>(ix) Effects on an Aggregate Extraction Area.<sup>80</sup></li> </ul>
<del>NCH(DI)</del>	Subdivision that does not comply with Rule 23.4.4 RDI. <sup>81</sup>

<sup>75</sup> Waikato District Council (697.921)

<sup>76</sup> Waikato District Council (697.922)

<sup>77</sup> Waikato District Council (697.923)

<sup>78</sup> Waikato District Council (697.923)

<sup>79</sup> Waikato District Council (697.923)

<sup>80</sup> Waikato District Council (697.923)

<sup>81</sup> Waikato District Council (697.924)

### 23.4.5 Site boundaries – Significant Natural Areas<sup>82</sup>, ~~heritage items, archaeological sites, sites of significance to Maaori~~

RDI	<p>(a) Any boundary of a proposed lot must not divide any of the following:</p> <ul style="list-style-type: none"> <li>(i) A Significant Natural Area;</li> <li><del>(ii) A heritage item as identified in Schedule 30.1 (Heritage Items);</del></li> <li><del>(iii) A Maaori site of significance as identified in Schedule 30.3 (Maaori Sites of Significance); or</del></li> <li><del>(iii) A Maaori area of significance as identified in Schedule 30.4 (Maaori Areas of Significance).</del></li> </ul> <p>(b) Council's discretion is restricted to the following matters:</p> <p>effects on a Significant Natural Area;</p> <ul style="list-style-type: none"> <li><del>(i) effects on a heritage item;</del></li> <li><del>(ii) effects on a Maaori site of significance;</del></li> <li><del>(iii) effects on a Maaori area of significance;</del></li> <li><del>(iv) effects on an archaeological site</del></li> </ul>
<del>NCI</del> <del>DCI</del>	Subdivision that does not comply with Rule 23.4.5 RDI.

### 23.4.6 Subdivision of land containing heritage items

RDI	<p>(a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Heritage Items) must contain the heritage item wholly within one lot.</p> <ul style="list-style-type: none"> <li>(i) Council's discretion is restricted to the following matters:</li> <li>(ii) Effects on heritage values;</li> <li>(iii) Context and setting of the heritage item;</li> <li>(iv) The extent to which the relationship of the heritage item with its setting is maintained.</li> </ul>
NCI	Subdivision that does not comply with Rule 23.4.6 RDI.

### 23.4.6A Subdivision of land containing archaeological sites, Maaori sites of significance and Maaori areas of significance

<u>RDI</u>	<p>(a) <u>The boundaries of every proposed lot must not divide any of the following:</u></p> <ul style="list-style-type: none"> <li><u>(i) Maaori sites of significance as identified in Schedule 30.3 (Maori sites of significance);</u></li> <li><u>(ii) Maaori areas of significance as identified in Schedule 30.4 (Maaori areas of significance).</u></li> </ul> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li><u>(i) effects on heritage values;</u></li> <li><u>(ii) context and setting of the heritage item; and</u></li> <li><u>(iii) the extent to which the relationship of the heritage item with its setting is maintained.<sup>83</sup></u></li> </ul>
<u>DI</u>	<u>Subdivision that does not comply with Rule 23.4.6A RDI.<sup>84</sup></u>

### 23.4.6B- Subdivision of land within the National Grid Corridor

RDI	<p>(a) <u>The subdivision of land within the National Grid Corridor must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> <li><u>(i) All allotments intended to contain a sensitive land use must provide a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or</u></li> </ul>
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<sup>82</sup> Waikato District Council (697.925)

<sup>83</sup> Waikato District Council (697.928)

<sup>84</sup> Waikato District Council (697.928)



	<p><u>infrastructure; and</u></p> <p>(ii) <u>The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</u></p> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <p>(i) <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</u></p> <p>(ii) <u>The ability to provide a complying building platform outside of the National Grid Yard;</u></p> <p>(iii) <u>The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u></p> <p>(iv) <u>The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</u><sup>85</sup></p>
NCI	<u>Any subdivision of land within the National Grid Corridor that does not comply with one or more of the conditions of Rule 23.4.6B RDI.</u> <sup>86</sup>

