

Chapter 23: Country Living Zone

Proposed Waikato District

Plan Stage I

(Notified version)

Waikato



DISTRICT COUNCIL

Te Kaunihera aa Takiwaa o Waikato

Contents

Chapter 23: Country Living Zone.....	4
23.1 Land Use – Activities	4
23.1.1 Permitted Activities.....	4
23.1.2 Discretionary Activities.....	5
23.1.3 Non-Complying Activities	5
23.2 Land Use - Effects	6
23.2.1 Noise	6
23.2.1.1 Noise – General	6
23.2.1.2 Noise – Construction	7
23.2.2 Glare and Artificial Light Spill	7
23.2.3 Earthworks	7
23.2.5 Notable Trees	10
23.2.6 Signs	11
23.3 Land Use – Building.....	15
23.3.1 Dwelling	15
23.3.2 Minor dwelling.....	15
23.3.3 Buildings and structures in Landscape and Natural Character Areas.....	15
23.3.4 Height	16
23.3.7 Building setbacks	16
23.3.9 Historic Heritage	19
23.4 Subdivision.....	20
23.4.1 Prohibited subdivision.....	20
23.4.2 General Subdivision.....	20
23.4.3 Subdivision within identified areas.....	21
23.4.4 Title boundaries – natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas	21
23.4.5 Site boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori.....	22
23.4.6 Subdivision of land containing heritage items	22
23.4.7 Subdivision - Road frontage.....	22
23.4.8 Subdivision - Building platform	22
23.4.9 Subdivision creating Reserves.....	23
23.4.10 Subdivision of land containing mapped off-road walkways.....	23
23.4.11 Subdivision of land containing all or part of an Environmental Protection Area	23

23.4.12 Esplanade reserves and esplanade strips 24

Chapter 23: Country Living Zone

- (1) The rules that apply to activities in the Country Living 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 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 Zone:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:
 - (a) PR Prohibited activity
 - (b) P Permitted activity
 - (c) C Controlled activity
 - (d) RD Restricted discretionary activity
 - (e) D Discretionary activity
 - (f) 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) 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) 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);
 - (c) Activity specific conditions.

Activity		Activity specific conditions
PI	Residential activity, unless specified below.	Nil
P2	Home stay	Nil
P3	A temporary event	<ol style="list-style-type: none"> (a) The event occurs no more than 3 times per single 12 month period; (b) The duration of each event is less than 72 hours; (c) It may operate between 7.30am and 8.30pm Monday to Sunday; (d) Temporary structures are: <ol style="list-style-type: none"> (i) erected no more than 2 days before the event occurs, and (ii) removed no more than 3 days after the end of the event; (e) The site is returned to its original condition no more than 3 days after the end of the event; (f) There is no direct site access from a national route or regional arterial road.
P4	A home occupation	<ol style="list-style-type: none"> (a) It is wholly contained within a building;

		<p>(b) The storage of materials or machinery associated with the home occupation are wholly contained within a building;</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 or the receiving of customers or deliveries only occur after 7:30am and before 7:00pm on any day;</p> <p>(e) Machinery may be operated after 7:30am and up to 9pm on any day.</p>
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23.1.2 Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with an 'Activity Specific Condition' in Rule 23.1.1
D2	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.
D3	A commercial activity (excluding produce stall)
D4	A community activity
D5	An education facility , excluding a child care facility for up to 10 children
D6	A funeral home and/or crematorium
D7	A health facility
D8	A hospital, or a hospice with 10 or more beds
D9	Travellers' accommodation
D10	An industrial activity
D11	A place of assembly

23.1.3 Non-Complying Activities

(I) 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	<p>(a) Within the Hamilton Airport Noise Outer Control Boundary:</p> <p>(i) a child care facility</p> <p>(ii) a hospital or hospice</p>
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

