

Section 15 - Infrastructure, Hazards, Development and Subdivision

15.1 Introduction

- 15.1.1 How and where development and subdivision occurs is critical to the sustainable management of the District's natural and physical resources. This section of the Plan focuses on how development and subdivision will occur. The Strategic Growth section of the Plan provides direction on the location of growth. It must be remembered that every decision made on development and subdivision applications is crucial as it affects the efficient use of land and the efficient management of infrastructure required to service the development.
- 15.1.2 Planned and integrated development and subdivision will make the best use of the land resource. This Plan anticipates this outcome will be achieved by development occurring in planned locations and in an integrated manner. In key locations, this is to be achieved through the use of structure plans and comprehensive development plans. Each activity will need to occur on a site that is suitable for the intended use, taking account of hazards, flooding, climate change, servicing requirements, location of existing infrastructure and the need for a sustainable design and layout. The positive benefits arising from integrated well planned development and subdivision in urban locations will include; co-ordination with infrastructure provision, minimal alterations and impacts on the natural environment, improved energy efficiency for future occupants by improving access to solar energy, reduced travel distances through well connected street layouts to community facilities, improved safety in communities through CPTED, and tree lined streets. In rural locations, the positive benefits include development continuing to support rural productivity and retaining the versatile soil resource through an increased lot size requirement of 40ha. In all areas, development and subdivision will be required to ensure that the values of landscape areas, significant natural areas, and cultural landscapes are maintained. Development and subdivision should also lead to the restoration and protection of the health and well-being of the Waikato River.
- 15.1.3 The Plan provides transferable development rights as a subdivision option. In general these provisions require the transfer of entitlements from sensitive locations to less sensitive locations. Provision has also been made for benefit lots or additional subdivision opportunities as an incentive to facilitate protection of the District's natural environment. There will be an ongoing need to balance and monitor the rate that these opportunities are taken up in order to achieve the outcomes in the District Growth Strategy.
- 15.1.4 The Regional Infrastructure Technical Specifications contains guidance on the design and construction standards for development and subdivision in the District. The Manual, as updated from time to time will provide guidance for all relevant aspects of development and subdivision at the consenting stage.
- 15.1.5 Comprehensive development plans provide for the development of Titanium Park - Northern Precinct and the Industrial Zone at Raynes Road which form the Hamilton Airport Strategic Node. Given its proximity to the Airport and interrelated infrastructure issues, the Agri-Activities Overlay of the Mystery Creek Events Zone has also been identified as a Comprehensive Development Plan Area. The comprehensive development plan process recognises the need for an integrated and coordinated approach to development and infrastructure.

15.2 Resource Management Issues

Please also refer to the Resource Management Issues of Part C, Part D, Part E and Part F, as relevant.

Need for integrated development

15.2.1 In order to make the most effective use of the land resource there is a need to ensure that all elements of integrated development are considered including:

- (a) *Site suitability - Hazards and flooding:* Development and subdivision needs to occur on land that is suitable for the intended use. In some areas of the Waipā District, this is more difficult due to physical constraints including soil types that hinder stormwater soakage, and hazards such as flooding, and filled, unstable or contaminated land.
- (b) *Ad-hoc, residential cluster, and ribbon development:* In the Rural Zone ad-hoc, residential cluster and ribbon development along rural roads have created adverse traffic, visual, and other environmental effects. It has also resulted in undue pressure on roading, and infrastructure services, where these are provided.
- (c) *Infrastructure provision:* The co-ordination between development, subdivision and infrastructure provision is critical. In nearly every instance it is expected that the developer will fund infrastructure. Previously, some development has not given regard to the timing and implementation of infrastructure, or that the density of the development must be of a sufficient level to support infrastructure provision. Regulatory instruments such as structure plans and comprehensive development plans provide an opportunity to ensure that future development is adequately serviced with infrastructure. In some areas of the Waipā District, there are capacity constraints and Waikato Regional Council consent requirements, which mean that connections cannot be made to existing infrastructure.
- (d) *The erosion of character and amenity:* The erosion of character and amenity in the existing urban areas is occurring where some new subdivisions do not provide for the key elements of public space, the maintenance of character such as road designs and layouts that provide continuity and connectivity between existing and new areas, the management of traffic, and the maintenance of amenity.

