Chapter 22: Rural Zone

Subdivision Provisions

Proposed Waikato District Plan
Stage 1

Red – S 42A Recommended Changes

HARTLEY - APPENDIX C

Green – Middlemiss, Buckland & Hartley Track Changes 6 Sept 20

Chapter 22: Rural Zone

22.4 Subdivision - Rules

(1) Rule 22.4.1.1 lists prohibited subdivision activities in the Rural Zone
(2) The following rules provide for various types of subdivision in the Rural Zone
  (a) Rule 22.4.1.2 - General Subdivision
  (b) Rule 22.4.1.3 – Subdivision of Maaori Freehold Land
  (c) Rule 22.4.1.4 - Boundary Relocation
  (d) Rule 22.4.1.5 - Rural Hamlet Subdivision
  (e) Rule 22.4.1.6 - Conservation Lot Subdivision
  (f) Rule 22.4.1.7 - Reserve Lot Subdivision and incentive lot
(3) The following rules apply to the types of subdivision provided for in Rules 22.4.1.2 to 22.4.1.7
  (a) Rule 22.4.2 Title boundaries – Existing building ~~s(natural hazard area, contaminated land, significant amenity landscape, notable trees, intensive farming and aggregate extraction areas.~~
  (b) Rule 22.4.3 Significant Natural Areas, heritage items, Maaori sites of significance, ~~and~~ Maaori areas of significance and notable trees
  (c) Rule 22.4.4 Road frontage
  (d) Rule 22.4.5 Subdivision within identified areas
  (e) Rule 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area
  (f) Rule 22.4.7 Esplanade Reserve and Esplanade strips
  (g) ~~Rule 22.4.8 Subdivision of land containing heritage items~~
  ~~22.4.8A Subdivision within the National Grid Corridor~~
  (h) Rule 22.4.9 Subdivision – building platform

22.4.1.1 Prohibited subdivision

The following activities are prohibited activities. No application for resource consent can be made for a prohibited activity and no resource consent can be granted:

~~PR1~~	~~Any subdivision within the Urban Expansion Area involving the creation of any additional lot.~~
PR2	(a) Subdivision of land for which a Record of Title was issued prior to 6 December 1997, which results in the land comprised in more than one additional Record of Title ~~lot~~ ~~allotment~~ being located on any high class soil. (b) Exceptions to PR2(a) are where an additional ~~lot~~ allotment is created by any of the following rules: (i) The conservation lot subdivision (Rule 22.4.1.6); (ii) Reserve lot subdivision (Rule 22.4.1.7); (iii) Access allotment or utility allotment using Rule 14.12 (Transportation); (iv) Subdivision of Maaori Freehold Land (Rule 22.4.1.3). (v) A boundary relocation (Rule 22.4.1.4) or rural hamlet subdivision (Rule 22.4.1.5), where the subdivision creates an additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional allotments created overall as a result of the subdivision.
PR3	(a) Subdivision of land for which a Record of Title was issued after 6 December 1997, which results in the land comprised in any additional ~~lot~~ allotment being located on any high class soil. (b) Exceptions to PR3(a) are where an additional ~~lot~~ allotment is created by any of the following: (i) Conservation lot subdivision (Rule 22.4.1.6); (ii) Reserve lot subdivision (Rule 22.4.1.7); (iii) Access allotment or utility allotment using Rule 14.12 (Transportation);

	(iv) Subdivision of Maori Freehold land (Rule 22.4.1.3); (v) A boundary relocation (Rule 22.4.1.4) or rural hamlet subdivision (Rule 22.4.1.5), where the subdivision creates an additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional allotments created overall as a result of the subdivision. (c) Rule PR3(a) does not apply to the following: (i) a boundary relocation or adjustment between Records of Title that existed prior to 6 December 1997; (refer to Rule 22.4.1.4); or (ii) a process other than subdivision under the Resource Management Act 1991.
PR4	(a) Notwithstanding rule PR3(c)(ii) ~~A~~ any proposed subdivision ~~where~~ of any record of title that has been used as a donor lot ~~has been created~~ for the purpose of a transferable rural lot right subdivision under the provisions of the previous Operative Waikato District Plan – Franklin Section, irrespective of how the donor record of title was created ~~by either:~~ ~~(i) Amalgamation; or~~ (ii) ~~Re-survey~~ (b) Exceptions to PR4(a) are where an additional allotment is created by any of the following: (i) Conservation lot subdivision (Rule 22.4.1.6); (ii) Reserve lot subdivision (Rule 22.4.1.7); (iii) Access allotment or utility allotment using Rule 14.12 (Transportation); (iv) Subdivision of Maori Freehold land (Rule 22.4.1.3); (v) A boundary relocation (Rule 22.4.1.4) or rural hamlet subdivision (Rule 22.4.1.5), where the subdivision creates an additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional allotments created overall as a result of the subdivision.