### 23.4.7 Subdivision - Road frontage

RDI	<p>(a) <del>Every proposed lot as part of the subdivision having with</del> a road boundary, other than <del>one designed as an access allotment or utility allotment or lot accessed via an access leg containing a road access leg,</del><sup>87</sup> must have a width along the road boundary of at least <del>150m</del><sup>88</sup>.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Safety and efficiency of vehicle access and road network;</p> <p>(ii) Amenity values and rural residential character.</p>
DI	<u>Subdivision</u> that does not comply with <u>Rule 23.4.7 RDI.</u>

### 23.4.8 Subdivision - Building platform

RDI	<p>(a) <u>Subdivision</u>, other than an <u>access allotment</u> or <u>utility allotment</u>, must provide a <u>building platform</u> on <u>every</u> the proposed lot <del>that:</del> <u>The building platform must meet all of the following conditions.</u><sup>89</sup></p> <p>(i) has an area of 1000m<sup>2</sup> exclusive of <u>boundary</u> setbacks;</p> <p>(ii) has an average gradient no steeper than 1:8;</p> <p>(iii) has vehicular access in accordance with <u>Rule 14.12.1 P1</u>;</p> <p>(iv) is certified by a geotechnical engineer as geotechnically stable; <u>and suitable for a building platform;</u><sup>90</sup></p> <p>(v) is not subject to inundation in a 2% <u>AEP</u> storm or flood event;</p> <p>(vi) a <u>dwelling</u> could be built on as a permitted activity in accordance with <u>Rule 23.3</u>.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) <u>Earthworks</u> and <u>fill material</u> required for <u>building platform</u> and access;</p> <p>(ii) Geotechnical suitability for a <u>building</u>;</p> <p>(iii) Avoidance or mitigation of natural hazards;</p> <p>(iv) Effects on landscape and amenity;</p> <p>(v) Measures to avoid storm or flood events.</p>
DI	<u>Subdivision</u> that does not comply with <u>Rule 23.4.8 RDI.</u>

<sup>85</sup> Waikato District Council (697.918)

<sup>86</sup> Waikato District Council (697.918)

<sup>87</sup> Waikato District Council (697.929)

<sup>88</sup> NZTA (742.144)

<sup>89</sup> Waikato District Council (697.930)

<sup>90</sup> Waikato District Council (697.930)

### 23.4.9 Subdivision creating Reserves

RDI	<p>(a) <del>Every reserve, including where a reserve is identified within a structure plan or master plan (other than esplanade reserve), proposed for vesting as part of the subdivision, must be bordered by roads along at least 50% of its boundaries.</del></p> <p><del>(i) Council's discretion is restricted to the following matters:</del></p> <p><del>(ii) the extent to which the proposed reserve aligns with the principles of Council's Parks Strategy, Playground Strategy, Public Toilets Strategy and Trails Strategy;</del></p> <p><del>(iii) consistency with any relevant structure plan or master plan;</del></p> <p><del>(iv) reserve size and location;</del></p> <p><del>(v) proximity to other reserves;</del></p> <p><del>(vi) the existing reserve supply in the surrounding area;</del></p> <p><del>(vii) whether the reserve is of suitable topography for future use and development;</del></p> <p><del>(viii) measures required to bring the reserve up to Council standard prior to vesting;</del></p> <p><del>standard of boundary fencing.<sup>91</sup></del></p>
DI	<p><del>Subdivision that does not comply with Rule 23.4.9 RDI.<sup>92</sup></del></p>