Revising and refining our design systems

15.2.2 Some development and subdivision within the District has not demonstrated appropriate urban design, utilised low impact design methodologies, or incorporated energy efficiency design elements.

Maintaining the integrity of future growth areas

15.2.3 The strategic growth aspirations outlined in this Plan will support the requirements for urban consolidation of the District to 2050. To ensure alignment with the District Growth Strategy, certain types of development within Deferred Zones will be constrained by this Plan.

Comprehensive Development Plan Areas

15.2.4 If undertaken in a planned and integrated manner the activities within the Comprehensive Development Plan Areas have the potential to support the operation and development of Hamilton Airport and the Mystery Creek Events Zone both of which are identified as regionally important sites in this Plan.

- 15.2.5 Development of land within the Comprehensive Development Plan Areas that is not co-ordinated with infrastructure, including the transportation network, has the potential to result in adverse effects on the efficient use and development of infrastructure as well as on the efficient development of the Hamilton Airport Strategic Node and the Mystery Creek Agri-Activities Overlay Area.
- 15.2.6 The Agri-activities Overlay is a defined area of land over part of the Mystery Creek Events Zone and located adjacent to the Hamilton Airport Strategic Node. This area has the potential to be developed for a limited range of activities that support events within the Mystery Creek Events Zone relating to agricultural or farming research, innovation, education and training.

Rural fragmentation

- 15.2.7 Subdivision establishes one or more additional parcels of land that can be used, developed and disposed of independently. It is important that unsustainable patterns of land use are not created. In the Rural Zone, this is particularly important to ensure that large lots are retained for a wide range of rural productive uses.
- 15.2.8 Some rural-residential and other non-rural activity represent an inefficient use of rural land, as it results in the loss of productive soils, which are a limited resource, from farming uses.
- 15.2.9 Subdivision can establish a land use and development pattern that gives rise to reverse sensitivity effects.
- 15.2.10 More intensive rural development and subdivision can establish a rural land use pattern that gives rise to an unsustainable demand for urban infrastructure services, e.g. water supply, wastewater disposal and urban roading features such as footpaths, curb and channel, and street lighting.
- 15.2.11 The protection of identified environmental features can be encouraged through incentives such as additional subdivision rights. However, this must be balanced with the potential for the additional subdivision rights to undermine the settlement pattern proposed in this Plan and the District Growth Strategy, and create adverse effects on the environment through rural fragmentation.
- 15.2.12 In some instances subdivision is inappropriate, due to the sensitive nature of the location. Landowners will be able to realise their development right, through a subdivision consent process, to transfer their development right to a less sensitive location.

Protecting the District's vegetation, natural and cultural landscapes, and heritage items

- 15.2.13 The District has a range of landscapes of natural and cultural significance that contribute to the amenity, character, cultural and historical values of the District. These values can be adversely affected by inappropriate development.
- 15.2.14 Some heritage items, cultural and archaeological sites of the District have been damaged by development.
- 15.2.15 In limited circumstances, the protection or acquisition of areas with environmental or other significant public values can be achieved through the use of protection and incentive measures. For example, the Te Awa Cycleway, peat lakes, and biodiversity (indigenous forest) corridors as denoted on the Planning Maps. Other instances are outlined in Section 1 - Strategic Policy Framework.

Continuing need to provide suitable land for public reserves

- 15.2.16 There have been concerns that in some instances marginal and inappropriate land has been identified as proposed reserves in subdivisions. This can result in some reserves being poorly located, unsafe, and having unsuitable topography. There is a need to provide suitable reserve land to serve the active and passive recreational needs of the community.

Continuing to provide for esplanade reserves, esplanade strips, and access strips

- 15.2.17 There is a continuing need to provide access to the rivers, lakes, and streams of the District.

Continuing to facilitate subdivision processes

- 15.2.18 The formal processes of subdivision are required for the use and development of all land, subject to the constraints of this Plan.
- 15.2.19 There is a continuing need to provide for subdivisions such as boundary adjustments and amalgamations, in order to provide for efficient property management.

Health and well-being of the Waikato and Waipā Rivers

- 15.2.20 The health and well-being of the Waikato and Waipā Rivers is vulnerable to the potential adverse effects created by development, subdivision, the existence of hazards and the provision of infrastructure.