22.4.1.2 General subdivision

RD1	(a) Subdivision must comply with all of the following conditions: (i) The Record of Title to the allotment to be subdivided must have issued prior to 6 December 1997; (ii) The ~~Record of Title~~ allotment to be subdivided must be at least ~~20~~ 40 hectares in area; (iii) The proposed subdivision must create no more than one additional ~~lot~~ allotment, excluding an access allotment or utility allotment for every complying record of title. (iv) The additional ~~lot~~ allotment must have a proposed area of between 8,000m^2 and 1.6 ha; (v) Where the land to be subdivided contains ~~ing~~ high class soil (as determined by a property scale site specific assessment Land Use Capability ~~Assessment~~ Classification prepared by a suitably qualified person), the additional allotment created by the subdivision, exclusive of the balance area, must not contain more than 15% of its total land area as high class soils within the allotment. ~~must be contained within the boundaries of only two lots as follows:~~ ~~A. one lot must contain a minimum of 80% of the high class soil; and~~ ~~B. the other lot may contain up to 20% of high class soil.~~ (b) Council's discretion is restricted to the following matters: (i) subdivision layout and design including dimensions, shape and orientation of the proposed ~~lot~~ allotment; (ii) effects on rural character and amenity values; (iii) effects on landscape values; (iv) potential for subdivision and subsequent activities to adversely affect adjoining activities through reverse sensitivity ~~effects~~ ; (v) extent of earthworks including earthworks for the location of building platforms and accessways; (vi) Effects on rural productivity and the availability of high class soils; (vii) The provision of infrastructure, including water supply accessible for firefighting; (viii) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading anddevleopment of infrastructure assets, or give rise to reverse sensitivity effects on existing land transport networks. Note: Some subdivision is a prohibited activity in accordance with Rule 22.4.1.1. Conservation Lot subdivision as set out in Rule 22.4.1.6 and subdivision to create a reserve in

	as set out in Rule 22.4.1.7 is not subject to this rule.
NC1	General subdivision that does not comply with Rule 22.4.1.2. RD1.
NC2	Any subdivision within the Urban Expansion Area involving the creation of any additional lot.

22.4.1.3 Subdivision of Maaori Freehold Land

D1	Subdivision for a full partition of Maaori Freehold Land under Te Ture Whenua Maori Act 1993.
NC1	Subdivision of Maaori Freehold Land not provided for in Rule 22.4.1.3 D1.

22.4.1.4 Boundary relocation

RD1	(a) The boundary relocation must: (i) Relocate a common boundary or boundaries between two existing Records of Title. All Records of Title used in the boundary relocation subdivision must contain an area of at least 5,000m^2; is not a road severance or stopped road; and is able to accommodate a suitable building platform as a permitted activity under Rule 22.4.9 (subdivision rule for building platform), ~~that existed prior to 18 July 2018~~; (ii) The Records of Title must form a continuous landholding; (iii) Not result in any additional ~~lot~~ allotments; (iv) Create one ~~lot~~ allotment of at least 8000m^2 in area; (v) The proposed allotments, excluding the balance allotment, must not be located on high class soils. (vi) No additional potential for permitted activity dwellings and no additional subdivision potential is created beyond that which already existed prior to the subdivision occurring. (b) Council's discretion is restricted to the following matters: (i) subdivision layout and design including dimension, shape and orientation of the proposed ~~lots~~ allotment; (ii) effects on rural character and amenity values; (iii) effects on landscape values; and (iv) potential for subdivision and subsequent activities to adversely affect adjoining activities through reverse sensitivity ~~effects~~; (v) Effects on rural productivity and fragmentation of high class soils. (vi) Effects on high class soils, farm management and productivity. (vii) The subdivision layout and design having regard to the operation, maintenance, upgrading and development of existing infrastructure assets.
D1	A boundary relocation that does not comply with Rule 22.4.1.4 RD1
NC1	A boundary relocation within the Urban Expansion Area.