23.2 Land Use - Effects

23.2.1 Noise

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

23.2.1.1 Noise – General

PI	Farming noise, and noise generated by emergency generators and emergency sirens.
P2	(a) Noise measured at the notional boundary within any site in the Rural Zone and within any other site in the Country Living Zone must not exceed: (i) 50dB (L _{Aeq}), 7am to 7pm every day; (ii) 45dB (L _{Aeq}), 7pm to 10pm every day; (iii) 40dB (L _{Aeq}) and 65dB (L _{Amax}), 10pm to 7am the following day.
P3	(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.
P4	(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: (a) In Tamahere Commercial Areas A and B does not exceed: (i) 65dB (L _{Aeq}), 7am to 10pm; (ii) 50dB (L _{Aeq}) and 75dB (L _{Amax}), 10pm to 7am the following day, (b) Outside Tamahere Commercial Areas A and B, does not exceed: (i) 55dB (L _{Aeq}), 7am to 10pm; (ii) 40dB (L _{Aeq}) and 70dB (L _{Amax}), 10pm to 7am the following day.
P5	(a) Noise levels shall be measured in accordance with the requirements of Standard NZS 6801:2008 "Acoustics Measurement of Environmental Sound". (b) Noise levels shall be assessed in accordance with the requirements of Standard NZS 6802:2008 "Acoustic Environmental noise".
DI	Noise that does not comply with Rule 23.2.1.1 PI, P2, P3, P4 or P5.

23.2.1.2 Noise – Construction

PI	<p>(a) Noise generated from the construction site must meet the limits in NZS 6803:1999 (Acoustics – Construction Noise);</p> <p>(b) Construction noise shall be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'.</p>
RD I	<p>(a) Construction noise that does not comply with Rule 23.2.3 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (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	<p>(a) Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically at any other site.</p> <p>(b) Rule 23.2.2 PI does not apply to vehicles or equipment used in farming activities.</p>
RD I	<p>(a) Illumination from glare and artificial light spill that does not comply with Rule 23.2.2 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (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 Zone. These rules do not apply to earthworks for subdivision.
- (2) There are specific standards for earthworks within rules:
 - (a) Rule 23.2.3.2 – Earthworks - Maaori Sites and Maaori Areas of Significance;
 - (b) Rule 23.2.3.3 – Earthworks - Significant Natural Areas;
 - (c) Rule 23.2.3.4 – Earthworks - Landscape and Natural Character Areas.

23.2.3.1 Earthworks – General

PI	<p>(a) Earthworks within a site for:</p> <ul style="list-style-type: none"> (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	<p>(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:</p> <ul style="list-style-type: none"> (i) Do not exceed a volume of more than 250m³ and an area of more than 1000m² within a site over any single 12 month period; (ii) The total depth of any excavation or filling does not exceed 1.5m above or below ground level; (iii) Earthworks are set back 1.5m from any boundary; (iv) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (v) Sediment resulting from the earthworks is retained on the site through implementation and

	<p>maintenance of erosion and sediment controls;</p> <p>(vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</p>
P3	<p>(a) Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material must meet the following condition:</p> <p>(i) be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</p>
P4	<p>(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material must meet all of the following conditions:</p> <p>(i) Not exceed a total volume of 20m³;</p> <p>(ii) Not exceed a depth of 1m;</p> <p>(iii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iv) Fill material is set back 1.5m from all boundaries;</p> <p>(v) Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</p> <p>(vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls;</p> <p>(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</p>
RD1	<p>(a) Earthworks that do not comply with Rule 23.2.3.1 P1, P2, P3 or P4.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Amenity values and landscape effects;</p> <p>(ii) Volume, extent and depth of earthworks;</p> <p>(iii) Nature of fill material;</p> <p>(iv) Contamination of fill material;</p> <p>(v) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(vi) Compaction of the fill material;</p> <p>(vii) Volume and depth of fill material;</p> <p>(viii) Protection of the Hauraki Gulf Catchment Area;</p> <p>(ix) Geotechnical stability;</p> <p>(x) Flood risk, including natural water flows and established drainage paths;</p> <p>(xi) Land instability, erosion and sedimentation.</p>
NCI	Earthworks including the importation of cleanfill to a site.