Community connections with the Waikato and Waipā Rivers

- 15.2.21 The creation of subdivisions, development and the provision of infrastructure has the potential to separate communities from the Waikato and Waipā Rivers, through distance, physical barriers and perceptions of safety.

National Grid transmission lines for the conveyance of electricity

- 15.2.22 National Grid transmission lines for the conveyance of electricity are considered to be a resource of national and regional significance that requires protection. The location of activities within National Grid Corridors have the potential to result in adverse effects, including reverse sensitivity effects, on the operation, maintenance, upgrading and future development of the National Grid network and result in sensitive activities locating where they are most vulnerable to the effects, including risks, associated with the line.

Subdivision within the National Grid Corridor

- 15.2.23 If subdivision is inadequately considered and controlled it could lead to subdivision patterns that inappropriately limit where buildings can be sited on sections, and it has the potential to generate amenity and reverse sensitivity issues due to the relationship between the National Grid lines, and subsequent development/land use. Lots located within the National Grid Yard have the potential to result in adverse effects, including reverse sensitivity effects, on the operation, maintenance, upgrading and development of the National Grid network.

15.3 Objectives and Policies

Please also refer to the objectives and policies of Parts C, Part D and Part F, as relevant.

Objective - Integrated development: site design and layout

- 15.3.1 To achieve integrated development within the District, that contributes to creating sustainable communities and enhances key elements of character and amenity.

Policy - Understanding the constraints and opportunities of a site by undertaking a site and surrounding area analysis

- 15.3.1.1 Development and subdivision should integrate with and acknowledge the constraints and opportunities of the site and surrounding area.

Policy - Sustainable design and layout development principles

- 15.3.1.2 Development and subdivision within the urban limits and the Large Lot Residential Zones, should occur in accordance with the principles of sustainable design, and enable energy efficiency.

Policy - Low impact design

- 15.3.1.3 The design and layout of development and subdivision, should recognise the landform and processes of the natural environment of the site and surrounding land, and avoid or minimise alterations to the landform and ecosystems.

Policy - All zones: ensuring boundary adjustments and boundary relocations do not compromise amenity

- 15.3.1.4 Boundary adjustments and boundary relocations shall not create or increase any non compliance with rules for new lots in the zone within which the subdivision is taking place.

Objective - Integrated development: natural hazards and site suitability

- 15.3.2 To ensure that sites proposed as part of a development or subdivision will be capable of accommodating activities anticipated within the applicable zone.

Policy - Land to be suitable for use

- 15.3.2.1 Land to be developed or subdivided must be physically suitable to accommodate the permitted land use activities for that zone in accordance with the rules of this Plan.

Policy - Consideration of natural hazards

- 15.3.2.2 Development and subdivision design should avoid natural hazards, or provide for the mitigation of the hazard within the development or subdivision design.

Policy - Consideration of climate change

- 15.3.2.3 Development and subdivision design should avoid areas that may be subject to the known effects of climate change, or provide for the mitigation of the effects of climate change within the development or subdivision design.

Policy - Consideration of reverse sensitivity

- 15.3.2.4 Development and subdivision design should not result in reverse sensitivity effects on adjacent sites, adjacent activities, or the wider receiving environment.

Policy - Dairy manufacturing sites

- 15.3.2.5 To ensure that the potential reverse sensitivity issues of locating new development in the vicinity of the Hautapu and Te Awamutu Dairy Manufacturing sites are taken into account.

Policy - Proximity to poultry farming activities

- 15.3.2.6 To ensure that the potential reverse sensitivity issues of locating new dwellings in the vicinity of a poultry farming activity are taken into account.

Objective - Integrated development: efficient servicing

- 15.3.3 Achieving the efficient and cost effective servicing of land by ensuring that servicing is provided to areas proposed to be developed.

Policy - Servicing requirements

- 15.3.3.1 All proposed urban development and subdivision shall be serviced to a level that will provide for the anticipated activities approved in a structure plan, or otherwise anticipated within the zone. Servicing requirements shall include:
- (a) Reserves for community, active and passive recreation; and
 - (b) Pedestrian and cycle connections; and
 - (c) Roads; and
 - (d) Public transport infrastructure, e.g. bus stops; and
 - (e) Telecommunications; and
 - (f) Electricity; and
 - (g) Stormwater collection, treatment and disposal; and
 - (h) Wastewater treatment and reticulation, water provision for domestic and fire fighting purposes; and
 - (i) Anticipating and providing for connections to identified adjacent future growth areas.

