

CODING

- Track changes in **red** are from the s42A Report from Hearing 12 (Country Living) (dated 3/3/20);
- Track changes in **blue** are from the Council Rebuttal s42A Report from Hearing 12 (dated 1/4/20);
- Track changes in **purple** have been made following the end of Hearing 25 (Pokeno) (16/6/21).

Amendments to Chapter 23 Rural Lifestyle Zone

23.4 Subdivision rules

(1) ~~Rule 23.4.1 lists Prohibited Subdivision in the Country Living Zone.~~

(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**
- (vi) 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

23.4.2 General Subdivision

RDI	<p>(a) Subdivision must comply with all of the following conditions, where applicable⁶⁶:</p> <ul style="list-style-type: none"> (i) All proposed lots must have a net site area of at least 5000m². (ii) Where the land being subdivided is inside the Airport Subdivision Control Boundary, or wholly⁶⁷ or inside the SEL 95 Boundary identified on the planning maps, the average net site area of all proposed lots must be at least 1.1ha; (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: $\text{Proposed Record of Titles allotments}^{68} = \frac{\text{area (ha) outside}^*}{0.5} + \frac{\text{area (ha) inside}^*}{1.1}$ <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"> (i) Adverse effects on amenity values; (ii) Effects on the operation of the airport Airport Subdivision Control Boundary or the SEL 95 Boundary.⁶⁹ (iii) The provision of infrastructure, including water supply accessible for firefighting, where practicable.⁷⁰ (iv) 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.⁷¹ (v) Measures to mitigate and minimise reverse sensitivity effects, including on adjoining Rural Zone land.⁷²
DI	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 ² . ⁷³
NCI	General Subdivision that does not comply with Rule 23.4.1 RDI or Rule 23.4.2 DI . ⁷⁴

In the Pokeno West Rural Lifestyle Precinct Plan area, subdivision is subject to Rule 23.4.2A (as a replacement to the General Subdivision standards in 23.4.12) and is subject to the specific rules in 23.4.3 to 23.4.12 (as identified above), with the exception that Rule 23.4.8 – Building Platform has a specific standard for the Pokeno West Rural Lifestyle Precinct Plan (RDX).

23.4.2X Subdivision: Pokeno West Rural Lifestyle Precinct Plan

<p><u>RDI</u></p>	<p>(a) <u>Subdivision within the Pokeno West Rural Lifestyle Precinct Plan area (Appendix 23.4.2X) must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> (i) <u>The number of proposed lots, whether in a single or several applications: must not exceed a total of 42 and must not exceed the maximum number identified in each cluster (Appendix 23.4.2X);</u> (ii) <u>All proposed lots must have a net site area of at least 2500m² (which may include land within the Environmental Protection Area) and the building platform must be located entirely within the cluster (Appendix 23.4.2X);</u> (iii) <u>The proposal must include the indicative road as a road to vest, provided that this can be constructed and vested in stages to provide a connection to either Ridge Road or to an existing road in adjoining General Residential Zone land;</u> (iv) <u>The proposal must offer the provision of the walkway (complying with Rule 23.4.10), providing that this can be constructed in stages;</u> (v) <u>The proposal must include a 5m planted landscape yard adjoining any road or indicative road.</u> <p>(b) <u>Council’s direction is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Consistency with the Precinct Plan;</u> (ii) <u>Adverse effects on amenity values and character;</u> (iii) <u>The provision of infrastructure, including water supply accessible for firefighting;</u> (iv) <u>Standard of design and construction of the walkway;</u> (v) <u>Standard of design and construction of the indicative road;</u> (vi) <u>Provision of planting, management plans for weed and pest control and their implementation, ownership and ongoing management of the Environmental Protection Area;</u> (vii) <u>Provision of planting and management plans to mitigate and offset the landscape and ecological effects of earthworks and vegetation removal associated with road construction;</u> (viii) <u>Legal mechanisms to retain in perpetuity Environmental Protection Areas and prevent further subdivision of them (such as appropriate covenants, consent notices or vesting in Council).</u>
<p><u>DI</u></p>	<p><u>Subdivision that does not comply with Rule 23.4.2X (a)(iv) to (v) RDI</u></p>
<p><u>NCI</u></p>	<p><u>Subdivision that does not comply with Rule 23.4.2X (a)(i) to (iii) RDI</u></p>

23.4.5 Site boundaries – Significant Natural Areas⁸², ~~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"> (i) A Significant Natural Area; (i) A heritage item as identified in Schedule 30.1 (Heritage Items); (ii) A Maaori site of significance as identified in Schedule 30.3 (Maaori Sites of Significance); or (iii) A Maaori area of significance as identified in Schedule 30.4 (Maaori Areas of Significance). <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"> (i) effects on a heritage item; (ii) effects on a Maaori site of significance; (iii) effects on a Maaori area of significance; (iv) effects on a archaeological site
NCI DCI	Subdivision that does not comply with Rule 23.4.5 RDI.