23.2.3.2 Earthworks - Maori Sites and Maori Areas of Significance

RD1	<p>(a) Earthworks within a Maori site of significance as identified in Schedule 30.3 (Maori Sites of Significance) as shown on the planning maps.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) location of activity in relation to the site;</p> <p>(ii) effects on heritage and cultural values.</p>
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> <p>(i) location of activity in relation to the site;</p> <p>(ii) effects on heritage and cultural values.</p>

23.2.3.3 Earthworks – Significant Natural Areas

PI	(a) Earthworks for the maintenance of existing tracks, fences or drains within an identified Significant Natural Area that meet all of the following conditions: (i) Maximum volume of 50m ³ in a 12 month period; (ii) Maximum area of 250m ² in a 12 month period; and (iii) Not include importing any fill material.
RDI	(a) Earthworks that do not comply with Rule 23.2.3.3 PI. (b) Council’s discretion is restricted to the following matters: (i) The location of earthworks in relation to waterways, significant indigenous vegetation or habitat; (ii) The protection of adverse effects on the Significant Natural Area values.
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	(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: (i) The earthworks are undertaken within a 12 month period; (ii) The earthworks must not exceed the following areas and volumes within a 12 month period: <table border="1" data-bbox="384 920 1307 1541"> <thead> <tr> <th>Landscape or Natural Character Area</th> <th>Area (m²)</th> <th>Volume (m³)</th> </tr> </thead> <tbody> <tr> <td>Significant Amenity Landscape Hill Country</td> <td>1,000</td> <td>500</td> </tr> <tr> <td>Significant Amenity Landscape Waikato River Margins and Lakes</td> <td>500</td> <td>500</td> </tr> <tr> <td>Significant Amenity Landscape sand dune</td> <td rowspan="4">50</td> <td rowspan="4">250</td> </tr> <tr> <td>High Natural Character or Outstanding Natural Character area of the coastal environment</td> </tr> <tr> <td>Outstanding Natural Feature sand dune</td> </tr> <tr> <td>Outstanding Natural Feature</td> </tr> <tr> <td>Outstanding Natural Landscape</td> <td></td> <td></td> </tr> </tbody> </table> (iii) The height of the resulting cut or batter face in stable ground does not exceed 1.5m; (iv) The maximum slope of the resulting cut or batter face in stable ground does not exceed 1:2 (1m vertical to 2m horizontal); (v) Areas exposed by the earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (vi) Sediment is retained on the site through implementation and maintenance of erosion and sediment controls; (vii) The earthworks do not divert or change natural water flows, water bodies or established drainage paths.	Landscape or Natural Character Area	Area (m ²)	Volume (m ³)	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		
Landscape or Natural Character Area	Area (m ²)	Volume (m ³)																	
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																			
DI	Earthworks within an identified Landscape or Natural Character Area that do not comply with Rule 23.2.3.4 PI.																		

23.2.4 Hazardous substances

PI	(a) The use, storage or disposal of any hazardous substance where: <ul style="list-style-type: none"> (i) The aggregate quantity of any hazardous substance of any hazard classification on a site is less than the quantity specified for the Country Living Zone in Table 6.1 contained within Appendix 5 (Hazardous Substances); and (ii) The storage 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.
P2	(a) The storage or use of radioactive materials if it is: <ul style="list-style-type: none"> (i) an approved equipment for medical and diagnostic purposes; or (ii) specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.
CI	(a) The storage of the following maximum volumes of fuel for retail sale within a service station: <ul style="list-style-type: none"> (i) 100,000 litres of petrol in underground storage tanks; (ii) 50,000 litres of diesel in underground storage tanks; and (iii) 6 tonnes of LPG (single vessel storage). (b) Council reserves its control over the following matters: <ul style="list-style-type: none"> (i) The proposed site design and layout in relation to: <ul style="list-style-type: none"> 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; B. interaction with natural hazards (flooding, instability), as applicable. proposed emergency management planning (spills, fire and other relevant hazards); (ii) Procedures for monitoring and reporting of incidents.
DI	The use, storage or disposal of hazardous substance that does not comply with Rule 23.2.4 PI, P2 or CI.

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 Schedule 30.2 (Notable Trees) where certification is provided to Council from a works arborist states the tree is dead, dying, diseased or is unsafe in accordance with Appendix 11 (Tree Removal Certificate).
RD1	(a) Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) that does not comply with Rule 23.2.5.1 PI. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) timing and manner in which the activity is carried out; (i) effects on amenity values; and (ii) effects on heritage values.