### 23.4.10 Subdivision of land containing mapped off-road walkways, cycleways, bridleways<sup>93</sup>

RDI	<p>(a) <b>Subdivision of land where containing</b> walkways, <b>cycleways, bridleways</b> shown on the planning maps <del>must provide those walkways, cycleways and bridleways and are to be provided as part of the subdivision.</del><sup>94</sup> must comply with all of the following conditions:</p> <p>(i) <del>The walkway, cycle way or bridleway</del><sup>95</sup> is at least 3 metres wide and</p> <p>(ii) the walkway, <b>cycle way or bridleway</b><sup>96</sup> is designed and constructed for shared pedestrian and cycle use, as per <b>Rule 14.12.1 P8</b> (Access and road performance standards);</p> <p>(iii) the walkway, <b>cycle way or bridleway</b><sup>97</sup> is generally in accordance with the walkway route shown on the planning maps;</p> <p>(iv) the walkway, <b>cycle way or bridleway</b><sup>98</sup> is shown on the plan of subdivision and vested in the Council.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) alignment of the walkway;<del>cycle way or bridleway;</del><sup>99</sup></p> <p>(ii) drainage in relation to the walkway;<del>cycle way or bridleway;</del><sup>100</sup></p> <p>(iii) standard of design and construction of the walkway;<del>cycle way or bridleway;</del><sup>101</sup></p> <p>(iv) land stability;</p> <p>(v) amenity matters including batter slopes;</p> <p>(vi) connection to reserves.</p>
DI	<p><b>Subdivision</b> that does not comply with <b>Rule 23.4.10 RDI.</b></p>

<sup>91</sup> The Surveying Company (746.122)

<sup>92</sup> The Surveying Company (746.122)

<sup>93</sup> Waikato District Council (697.931)

<sup>94</sup> Waikato District Council (697.932)

<sup>95</sup> Waikato District Council (697.932)

<sup>96</sup> Waikato District Council (697.932)

<sup>97</sup> Waikato District Council (697.932)

<sup>98</sup> Waikato District Council (697.932)

<sup>99</sup> Waikato District Council (697.932)

<sup>100</sup> Waikato District Council (697.932)

<sup>101</sup> Waikato District Council (697.932)

### 23.4.11 Subdivision of land containing all or part of an Environmental Protection Area

CI	<p>(a) <b>Subdivision</b> of land containing all or part of an Environmental Protection Area must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Include a planting and management plan for the area, prepared by a suitably-qualified person, containing exclusively native species suitable to the area and conditions;</li> <li>(ii) Planting must be undertaken prior to the issue of the 224(c) certificate.</li> </ul> <p>(b) Council's control is reserved over the following matters:</p> <ul style="list-style-type: none"> <li>(i) Measures proposed in the planting and management;</li> <li>(ii) Vesting of reserve land in Council, if appropriate.</li> <li>(iii) <b>Legal protection if appropriate.</b><sup>102</sup></li> </ul>
RDI	<p>(a) <b>Subdivision</b> that does not comply with <b>Rule 23.4.11 CI</b>.</p> <ul style="list-style-type: none"> <li>(i) Council's discretion is restricted to the following matters:</li> <li>(ii) Measures proposed in the planting and management;</li> <li>(iii) Vesting of reserve land in Council, if appropriate;</li> <li>(iv) Effects on amenity values;</li> <li>(v) Effects on ecological values.</li> </ul>

### 23.4.12 Esplanade reserves and esplanade strips

RDI	<p>(a) <b>Subdivision</b> of an esplanade reserve or strip 20m wide (or other width stated in <b>Appendix 5</b> Esplanade Priority Areas) is required to be created from every proposed lot and shall vest in Council where the following situations apply:</p> <ul style="list-style-type: none"> <li>(i) less than 4ha and within 20m of:</li> <li>(ii) <b>mean high water springs</b>; or</li> <li>(iii) the <b>bank</b> of any river whose <b>bed</b> has an average width of 3m or more; or</li> <li>(iv) a lake whose bed has an area of 8ha or more; or</li> <li>(v) 4ha or more within 20m of mean high water springs or a water body identified in <b>Appendix 5 4</b><sup>103</sup> (Esplanade Priority Areas).</li> </ul> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) the type of esplanade provided - reserve or strip;</li> <li>(ii) width of the esplanade reserve or strip;</li> <li>(iii) provision of legal access to the esplanade reserve or strip;</li> <li>(iv) matters provided for in an instrument creating an esplanade strip or access strip; and</li> <li>(v) works required prior to vesting any reserve in the Council, including pest plant control, <b>boundary</b> fencing and the removal of structures and debris.</li> <li>(vi) <b>costs and benefits of acquiring the land</b><sup>104</sup></li> </ul>
DI	<p><b>Subdivision</b> that does not comply with <b>Rule 23.4.12 RDI</b>.</p>

<sup>102</sup> Waikato District Council (697.933)

<sup>103</sup> Waikato District Council (697.934)

<sup>104</sup> [943.66]