23.4.7 Subdivision - Road frontage

RDI	<p>(a) Every proposed lot as part of the subdivision having with a road boundary, other than one designed as an access allotment or utility allotment or lot accessed via an access leg containing a road access leg,⁸⁷ must have a width along the road boundary of at least 1550m⁸⁸.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Safety and efficiency of vehicle access and road network; (ii) Amenity values and rural residential character.
DI	Subdivision that does not comply with Rule 23.4.7 RDI.

23.4.8 Subdivision – Building Platform

RDI	<p>(a) Subdivision, other than an access allotment or utility allotment, must provide a building platform on every the proposed lot that. The building platform must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) has an area of 1000m² exclusive of boundary setbacks; (ii) has an average gradient no steeper than 1:8; (iii) has vehicular access in accordance with Rule 14.12.1 PI; (iv) is certified by a geotechnical engineer as geotechnically stable; and suitable for a building platform; (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 Rule 23.3. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Earthworks and fill material required for building platform and access; (ii) Geotechnical suitability for a building; (iii) Avoidance or mitigation of natural hazards; (iv) Effects on landscape amenity; (v) Measures to avoid storm or flood events.
RDI	<p>(a) <u>Subdivision in the Pokeno West Rural Lifestyle Precinct Plan area, other than an access allotment or utility allotment, must provide a building platform on every proposed lot. The building platform must meet all of the following conditions:</u></p> <ul style="list-style-type: none"> <u>(vi) has an area of 500m² exclusive of boundary setbacks;</u> <u>(vii) has an average gradient no steeper than 1:8;</u> <u>(viii) has vehicular access in accordance with Rule 14.12.1 PI;</u>

	<ul style="list-style-type: none"> (ix) <u>is certified by a geotechnical engineer as geotechnically stable; and suitable for a building platform;</u> (x) <u>is not subject to inundation in a 2% AEP storm or flood event;</u> (xi) <u>a dwelling could be built on as a permitted activity in accordance with Rule 23.3.</u> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Earthworks and fill material required for building platform and access;</u> (ii) <u>Geotechnical suitability for a building;</u> (iii) <u>Avoidance or mitigation of natural hazards;</u> (iv) <u>Effects on landscape amenity;</u> (v) <u>Measures to avoid storm or flood events.</u>
DI	Subdivision that does not comply with Rule 23.4.8 RDI and 305 .

23.4.10 Subdivision of land containing mapped off-road walkways, cycleways, bridleways⁹³

RD I	<p>(a) Subdivision of land where containing walkways, <u>cycleways, bridleways</u> shown on the planning maps must provide those walkways, cycleways and bridleways and are to be provided as part of the subdivision⁹⁴ must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) <u>The walkway, cycle way or bridleway</u>⁹⁵ is at least 3 metres wide and (ii) the walkway, <u>cycle way or bridleway</u>⁹⁶ is designed and constructed for shared pedestrian and cycle use, as per Rule 14.12.1 P8 (Access and road performance standards); (iii) the walkway, <u>cycle way or bridleway</u>⁹⁷ is generally in accordance with the walkway route shown on the planning maps; (iv) the walkway, <u>cycle way or bridleway</u>⁹⁸ is shown on the plan of subdivision and vested in the Council. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) alignment of the walkway; cycle way or bridleway⁹⁹, (ii) drainage in relation to the walkway; cycle way or bridleway¹⁰⁰; (iii) standard of design and construction of the walkway; cycle way or bridleway¹⁰¹; (iv) land stability; (v) amenity matters including batter slopes; (vi) connection to reserves.
DI	Subdivision that does not comply with Rule 23.4.10 RDI .

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

CI	<p>(a) Subdivision 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"> (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; (ii) Planting must be undertaken prior to the issue of the 224(c) certificate. <p>(b) Council's control is reserved over the following matters:</p> <ul style="list-style-type: none"> (i) Measures proposed in the planting and management; (ii) Vesting of reserve land in Council, if appropriate. (iii) <u>Legal protection if appropriate</u>¹⁰².
RD I	<p>(a) Subdivision that does not comply with Rule 23.4.11 CI.</p> <ul style="list-style-type: none"> (i) Council's discretion is restricted to the following matters: (ii) Measures proposed in the planting and management; (iii) Vesting of reserve land in Council, if appropriate; (iv) Effects on amenity values; (v) Effects on ecological values.