23.2.5.2 Notable tree - trimming

PI	(a) The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) is either: (i) to remove dead, dying, or diseased branches and the tree work is undertaken by a works arborist ; or (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.
RD I	(a) The trimming of a notable tree that does not comply with Rule 23.2.5.2 PI . (b) Council’s discretion is restricted to the following matters: (i) Timing and manner in which the activity is carried out; (ii) Effects on amenity values.

23.2.5.3 Notable tree - activities within the dripline

PI	(a) Any activity within the dripline of a notable tree identified in Schedule 30.2 (Notable Trees) must not involve: (i) excavation, compaction, sealing or soil disturbance and placement of fill material , except for sealing of an existing road or footpath; (ii) parking or storage of materials, vehicles or machinery; (iii) discharge of an eco-toxic substance; and (iv) construction of any structure.
RD I	(a) Any activity that does not comply with Rule 23.2.5.3 PI . (b) Council’s discretion is restricted to the following matters: (i) location of activity in relation to the notable tree; (ii) timing and manner in which the activity is carried out; (iii) remedial measures; (iv) effect on the health of the notable tree; (v) amenity values.

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 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"> (i) It is the only sign on the site; (ii) The sign is wholly contained on the site; (iii) The sign does not exceed an area of 1m²; (iv) The sign height does not exceed 3m; (v) The sign is not illuminated; (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vii) The sign is set back at least 50m from a state highway and the Waikato Expressway; (viii) The sign does not project over road reserve; (ix) The sign is not attached to a tree identified in Schedule 30.2 Notable Trees, except for the purpose of identification; (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; (xi) The sign is not attached to a Maaori Site of Significance listed in Schedule 30.3 (Maaori Sites of Significance) except for the purpose of identification and interpretation; (xii) The sign relates to: <ul style="list-style-type: none"> A. goods or services available on the site; or B. a property name sign.
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"> (i) There is no more than 1 sign per agency; (ii) The sign is not illuminated; (iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (iv) The sign does not project into or over road reserve.
RD1	<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"> (i) Amenity values; (ii) Rural character of the locality; (iii) Effects on traffic safety; (iv) Effects of glare and artificial light spill; (v) Content, colour and location of the sign; (vi) Effects on any notable trees; (vii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (viii) Effects on cultural values of any Maaori Site of Significance; (ix) Effects on notable architectural features of the building.

23.2.6.2 Signs - effects on traffic

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

23.2.7 Outdoor Storage

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

23.2.8 Indigenous vegetation clearance inside a Significant Natural Area

PI	<p>(a) 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:</p> <ul style="list-style-type: none"> (i) Removing vegetation that endangers human life or any existing building or structure; (ii) Conservation fencing to exclude stock or pests; (iii) Maintaining existing farm drains; (iv) Maintaining existing tracks and fences; (v) Gathering plants in accordance with Maaori customs and values.
P2	Removal of up to 5m ³ 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) Indigenous vegetation clearance for building, access, parking and manoeuvring areas in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must comply with the following conditions:</p> <ul style="list-style-type: none"> (i) there is no alternative development area on the site outside the Significant Natural Area; and (ii) the total indigenous vegetation clearance does not exceed 250m².
P4	<p>(a) On Maori Freehold Land or Maori 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:</p> <ul style="list-style-type: none"> (i) There is no practical development area on the site outside the Significant Natural Area; (ii) The following total areas are not exceeded:

	<p>A. 1500m² for a marae complex, including areas associated with access parking and manoeuvring; and</p> <p>B. 500m² per dwelling, including areas associated with access parking and manoeuvring; and</p> <p>C. 500m² for a papakainga building including areas associated with access parking and manoeuvring.</p>
P5	<p>(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:</p> <p>(i) Removing vegetation that endangers human life or existing buildings or structures; or</p> <p>(ii) Conservation fencing to exclude stock or pests; or</p> <p>(iii) Maintaining existing farm drains; or</p> <p>(iv) Maintaining existing tracks and fences; or</p> <p>(v) Gathering plants in accordance with Maaori customs and values.</p>
P6	Removal of up to 5m ³ 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	<p>(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:</p> <p>(i) removing vegetation that endangers human life or any existing building or structure;</p> <p>(ii) maintaining productive pasture through the removal of up to 1000m² per year of manuka and/or kanuka that is more than 10m from a waterbody, and less than 4m in height; or</p> <p>(iii) maintaining existing tracks and fences; or</p> <p>(iv) maintaining existing farm drains; or</p> <p>(v) conservation fencing to exclude stock or pests; or</p> <p>(vi) gathering of plants in accordance with Maaori customs and values; or</p> <p>(vii) a building platform and associated access, parking and manoeuvring up to a total of 500m² clearance of indigenous vegetation.</p>
P2	<p>(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:</p> <p>(i) removing vegetation that endangers human life or existing buildings or structures; or</p> <p>(ii) maintaining productive pasture through the removal of up to 1000m² 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</p> <p>(iii) maintaining existing tracks and fences; or</p> <p>(iv) maintaining existing farm drains; or</p> <p>(v) conservation fencing to exclude stock or pests; or</p> <p>(vi) gathering of plants in accordance with Maaori custom and values.</p>
P3	<p>(a) On Maaori Freehold Land or Maaori Customary Land, the clearance of indigenous vegetation clearance outside a Significant Natural Area identified on the planning maps or in Schedule 30.5</p>

	<p>(Urban Allotment Significant Natural Areas) must not exceed:</p> <ul style="list-style-type: none"> (i) 1500m² for a marae complex including associated access, parking and manoeuvring; and (ii) 500m² per dwelling including associated access, parking and manoeuvring; and (iii) 500m² for a papakaainga building including associated access, parking and manoeuvring.
RD1	<ul style="list-style-type: none"> (a) Indigenous Vegetation clearance outside 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 21.2.9 P1, P2 or P3. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (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; (ii) The extent to which the clearance will result in loss, damage or disruption to ecological processes, functions and ecological integrity, including ecosystem services; (iii) The extent to which cumulative effects have been considered and addressed; (iv) The extent to which the clearance affects Tangata Whenua relationships with indigenous biodiversity on the site; (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.

23.3 Land Use – Building

23.3.1 Dwelling

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

23.3.2 Minor dwelling

PI	<ul style="list-style-type: none"> (a) One minor dwelling within a site must not exceed 70m² gfa. (b) Where there is an existing dwelling located within a site: <ul style="list-style-type: none"> (i) The minor dwelling must be located within 20m of the dwelling; (ii) The minor dwelling must share a single driveway access with the existing dwelling.
DI	A minor dwelling that does not comply with Rule 23.3.2 PI .

23.3.3 Buildings and structures in Landscape and Natural Character Areas

DI	<ul style="list-style-type: none"> (a) Any building or structure that is located within any: <ul style="list-style-type: none"> (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) Outstanding Natural Character Area; (iv) High Natural Character Area.
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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 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.
DI	Any building that does not comply with Rule 23.3.4.1 PI.

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 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.
RDI	<ol style="list-style-type: none"> (a) A building that does not comply with Rule 23.3.5 PI. (b) Council's discretion is restricted to the following matters: <ol style="list-style-type: none"> (i) Height of building; (ii) Design and location of the building; (iii) Extent of shading on adjacent site; (iv) Privacy on other site; (v) Effects on amenity values.

23.3.6 Building coverage

PI	The total building coverage must not exceed 10% or 300m ² , whichever is the larger.
DI	Total building coverage that does not comply with Rule 23.3.6 PI.

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 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 containing more than 1000m ² must be set back a minimum of: <ul style="list-style-type: none"> (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.
P2	(a) Any building located on a lot containing 1000m ² or less must be set back a minimum of: <ul style="list-style-type: none"> (i) 3m from a road boundary; (ii) 1.5m from every boundary other than a road boundary; (iii) 24m from an existing dwelling on any adjoining site.
RD1	(a) A building that does not comply with Rule 23.3.7.1 PI or P2 . (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) amenity values; (ii) effects on traffic; (iii) daylight admission to adjoining properties; (iv) effects on privacy of adjoining sites.