22.4.1.5 (a) Rural Hamlet Subdivision

RD1	(a) Subdivision to create a Rural Hamlet must comply with all of the following conditions: (i) ~~It results in 3 to 5 proposed lots being clustered together;~~ Land contained within a maximum number of 5 Records of Title may be relocated into a Rural Hamlet resulting in a single cluster of 3 to 4 proposed allotments and one balance allotment. All Records of Title used in the Rural Hamlet subdivision must contain an area of at least 5,000m^2; not be a road severance or stopped road; and be able to accommodate a suitable building platform as a permitted activity under Rule 22.4.9 (subdivision rule for building platform), (ii) All existing Records of Title form one continuous landholding; (iii) Each proposed ~~lot~~ allotment, with the exception of the balance area, has a minimum area of 8,000m. (iv) Each proposed ~~lot~~ allotment, with the exception of the balance area, has a maximum area of 1.6ha; (v) The proposed balance ~~lot~~ allotment has a minimum area of ~~2~~40ha; and

	(vi) It does not create any additional ~~lot~~ allotments beyond the number of existing Records of Title. (vii) The proposed allotments, excluding the balance allotment, must not be located on high class soils. (b) Council's discretion is restricted to the following matters: (i) subdivision layout and design including dimension, shape and orientation of the proposed ~~lot~~ allotment; (ii) effects on rural character and amenity values; (iii) effects on landscape values; (iv) potential for subdivision and subsequent activities to adversely affect adjoining activities through reverse sensitivity ~~effects~~[+]; (v) extent of earthworks including earthworks for the location of building platforms and access ways. (vi) Effects on rural productivity and fragmentation of high class soils. (vii) The availability of water supply, wastewater services and stormwater management. (viii) The subdivision layout and design having regard to the operation, maintenance, upgrading and development of existing infrastructure assets. (ix) The provision of infrastructure, including water supply for firefighting purposes, where practicable.
NC1	Subdivision that does not comply with Rule 22.4.1.5 RD1.
NC2	A rural hamlet subdivision within the Urban Expansion Area.

22.4.1.5 (b) Rural Hamlet Subdivision with Transferable Development Rights

DI	(a) Subdivision to create a Rural Hamlet must comply with all of the following conditions: (i) Be a single cluster of 3 to 5 lots, and a balance lot. (ii) Be able to accommodate a suitable building platform as a permitted activity under Rule 22.4.9 (subdivision rule for building platform). (iii) All existing Records of Title form one continuous landholding. (iv) Allotments shall only be located within a linear 2km of the roads, nearest boundaries of the school sites or residential zones identified in the schedule in Appendix [INSERT SCHEDULE]; except that the eastern boundary of the Buckland TDR receiving area is defined by a straight line along Harrisville Road connecting to Barnaby Road in the south and the District boundary in the north. (v) Each lot other than the balance allotment shall be a lot qualifying under Rules 22.4.1.6A and 22.4.1.6B as a Transferable Development Right. (vi) The minimum average area of residential allotments shall be 6,000m^2. (vii) The minimum site size of any residential allotment shall be 4,000m^2. (viii) The maximum site size of any residential allotment shall be 1.6ha. (ix) All proposed residential allotment shall be clustered within a single cluster not exceeding 20% of the landholding. (x) A minimum of 80% of the land within the Rural Hamlet Subdivision shall be held in a single balance allotment either in a separate site, but which may be a site owned in common by all of the other allotments in the subdivision. (xi) The area of a residential allotment may not contain more than 20% of high class soil. (b) Council's discretion is restricted to the following matters: (i) subdivision layout and design including dimension, shape and orientation of the proposed lot allotment; (ii) effects on rural character and amenity values;

	(iii) effects on landscape values; (iv) potential for subdivision and subsequent activities to adversely affect adjoining activities through reverse sensitivity. (v) extent of earthworks including earthworks for the location of building platforms and access ways. (vi) Effects on rural productivity and fragmentation of high class soils. (vii) The availability of water supply, wastewater services and stormwater management. (viii) The subdivision layout and design having regard to the operation, maintenance, upgrading and development of existing infrastructure assets. (ix) The provision of infrastructure, including water supply for firefighting purposes, where practicable.
NC1	Subdivision that does not comply with Rule 22.4.1.5 (b) DI.
NC2	A rural hamlet subdivision within the Urban Expansion Area.