Advice Note: There are significant servicing constraints in some areas of the District. Early discussion on the serviceability of a site is recommended.

Policy - Co-ordination between servicing and development and subdivision

- 15.3.3.2 Development and subdivisions shall:
- (a) Be located in areas where infrastructural capacity has been planned and funded; and
 - (b) In areas subject to an approved structure plan, provide sufficient infrastructural capacity to meet the demand identified in the structure plan; and
 - (c) Achieve the lot yield anticipated in an approved structure plan; and
 - (d) Include infrastructure provision for both the strategic infrastructure network and local infrastructure connections.

Policies - Roading infrastructure

- 15.3.3.3 The design, location, alignment, and dimensions of new roads shall ensure that safe vehicle, pedestrian, and cycling access and manoeuvring can be provided to every site/lot.
- 15.3.3.4 The roading pattern shall ensure connectivity to adjacent land identified as Deferred Zones or future growth areas, and the provision of public transport infrastructure, such as bus stops.

Policy - Standard of infrastructure

- 15.3.3.5 Infrastructure services shall be provided to a standard that will allow the service to be extended to Deferred Zones or future growth areas.

Objective - Urban consolidation

- 15.3.4 To ensure urban consolidation will be achieved within the District, while also contributing to character and amenity outcomes.

Policy - Achieving density, design and character

- 15.3.4.1 The minimum and maximum lot size and dimension of lots have been established so that they achieve the character and density outcomes of each zone.

Policy - Achieving sufficient development density to support the provision of infrastructure services

- 15.3.4.2 Within the urban limits, where there is no structure plan, the maximum lot size for the zone shall be achieved in order provide a development yield to support infrastructure provision. For some developments where there are proven geotechnical constraints the maximum net lot area may be exceeded.

Policy - Avoiding subdivision of land containing a secondary dwelling

- 15.3.4.3 The subdivision of land containing secondary dwellings shall be avoided to ensure that:
- (a) These dwellings remain ancillary to the principal dwelling in recognition that their purpose is to provide an opportunity for the economic and social benefit of the property owner, whilst retaining a built character and scale that is consistent with the surrounding suburban or rural residential environment; and
 - (b) The fragmentation of residential or rural lots, that would not otherwise comply with the density requirements of the underlying zone, does not result in fragmented and small scale infill development that has the potential to cumulatively adversely affect surrounding residential or rural character and amenity.

Policy - Subdivision of land containing a surplus dwelling

- 15.3.4.4 To only provide for the subdivision of land containing a surplus dwelling where:
- (a) The surplus dwelling is demonstrably no longer required; and
 - (b) The surplus dwelling does not create a demand for public infrastructure; and
 - (c) The surplus dwelling does not result in reverse sensitivity effects on adjacent rural activities; and
 - (d) The layout of the lot does not reduce the productivity of the land.

Policy - Large Lot Residential Zone: intensification limitations

- 15.3.4.5 In order to achieve the character outcomes for the Large Lot Residential Zone, at the density levels prescribed in this Plan, development within the Large Lot Residential Zones, shall be considered as the final development form. Large lot residential development is not a precursor to further intensified urban format residential development.

Policy - Rural Zones: ensuring the productive potential of rural land

- 15.3.4.6 The minimum rural lot size requirement has been established to ensure the productive potential of rural land is retained for a range of farming activities.

Policy - Rural Zones: maintaining amenity and rural character

- 15.3.4.7 To ensure that development does not compromise the predominant character and amenity of the Rural Zone, subdivision design and layout shall:
- (a) Avoid de facto settlements such as ribbon, or residential cluster development; and
 - (b) Maintain the visual and environmental values of the area, including but not limited to, maintaining the integrity of landscape areas and viewshafts; and
 - (c) Not compromise the ecological functioning of significant natural areas, e.g. peat lakes and biodiversity (indigenous forest) corridors, as defined on the Planning Maps; and other areas of biodiversity value.

Policy - Rural Zones: infrastructure

- 15.3.4.8 To ensure that development does not give rise to demand or potential demand for the uneconomical and unplanned expansion of infrastructure services, or the upgrade of existing infrastructure, by avoiding residential cluster, ad hoc and ribbon development.