23.3.7.2 Building setback - sensitive land use

PI	(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of: <ul style="list-style-type: none"> (i) 5m from the designated boundary of the railway corridor; (ii) 15m from a national route or regional arterial boundary; (iii) 35m from the designated boundary of the Waikato Expressway; (iv) 200m from an Aggregate Extraction Area containing a sand resource; (v) 500m from an Aggregate Extraction Area containing a rock resource; (vi) 300m from the boundary of another site containing an intensive farming activity; (vii) 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site; (viii) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed.
DI	Any building for a sensitive land use that does not comply with Rule 23.3.7.2 PI .

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"> (i) Set back at least 100m from Tamahere Commercial Area A; or (ii) Within 100m of Tamahere Commercial Area A: <ul style="list-style-type: none"> A. the alteration is to a dwelling that has existed since 30 June 2012; B. no part of the alteration is located between the existing dwelling and any boundary of Tamahere Commercial Area A; C. it is designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation) – Table 14.
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P2	<p>(a) Any new building or alteration to an existing building for a sensitive land use must be:</p> <p>(i) Set back at least 100m from Tamahere Commercial Area B; or</p> <p>(ii) Within 100m of Tamahere Commercial Area B and either:</p> <p>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 dwelling and boundary of Tamahere Commercial Area B; or</p> <p>B. it is a new dwelling that is placed within the building platform approved in the course of any subdivision and it is designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation) – Table 14;</p> <p>C. Within Tamahere Commercial Area B, be designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation). – Table 14.</p>
RD1	<p>(a) Any new building or alteration to an existing building for a sensitive land use that does not comply with Rule 23.3.7.3 PI or P2.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) reverse sensitivity;</p> <p>(ii) the means to avoid, remedy or mitigate adverse effects on amenity within the site;</p> <p>(iii) the setback distance from Tamahere Commercial Area A and Tamahere Commercial Area B;</p> <p>(iv) the position, orientation and design of the building and outdoor living court in relation to Tamahere Commercial Area A and Tamahere Commercial Area B.</p>

23.3.7.4 Building – Airport Noise Outer Control Boundary

PI	Construction, addition to, or alteration of a building containing a noise sensitive activity within the Airport Noise Outer Control Boundary that is designed and constructed to achieve the internal design sound levels specified in Appendix I (Acoustic Insulation) Table 1.
DI	<p>(a) Construction, addition to, or alteration of a building that does not comply with Rule 23.3.7.4 PI</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) On-site amenity values;</p> <p>(ii) Noise levels received at the notional boundary of the building;</p> <p>(iii) Timing and duration of noise received at the notional boundary of the building;</p> <p>(iv) Potential for reverse sensitivity effects.</p>

23.3.7.5 Building setback – waterbodies

PI	<p>(a) Any building must be set back a minimum of:</p> <p>(i) 23m from the margin of any;</p> <p>A. lake; and</p> <p>B. wetland;</p> <p>(ii) 23m from the bank of any river (other than the Waikato River and Waipa River);</p> <p>(iii) 37m from the banks of the Waikato River and the Waipa River; and</p> <p>(iv) 27.5m from mean high water springs.</p> <p>(b) PI does not apply to a public amenity of up to 25m², or a pump shed.</p>
DI	Any building that does not comply with Rule 23.3.7.5 PI .

23.3.7.6 Building setback – Environmental Protection Area

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

23.3.8 Building - Horotiu Noise Acoustic Area

PI	Construction, addition to, or alteration of a building containing a noise sensitive activity within the Horotiu Noise Acoustic Area that is designed and constructed to achieve the internal design sound levels specified in Appendix I (Acoustic Insulation) – Table I I.
DI	<p>(a) Construction, addition to, or alteration of a building that does not comply with Rule 23.3.8 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) On-site amenity values; (ii) Noise levels received at the notional boundary of the building; (iii) Timing and duration of noise received at the notional boundary of the building; (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 heritage item listed in Schedule 30.1 (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 heritage item listed in Schedule 30.1 (Heritage Items).
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23.3.9.3 All heritage items – alteration or addition

PI	<p>(a) Alteration of, or addition to, a heritage item listed in Schedule 30.1 (Heritage Items) comply with the following conditions:</p> <ul style="list-style-type: none"> (i) No significant feature of interest is removed, destroyed or damaged; (ii) Alterations or additions are not visible from a public place.
RD1	<p>(a) Any activity that does not comply with Rule 23.3.9.3 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Form, style, materials and appearance; (ii) Effects on heritage values.