22.4.1.6A SNA Conservation lot subdivision

RD1

(a) The conservation lot subdivision must comply with all of the following conditions:

(i) The allotment to be subdivided ~~lot~~ must contain a ~~contiguous area of existing~~ Significant Natural Area ~~either as shown on the planning maps or~~ as determined by an experienced and suitably qualified ecologist in accordance with ~~the either~~ any of Tables 1, ~~or Table~~ 2, or 3 below:

~~Contiguous area to be legally protected (hectares)~~	~~Maximum number of new Records of Title~~
~~Between 1ha and 2ha in area within the Hamilton Basin~~	~~1~~
~~Less than 2ha in all other areas~~	~~0~~
~~2ha to less than 5ha~~	~~1~~
~~5ha to less than 10ha~~	~~2~~
~~10ha or more~~	~~3~~

Table 1: SNA Inside the Hamilton Ecological Basin Area

Total area of SNA to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title
Greater than 5,000m^2	1

Table 2: Indigenous vegetation SNA outside the Hamilton Ecological Basin Area

~~Total area of SNA to be legally protected on an individual Record of Title~~	~~Maximum Number of additional lots that can be created on an individual Record of Title~~
~~Greater than 2ha – less than 5ha~~	~~1~~
~~Greater than 5ha – less than 10ha~~	~~2~~
~~ss than 10ha 2 Greater than 10ha~~	~~3~~

Total area of Indigenous vegetation SNA to be legally protected on an individual Record of Title	Maximum Number of additional in-situ allotments that can be created on an individual Record of Title for each area specified The number of lots shall be reduced by the number of allotments transferred under this Table.	Maximum Number of additional transferable development right allotments for each area specified The number of allotments shall be reduced by the number of allotments created as in-situ allotments under this Table.
Greater than 2ha – less than 5ha	1	1
5ha – less than 10ha	1	1
10ha and over	1	3 lots plus one lot for every 10ha increment protected over 10ha.

Table 3: Indigenous wetland SNA outside the Hamilton Ecological Basin Area

Total area of to be legally protected on an individual Record of Title	Maximum Number of additional in-situ allotments that can be created on an individual Record of Title for each area specified The number of lots shall be reduced by the number of allotments transferred under this Table.	Maximum Number of additional transferable development right allotments for each area specified The number of lots shall be reduced by the number of allotments used as in-situ under this Table.
Greater than 0.5ha – less than 1ha	1	1

1ha – less than 2ha	1	1
2ha – less than 4ha		1
4ha and over		3 lots plus one allotment for every 4ha increment over 4ha

(ii) Each separate area included in the Significant Natural Area total must be ~~The area of Significant Natural Area is~~ assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity);

(iii) The Significant Natural Area is not already subject to a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977;

(iv) The subdivision proposes to legally protect all areas of Significant Natural Area by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977;

(v) An ecological management plan is prepared to address ongoing management of the covenant area to ensure that the Significant Natural Area values are maintained ~~is self-sustaining~~ and that plan:

A. Addresses fencing requirements for the covenant area;

B. Addresses ongoing pest plant and animal control;

C. Identifies any enhancement or edge planting required within the covenant area;

(vi) All proposed in-situ lots are to be a minimum size of 8,000m^2;

(vii) All proposed in-situ lots excluding the balance lot, must each have a maximum area of 1.6ha;

(viii) This rule or its equivalent in a previous district plan has not previously been used to gain an additional subdivision entitlement;

(ix) Where the land to be subdivided in-situ contains high class soil (as determined by a Land Use Capability Assessment prepared by a suitably qualified person), the proposed additional allotments must not contain more than 15% of high class soil.