Policy - Commercial and Industrial Zones

- 15.3.4.9 To enable development that supports the maintenance or enhancement of commercial and industrial activities within the Commercial and Industrial Zones, while having regard to the opportunities and strategies in the Town Concept Plans 2010.

Policy - Commercial Zone: pedestrian frontage areas

- 15.3.4.10 To enable lot design, layout and sizes, within the identified pedestrian frontages, that encourage active floor frontages and enhance streetscape amenity.

Policy - Avoiding reverse sensitivity on adjacent zones and infrastructure

- 15.3.4.11 Development and subdivision shall not compromise the function of adjacent zones, existing nationally or regionally significant infrastructure, or the provision of infrastructure and services.

Objective - Integrated development: reduce the fragmentation of rural land and retain rural land for production

- 15.3.5 To ensure that the primary productive potential of the rural land resource is retained and enhanced.

Policy - Maintaining productive potential of the rural land

15.3.5.1 To ensure the productive potential of the Rural Zone is retained by:

- (a) Maintaining a minimum rural lot size of 40ha; and
- (b) Limiting and controlling the location of smaller lots.

Policy - Ensuring boundary relocations and amalgamations maximise the productive potential of the zone and do not fragment rural land

15.3.5.2 Boundary relocations and amalgamations, shall not:

- (a) Increase the number of dwellings (excluding farmer workers dwellings) on the holding beyond one dwelling per 40ha; and
- (b) Create a lot layout that reduces the productivity of the land; and
- (c) Create ad-hoc, ribbon or residential cluster development; and
- (d) Create a demand for public infrastructure; and
- (e) Result in reverse sensitivity effects on adjacent rural activities.

Policy - High class soils

15.3.5.3 To protect high class soils from fragmentation by:

- (a) Ensuring that rural lot sizes can accommodate a range of farming activities; and
- (b) Allowing limited adjustment or relocation of title boundaries within a holding or between holdings, that result in more efficient use of high class soils; and
- (c) Ensuring that subdivision rights transfer to non-sensitive locations as specified in this Plan; and
- (d) Restricting the use of high class soils for activities other than primary production; and
- (e) Restricting the level of impermeable surfaces on high class soils; and
- (f) Facilitating and encouraging the amalgamation of small titles.

Policy - Peat soils

15.3.5.4 To protect peat soils by:

- (a) Recognising that peat soils may limit the location of development; and
- (b) Recognising the productive capacity of peat soils; and
- (c) Encouraging the sustainable management and where possible, the enhancement of peat soils.

Objective - Integrated development: environmental enhancement

- 15.3.6 Maintain and enhance the District's natural environment, including the natural functioning of the environment, natural features and landscapes, and significant natural areas.

Policy - Minimise impacts on the natural environment: low impact design methods

- 15.3.6.1 To maintain and enhance the natural environment, the existing land forms, vegetation, and water bodies, through the use of low impact design methods at the time of development and subdivision.

Policy - Minimising adverse effects on the landscapes, [protected trees](#), [DR2] and natural areas identified in this Plan, at time of development and subdivision

- 15.3.6.2 To maintain and enhance the landscape values stated in this Plan, for the identified landscapes on the Planning Maps, by avoiding development and subdivision patterns that would lead to the inappropriate siting of buildings, associated infrastructure, or driveways in identified landscape areas, viewshafts, significant natural areas, or other areas of biodiversity or ecological value.

(new) To protect trees which have been identified in this Plan as having high historic, botanic, or amenity value by avoiding development and subdivision patterns that would lead to the inappropriate siting of buildings and lot boundaries within the Root Protection Zone of a Protected Tree. [DR2]

Policies - Achieving the permanent protection of the natural environment

- 15.3.6.3 To achieve the permanent protection of identified significant natural areas, Maungatautari Ecological Island, ecological features, lakes and water bodies, the Te Awa Cycleway route and any Incentivised Cycleway, through the incentive of an environmental benefit lot.

- 15.3.6.4 Incentivised Cycleways may be created by Council resolution once Council is satisfied that granting environmental benefit lot eligibility for that cycleway is consistent with the District Plan, Regional Policy Statement and any Council, regional, or sub-regional, growth strategy.