23.3.9.4 All heritage items – maintenance or repair

PI	<p>(a) Maintenance or repair of a heritage item listed in Schedule 30.1 (Heritage Items) comply with the following conditions:</p> <ul style="list-style-type: none"> (i) No significant feature of interest is destroyed or damaged; (ii) Replacement materials are the same as, or similar to, the original in terms of form, style and appearance.
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RD1	<p>(a) Any activity that does not comply with Rule 23.3.9.4 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Form, style, materials and appearance; (ii) Effects on heritage values.
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23.3.9.5 All heritage items – site development

PI	<p>(a) Development on a site containing a heritage item listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Be set back at least 10m from the heritage item; (ii) Not a building between the front of the heritage item and the road.
RD1	<p>(a) Any activity that does not comply with Rule 23.3.9.5 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Effects on the values, context and setting of the heritage item; (ii) Location, design, size, materials and finish; (iii) Landscaping; (iv) The relationship of the heritage item with the setting.

23.4 Subdivision

- (1) [Rule 23.4.1](#) lists Prohibited Subdivision in the Country Living Zone.
- (2) [Rule 23.4.2](#) provides for General Subdivision in the Country Living 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 Maori
 - (iv) [Rule 23.4.6](#) - Subdivision of land containing heritage items
 - (v) [Rule 23.4.7](#) - Subdivision - Road frontage
 - (vi) [Rule 23.4.8](#) - Subdivision Building platform
 - (vii) [Rule 23.4.9](#) – Subdivision for a Reserve
 - (viii) [Rule 23.4.10](#) - Subdivision of land containing mapped off-road walkways
 - (ix) [Rule 23.4.11](#) - Subdivision of land containing all or part of an Environmental Protection Area
 - (x) [Rule 23.4.12](#) - Esplanade reserves and esplanade strips

23.4.1 Prohibited subdivision

PR1	Any subdivision within Hamilton's Urban Expansion Area involving the creation of any additional lot.
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23.4.2 General Subdivision

RD1	<p>(a) Subdivision must comply with all of the following conditions:</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 inside the SEL 95 Boundary identified on the planning maps, the average net site area of all
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	<p>proposed lots must be at least 1.1 ha;</p> <p>(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:</p> $\text{Proposed Record of Titles} = \frac{\text{area (ha) outside}^*}{0.5} + \frac{\text{area (ha) inside}^*}{1.1}$ <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 Airport Subdivision Control Boundary or the SEL 95 Boundary.
NCI	General Subdivision that does not comply with Rule 23.4.1 RDI.

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"> (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.
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23.4.4 Title boundaries – natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas

RD1	<p>(a) 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:</p> <ul style="list-style-type: none"> (i) 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: <ul style="list-style-type: none"> A. Rule 23.3.5 (Daylight admission); B. Rule 23.3.6 (Building coverage); C. Rule 23.3.7 (Building Setbacks); (ii) 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. (iii) Any boundary of a proposed lot must not divide the following: <ul style="list-style-type: none"> A. a natural hazard area; B. contaminated land; C. Significant Amenity Landscape; D. Notable tree. (iv) Any boundary of a proposed lot must provide the following setbacks: <ul style="list-style-type: none"> A. 300m from any intensive farming activity; B. 200m from an Aggregate Extraction Area for sand extraction; C. 500m from an Aggregate Extraction Area for rock extraction. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Landscape values; (ii) Amenity values and character; (iii) Reverse sensitivity effects; (iv) Effects on any existing building; (v) Effects on a natural hazard area; (vi) Effects on contaminated land; (vii) Effects on a notable tree;
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	(viii) Effects on an intensive farming activity; (ix) Effects on an Aggregate Extraction Area.
NCI	Subdivision that does not comply with Rule 23.4.4 RDI .