~~(x) Transferable development right subdivision shall also comply with the following:~~

(b) Council's discretion is restricted to the following matters:

(i) Subdivision layout and proximity of building platforms to the Significant Natural Area being protected;

(ii) Matters contained in an ecological management plan for the covenant area;

(iii) Effects of the subdivision on rural character and amenity values;

(iv) Extent of earthworks including earthworks for the location of building platforms and access ways.

(v) Effects on rural productivity and the availability of high class soils.

(vi) The use of spot covenants protecting individual trees or smaller areas of SNA that are not sustainable;

(vii) Potential for reverse sensitivity effects;

(viii) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets.

D1	Restoration or Enhancement Planting (a) Despite Rule 22.4.1.6A RD1 above, where an area of existing SNA comprising indigenous vegetation, wetland or habitat does not comply with the minimum area requirements provided in ~~either~~ Tables 1 ~~or~~ to ~~Table~~ ~~2~~ 3 above, revegetation or enhancement planting may be undertaken in order to enhance an existing SNA Area to meet the minimum SNA area requirements ~~for an SNA area provided in either Table 1 or Table 2 above,~~ provided the following the following criteria ~~is~~ are met: (i) The proposed subdivision meets the following criteria set out as follows: A. Each separate area included in the Significant Natural Area total must be assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity); B. The Significant Natural Area is not already subject to a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977; C. The subdivision proposes to legally protect all areas of Significant Natural Area by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977; D. All proposed in-situ lots are to be a minimum size of 8,000m^2; E. All proposed in-situ lots excluding the balance lot, must each have a maximum area of 1.6ha; ~~F. This rule or its equivalent in a previous district plan has not previously been used to gain an additional subdivision entitlement;~~ G. Where the land to be subdivided in-situ contain high class soil (as determined by a property scale site specific Land Use Capability Assessment prepared by a suitably qualified person), the additional allotment created by the subdivision, exclusive of the balance area, must not contain more than 15% of the total land area as high class soils within the allotment. (ii) A planting plan, prepared by a suitably qualified expert ~~has been~~ will be required to be implemented for a minimum period of 12 months for the SNA area being restored or enhanced ~~prior to an application to Council being made~~ as a condition of consent; (iii) A planting management plan prepared by suitably qualified expert is provided demonstrating how the planting will be managed until maturity is reached (i.e. replacement planting if plants die etc); (iv) A weed and pest management plan prepared by a suitably qualified expert is provided demonstrating how the landowner proposes to manage weeds and animal pests within the area proposed for protection on an ongoing basis; (v) A fencing plan is provided demonstrating that the restoration or enhancement planting is protected from stock intrusion.
NC1	A conservation lot subdivision that does not comply with Rule 22.4.1.6A RD1 or D1.

22.4.1.6B Revegetation Conservation lot subdivision outside the Hamilton Ecological Basin Area

D1	Indigenous revegetation planting (a) Where indigenous revegetation or wetland planting is proposed, the proposed subdivision shall meet the following standards: A. Except for natural revegetation;

i. The revegetation must be assessed by a suitably qualified person as satisfying Appendix XX Guideline for native revegetation plantings;

ii. A planting plan prepared by a suitably qualified expert will be required to be implemented for a minimum period of 12 months for the area being revegetated as a condition of consent.

iii. A planting management plan prepared by suitably qualified expert is provided demonstrating how the planting will be managed until maturity is reached (i.e. replacement planting if plants die etc.

iv. A weed and pest management plan prepared by a suitably qualified expert is provided demonstrating how the landowner proposes to manage weeds and animal pests within the area proposed for protection on an ongoing basis.

v. A fencing plan is provided demonstrating that the revegetation planting is protected from stock intrusion.

B. The revegetated area is not already subject to a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977;

C. The subdivision proposes to legally protect all areas qualifying revegetation by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977;

D. Where the land to be subdivided contain high class soil (as determined by a property scale site specific Land Use Capability Assessment prepared by a suitably qualified person), the additional allotment created by the subdivision, exclusive of the balance area, must not contain more than 15% of the total land area as high class soils within the allotment.