Policy - Managing the future effects of development and subdivision on lakes and water bodies

- 15.3.6.5 To ensure that the layout and design of subdivision and subsequent development and any development on a site acknowledges and avoids adverse effects on the sensitive environment of the water bodies.

Policy - Identification of sensitive locations

- 15.3.6.6 Subdivision entitlement that creates an additional lot in identified sensitive locations shall be directed to less sensitive locations as specified in this Plan.

Policy - Additional subdivision opportunities in limited circumstances to permanently protect important areas of biodiversity value

- 15.3.6.7 Consider additional subdivision opportunities where significant biodiversity gains can be achieved in the following priority areas or locations:

- (a) Peat lakes and rivers: by permanently providing significant buffer areas around peat lakes and rivers; or

- (b) Wetlands, kahikatea stands, riparian margins and bush stands on the low lands, by providing permanent protection; or
- (c) Significant natural areas on the forested lower slopes of the western hills of Pirongia, the Kapamahunga Range, Maungatautari, Kakepuku, Maungakawa, Te Miro, and Te Tapui being permanently protected; or
- (d) Significant natural areas being aggregated to form one large more ecologically sustainable area and being permanently protected; or
- (e) Biodiversity corridors: by the permanent protection of significant areas of indigenous forest within biodiversity (indigenous forest) corridors; or
- (f) Biodiversity corridors: by permanently protecting significant riparian or wetland areas within the identified biodiversity (river or stream) corridors.

Objective - Maintaining cultural landscapes

- 15.3.7 To maintain the District's cultural landscapes, identified in this Plan.

Policy - Manage adverse effects on the values of the cultural landscape

- 15.3.7.1 To maintain the values of the cultural landscapes identified in this Plan, the layout and design of development and subdivision should not result in buildings, earthworks and wastewater systems adversely affecting the cultural values of the landscape.

Objective - Protection of cultural sites, and archaeological sites

- 15.3.8 To protect the District's cultural sites identified in this Plan and to manage the effects of development and subdivision on archaeological sites.

Policy - Avoid disturbance of cultural sites

- 15.3.8.1 To manage the actual and potential effects on cultural sites by assessing the layout and design of development and subdivision including buildings, earthworks, infrastructure and driveways within 20m of the boundary of an identified cultural site(s) to ensure that sites are not disturbed.

Policy - Management of effects on archaeological sites

- 15.3.8.2 To manage effects on the archaeological resource of the District at the time of development and subdivision.

Policy - Management of cultural sites and archaeological sites at the time of subdivision

- 15.3.8.3 To retain cultural and archaeological sites within one lot, where practicable or possible.

Objective - Protection of heritage items

- 15.3.9 To protect the District's heritage items identified in this Plan.

Policies - Avoid adverse effects on heritage items

- 15.3.9.1 To enable the protection of the heritage items identified in this Plan, development and subdivision layout and design should not result in the location of buildings adversely affecting the heritage item and their surroundings.

- 15.3.9.2 To retain heritage items and their surroundings within one lot.

Objective - Provision of reserves

- 15.3.10 To ensure the ongoing provision of reserves through the subdivision process, including opportunities to add land to existing reserves or land owned by Council, to enhance or provide for public recreation, conservation and amenity needs. Local purpose reserves may also need to be provided at the time of subdivision.

Policy - Ensuring each greenfield subdivision provides reserve areas

- 15.3.10.1 To ensure that subdivision processes to create new lots, contribute to the provision of reserves within the District.

Policies - Reserve location and design

- 15.3.10.2 All urban neighbourhood and sports reserves shall be designed and located to ensure that they are of shape, size, and contour to provide for the anticipated recreational demands of the community and District, and can be accessed by both pedestrians and vehicles.
- 15.3.10.3 All conservation reserves shall recognise an existing natural feature, or contribute to the protection or access to the natural feature.
- 15.3.10.4 In the instances where a reserve serves a dual function, for example a local purpose reserve, this shall be recognised within the layout and design of the subdivision.

Policy - Securing land adjoining or adjacent to existing reserves

- 15.3.10.5 Subdivisions in an area that either adjoin or are adjacent to an identified significant recreation or conservation reserve as identified in Appendix O5, shall contribute to the improved functioning and use of that reserve, including access to the reserve, ecological enhancement within the reserve, or improved passive surveillance through the addition of residential activity adjoining the reserve.