23.4.5 Site boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori

RD1	(a) Any boundary of a proposed lot must not divide any of the following: (i) A Significant Natural Area ; (ii) A heritage item as identified in Schedule 30.1 (Heritage Items); (iii) A Maaori site of significance as identified in Schedule 30.3 (Maaori Sites of Significance); or (iv) A Maaori area of significance as identified in Schedule 30.4 (Maaori Areas of Significance). (b) Council's discretion is restricted to the following matters: (i) effects on a Significant Natural Area ; (ii) effects on a heritage item ; (iii) effects on a Maaori site of significance ; (iv) effects on a Maaori area of significance ; (v) effects on a archaeological site
NCI	Subdivision that does not comply with Rule 23.4.5 RDI .

23.4.6 Subdivision of land containing heritage items

RD1	(a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Heritage Items) must contain the heritage item wholly within one lot. (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.
NCI	Subdivision that does not comply with Rule 23.4.6 RDI .

23.4.7 Subdivision - Road frontage

RD1	(a) Every proposed lot as part of the subdivision having a road boundary , other than one designed as an access allotment or utility allotment containing a road access leg, must have a width along the road boundary of at least 15m. (b) Council's discretion is restricted to the following matters: (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

RD1	(a) Subdivision , other than an access allotment or utility allotment , must provide a building platform on the proposed lot that: (i) has an area of 1000m ² 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; (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 . (b) Council's discretion is restricted to the following matters: (i) Earthworks and fill material required for building platform and access;
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	<ul style="list-style-type: none"> (ii) Geotechnical suitability for a building; (iii) Avoidance or mitigation of natural hazards; (iv) Effects on landscape and amenity; (v) Measures to avoid storm or flood events.
DI	Subdivision that does not comply with Rule 23.4.8 RDI .

23.4.9 Subdivision creating Reserves

RD I	<ul style="list-style-type: none"> (a) 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. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) the extent to which the proposed reserve aligns with the principles of Council's Parks Strategy, Playground Strategy, Public Toilets Strategy and Trails Strategy; (ii) consistency with any relevant structure plan or master plan; (iii) reserve size and location; (iv) proximity to other reserves; (v) the existing reserve supply in the surrounding area; (vi) whether the reserve is of suitable topography for future use and development; (vii) measures required to bring the reserve up to Council standard prior to vesting; (viii) the type and standard of boundary fencing.
DI	Subdivision that does not comply with Rule 23.4.9 RDI .

23.4.10 Subdivision of land containing mapped off-road walkways

RD I	<ul style="list-style-type: none"> (a) Subdivision where walkways shown on the planning maps are to be provided as part of the subdivision must comply with all of the following conditions: <ul style="list-style-type: none"> (i) is at least 3 metres wide and (ii) the walkway 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 is generally in accordance with the walkway route shown on the planning maps; (iv) the walkway is shown on the plan of subdivision and vested in the Council. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) alignment of the walkway; (ii) drainage in relation to the walkway; (iii) standard of design and construction of the walkway; (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	<ul style="list-style-type: none"> (a) Subdivision of land containing all or part of an Environmental Protection Area must comply with all of the following conditions: <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. (b) Council's control is reserved over the following matters: <ul style="list-style-type: none"> (i) Measures proposed in the planting and management; (ii) Vesting of reserve land in Council, if appropriate.
RD I	<ul style="list-style-type: none"> Subdivision that does not comply with Rule 23.4.11 CI. (a) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) Measures proposed in the planting and management;

	<ul style="list-style-type: none"> (ii) Vesting of reserve land in Council, if appropriate; (iii) Effects on amenity values; (iv) Effects on ecological values.
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23.4.12 Esplanade reserves and esplanade strips

RD1	<ul style="list-style-type: none"> (a) Subdivision of an esplanade reserve or strip 20m wide (or other width stated in Appendix 5 Esplanade Priority Areas) is required to be created from every proposed lot and shall vest in Council where the following situations apply: <ul style="list-style-type: none"> (i) less than 4ha and within 20m of: <ul style="list-style-type: none"> A. mean high water springs; or B. the bank of any river whose bed has an average width of 3m or more; or C. a lake whose bed has an area of 8ha or more; or (ii) 4ha or more within 20m of mean high water springs or a water body identified in Appendix 5 (Esplanade Priority Areas). (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (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; and (v) works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris.
DI	Subdivision that does not comply with Rule 23.4.12 RDI .