E. The maximum number of new sites created through establishing revegetation planting must comply with Table 4 below.

Table 4: Indigenous revegetation planting

Area of to be legally protected on an individual Record of Title	**Maximum number of additional in-situ allotments that can be created on an individual Record of Title for each area specified** The number of lots shall be reduced by the number of allotments transferred under this Table.	**Maximum number of additional transferable development right allotments** The number of lots shall be reduced by the number of allotments used as in-situ under this Table.
Wetland establishment		
Greater than 0.5ha – less than 1ha	1	1
More than 1ha	One lot for every 1 ha increment protected to a maximum of two lots	One lot for every 1 ha increment protected (no limit)
Stream riparian protection and enhancement		
2 ha	1	1
More than 2ha	One lot for every 2 ha increment protected to a maximum of two lots	One lot for every 2 ha increment protected (no limit)
Active revegetation not for wetland or riparian enhancement purposes		
4ha	1	1

		More than 4ha	One lot for every 4ha increment protected over 4ha to a maximum of two lots	One lot for every 4ha increment protected over 4ha (no limit)
		Natural regeneration		
		10ha	1	1
		More than 10ha	One lot for every 10ha increment protected over 10ha to a maximum of two lots	One lot for every 10ha increment protected over 10ha
NC1	Revegetation subdivision not complying with Rule 22.4.1.6B			

22.4.1.7 High class soils conservation subdivision

D1	(a) Subdivision using transferable development rights through the amalgamation of High Class Soils Conservation must comply with the following standards for receiving lots: (i) Each High Class Soils Conservation lot shall be a lot qualifying under Rule 22.4.1.X (b) as a Transferable Development Right (ii) Lots shall only be located within a linear 2km of the roads, and nearest boundaries of the school sites and residential zones identified in the schedule in Appendix XX; except that the eastern boundary of the Buckland TDR receiving area is defined by a straight line along Harrisville Road connecting to Barnaby Road in the south and the District boundary in the north. (iii) A maximum of four lots and a balance lot may be proposed within a parent site with a minimum lot size of 8ha. (iv) Each proposed lot shall have an area between 4,000m^2 and 8,000m^2 provided that the average site area of the lots isa minimum of 6,000m^2. (v) The area of a High Class Soils Conservation lot may not contain more than 20% of High Class soils. (vi) The receiver site must not be the same site as a donor site. (vii) Be made subject to a condition of subdivision consent that requires the subdivision plan creating the receiver site or sites to be deposited after, and not before, the plan of subdivision for the amalgamation of donor sites has been deposited.
	(b) High Class Soils Conservation subdivision donor sites must comply with the following qualifying standards: (i) No more than two transferable sites shall be created for each two donor sites amalgamated. (ii) Donor sites must be abutting. (iii) One of the two donor sites must not contain a dwelling unless the resulting amalgamated site is permitted by this Plan to have more than one dwelling. (iv) Donor sites must be zoned Rural. (v) The land must contain at least 80 per cent High Class soil. The applicant must provide a detailed Land Use Capability (LUC) soil assessment confirming that donor sites contain at least 80 per cent High Class land. The assessment must be prepared by a suitably qualified and experienced person.

	(vi) Each site must have a minimum net site area of 1 ha. (vii) Sites must have been in existence or be shown on an approved scheme plan of subdivision. (viii) Sites must not comprise part or all of a closed road, road severance, or designation. (ix) The application may provide for the staging of transfers of donor sites to receiver sites. (c) Following amalgamation of donor sites, all donor sites must meet all the following: (i) Be held in a single certificate of title. (ii) Rescinded in such a way that replacement titles cannot be reissued. (iii) Made subject to a legal protection mechanism that states all of the following: a. the residential development rights attaching to the donor sites have been used to create a transferable rural sites subdivision under the Plan and must not accommodate any further residential development unless it is allowed as a permitted activity subject to the relevant zone rules or by the granting of a resource consent; b. the new site cannot be further subdivided other than by amalgamation with another qualifying site or by boundary adjustment; and c. the new site has no further potential to be used for the purpose of a transferable rural site subdivision except where amalgamated with another qualifying donor site.
NC1	Rural Conservation Subdivision that does not comply with DI 22.4.1.X

22.4.1.~~78~~ Subdivision to create a reserve and incentive lot

RD1	(a) Subdivision to create a reserve must comply with all of the following conditions: (i) The ~~lot~~ land being subdivided must contain an area that is identified in a Waikato District Council Parks Strategy as being required for permanent public access or for reserve purposes; (ii) The area identified in the Parks Strategy as being required for permanent public access or for reserve purposes is to be vested in Council; (iii) No more than one additional ~~lot~~ allotment in addition to the balance allotment is created, excluding any land vested in Council. (iv) The proposed additional ~~lot~~ allotment, excluding the reserve, has a minimum size of 8,000m^2. (b) Council's discretion is restricted to the following matters: (i) Size and location of area for which public access or reserve is secured; (ii) Method of securing public access; (iii) Management of any land remaining in private ownership over which access rights are granted; (iv) Location of the additional ~~lot~~ allotment. (v) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets.
NC1	A reserve lot subdivision that does not comply with Rule 22.4.1.~~78~~ RD1.

22.4.2 Title boundaries – Existing Buildings ~~natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas~~

RD1	~~(a) Subdivision of land containing any natural hazard area, contaminated land, Significant Amenity~~

	~~Landscape, notable trees, intensive farming activities or Aggregate Extraction Areas must comply~~

	~~with all of the following conditions:~~ (a) (i) The boundaries of every proposed ~~lot~~ allotment containing existing buildings must demonstrate that existing buildings comply with the Land Use-Building rules in Rule 22.3 relating to: A. Rule 22.3.1 (Number of Dwellings within a Record of Title); B. Rule 22.3.5 (Daylight admission); C. Rule 22.3.6 (Building coverage); D. Rule 22.3.7 (Building setbacks); E. Rule 22.3.7.2 (Building setback sensitive land use) (ii) Rule 22.4.2 RD1 (a)(i) does not apply to any non-compliance with the Land Use-Building rules in Rule 22.3 that existed lawfully prior to the subdivision. ~~(iii) The boundaries of every proposed lot must not divide any of the following:~~ ~~A. A natural hazard area;~~ ~~B. Contaminated land;~~ ~~C. Significant Amenity Landscape;~~ ~~D. Notable trees.~~ (b) Council's discretion is restricted to the following matters: ~~(i) landscape values;~~ ~~(ii) amenity values and character;~~ (iii) reverse sensitivity effects; (iv) effects on existing buildings; ~~(v) effects on natural hazard areas;~~ ~~(vi) effects on contaminated land;~~ ~~(vii) effects on any notable trees;~~ (viii) effects on an intensive farming activity; (ix) effects on any Aggregate Extraction Area.
D1	Subdivision that does not comply with Rule 22.4.2 RD1.

22.4.3 Title boundaries – Significant Natural Areas, heritage items, Maaori sites of significance, ~~and~~ Maaori areas of significance and notable trees

RD1	(a)	The boundaries of every proposed ~~lot~~ allotment ~~must not divide~~ containing any of the following: (i) Significant Natural Areas; (ii) Heritage items as identified in Schedule 30.1 (Historic Heritage Items); (iii) Maaori sites of significance as identified in Schedule 30.3 (Maaori sites of significance); (iv) Maaori areas of significance as identified in Schedule 30.4 (Maaori areas of significance); (v) Notable trees.
	(b)	Council's discretion shall be limited to the following matters: (i) Effects on Significant Natural Areas (SNAs); (ii) Effects on heritage items; (iii) Effects on Maaori sites of significance; (iv) Effects on Maaori areas of significance; (v) Effects on Notable trees.
NC1	Subdivision that does not comply with Rule 22.4.3 RD1.	

22.4.4 Subdivision - Road frontage

RD1	(a) Every proposed ~~lot~~ allotment as part of the subdivision with a road boundary, other than proposed ~~lot~~ allotment containing an access or utility allotment, right of way or access leg must have a width along the road boundary of at least 60m.

	(b) Council's discretion is restricted to the following matters: (i) Safety and efficiency of vehicle access and ~~road network~~ land transport; (ii) Amenity values and rural character.
D1	Subdivision that does not comply with Rule 22.4.4 RD1.

22.4.5 Subdivision within identified areas

D1	(a) Subdivision of any land containing any of the following areas: (i) High Natural Character Area; (ii) Outstanding Natural Character Area; (iii) Outstanding Natural Landscape; (iv) Outstanding Natural Feature; (v) Significant Amenity Landscape dune; (vi) Coal Mining Area; (vii) Aggregate Resource Area; (viii) Aggregate Extraction Area.

22.4.6 Subdivision of land containing all or part of an Environmental Protection Area

RD1	(a) Subdivision of land containing all or part of an Environmental Protection Area identified on the planning maps must include the following: (i) A planting and management plan is submitted to Council for the Environmental Protection Area prepared by a suitably qualified person, containing exclusively indigenous species suitable to the area and conditions. (b) Council's discretion is restricted to the following matters: (i) measures proposed in the planting and management plan; (ii) vesting of reserve land in Council if appropriate; (iii) effects on amenity values; (iv) effects on ecological values; (v) effects on stormwater management; (vi) Legal protection if appropriate.
D1	Subdivision that does not comply with Rule 22.4.6 RD1.

22.4.7 Esplanade reserves and esplanade strips

RD1	(a) An esplanade reserve or esplanade strip 20m wide (or such other width stated in Appendix 4 (Esplanade Priority Areas)) is required to be created and vested in Council from every subdivision where the land being subdivided is: (i) Less than 4ha and located within 20m of any: A. Mean high water springs; B. The bank of any river whose bed has an average width of 3m or more; C. A lake whose bed has an area of 8ha or more; (ii) 4ha or more and located within 20m of any: A. Mean high water springs; B. A water body identified in Appendix 4 (Esplanade Priority Areas). (b) Council's discretion is restricted to the following matters: (i) the type of esplanade provided - reserve or strip; (ii) width of the esplanade reserve or strip; (iii) provision of legal access to the esplanade reserve or strip; (iv) matters provided for in an instrument creating an esplanade strip or access strip; (v) works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris. (vi) Costs and benefits of acquiring the land.
D1	Subdivision that does not comply with Rule 22.4.7 RD1.

~~22.4.8 Subdivision of land containing heritage items~~

~~RD1~~	~~(a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Historic Heritage Items).~~ ~~(b) Council's discretion is restricted to the following matters:~~ ~~(i) Effects on heritage values;~~ ~~(ii) Context and setting of the heritage item;~~ ~~(iii) The extent to which the relationship of the heritage item with its setting is maintained.~~
~~NC1~~	~~Subdivision that does not comply with Rule 22.4.8 RD1.~~

22.4.8A Subdivision within the National Grid Corridor

RD1	(a) The subdivision of land within the National Grid Corridor must comply with all of the following conditions: (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 infrastructure; and (ii) 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. (b) Council's discretion is restricted to the following matters: (i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid; (ii) The ability to provide a complying building platform outside of the National Grid Yard; (iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage; The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.
NC1	Any subdivision of land within the National Grid Corridor that does not comply with one or more of the conditions of Rule 22.4.8A RD1.

22.4.9 Subdivision - Building platform

RD1	(a) Subdivision, other than an access or utility allotment, must provide a building platform on ~~the~~ every proposed ~~lot~~ allotment that meets all of the following conditions: (i) ~~Has~~ A shape factor being either: A. an area of 1,000m^2 exclusive of boundary setbacks; or B. a circle with a diameter of at least 30m, exclusive of boundary setbacks; and C. containing a building platform being a circle with a diameter of at least 18m. (ii) Has an average gradient not steeper than 1:8; (iii) Is certified by a geotechnical engineer as geotechnically stable and suitable for a building platform; (iv) Has vehicular access in accordance with Rule 14.12 (Transportation) (v) Is not subject to inundation in a 2% AEP storm or flood event; (vi) a dwelling could be built on as a permitted activity in accordance with Land Use - Building Rules in Rule 22.3. (b) Council's discretion is restricted to the following matters: (i) Earthworks and fill material required for building platforms and access; (ii) Geotechnical suitability for building; (iii) ~~Likely location of future buildings and their potential effects on the environment~~ the relationship of the building platform and future residential activities with surrounding

	rural activities to ensure reverse sensitivity effects are avoided or mitigated; (iv) Avoidance of natural hazards; (v) Effects on landscape and amenity; (vi) Measures to avoid storm or flood events.
D1	Subdivision that does not comply with Rule 22.4.9 RD1.