Objective - Provision of esplanade reserves

- 15.3.11 To ensure that subdivision of properties adjoining lakes and rivers provide for public access, and associated riparian benefits, where required.

Policy - Esplanade reserves, esplanade strips, and access strips

- 15.3.11.1 To ensure esplanade reserves, esplanade strips, and access strips are provided at the time of subdivision, where relevant, along the margins of lakes and rivers.

Advice Note: See the Act for other instances where esplanade reserves, and access strips are required.

Policy - Enhanced public access to the District's lakes and rivers

- 15.3.11.2 Enhancing public access to the District's lakes and rivers by requiring esplanade reserves, strips, or access strips.

Policy - Contribute to natural functioning adjoining lakes and rivers

- 15.3.11.3 Contribute to the maintenance and enhancement of natural functioning, water quality and habitats adjoining lakes and rivers by requiring esplanade reserves, esplanade strips or access strips.

Objective - Giving effect to the Waikato River Vision and Strategy

- 15.3.12 To ensure that the Waikato River Vision and Strategy is given effect to by all development and subdivision.

Policy - Maintaining the health and well-being of land and water bodies

- 15.3.12.1 To give effect to the directions and outcomes in the Waikato River Vision and Strategy and the Waipā River Accord, by ensuring that all development and subdivision shall include the following elements:

- (a) Low impact design for stormwater, drainage and earthworks; and
- (b) Building setbacks from lakes and water bodies; and
- (c) Access to water bodies where appropriate; and
- (d) Provision for the Te Awa Cycleway, where relevant; and
- (e) Minimal indigenous vegetation removal and requirements for restoration and enhancement of indigenous vegetation and natural character; and
- (f) Restricting locations of earthworks, building and wastewater systems within cultural landscapes.

Objective - Existing consent notices, bonds and other legal instruments

- 15.3.13 To ensure the integrity of existing consent notices that regulate further subdivision and that are registered on the certificates of titles of land within the District.

Policy - Maintaining existing consents notices, bonds and other legal instruments

- 15.3.13.1 To avoid fragmentation of the land resource by ensuring that subdivision processes continue to enforce historic restrictions that have been placed on certificates of titles.

Objective - National Grid transmission networks

- 15.3.14 To recognise and provide for the ongoing operation, maintenance and development of the National Grid electricity transmission network.

Policies - Management of activities within National Grid Corridors

- 15.3.14.1 To recognise the importance of the National Grid network in enabling communities to provide for their economic and social well-being and to provide for the ongoing operation, maintenance and development of the Grid through the management of activities within identified setbacks and corridors.
- 15.3.14.2 To ensure safe and efficient use and development of the National Grid and to protect the National Grid from the adverse effects of activities adjacent to it.

- 15.3.14.3 To avoid inappropriate land use and development within the National Grid Yard to ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised and to minimise the potential for nuisance effects.
- 15.3.14.4 To avoid the establishment of new sensitive activities within the National Grid Yard in order to minimise adverse effects on and from the National Grid, including adverse effects on health and safety, amenity and nuisance effects, and reverse sensitivity effects.
- 15.3.14.5 To not foreclose operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works.
- 15.3.14.6 To manage subdivision layout and design within National Grid Corridors to achieve the outcomes in Policies 15.3.14.1 to 15.3.14.5 above, and to facilitate good amenity and urban design outcomes.

Objective - Structure planning

- 15.3.15 To achieve integrated development within structure plan areas.

Policy - Structure planning

- 15.3.15.1 To enable development and subdivision within approved structure plan areas where the development and subdivision is integrated with the development pattern and infrastructure requirements specified in an approved structure plan.

Objective - Comprehensive development plans

- 15.3.16 To achieve integrated development of land surrounding Hamilton International Airport through the requirement for comprehensive development plans.

Policies - Comprehensive development plans

- 15.3.16.1 To enable the approval of comprehensive development plans in the identified areas where they can achieve the specific objectives and policies for the zone and the relevant district wide sections of the Plan.
- 15.3.16.2 To ensure that landuse and subdivision consents within areas subject to approved comprehensive development plans are consistent with the approved development pattern and infrastructure requirements.
- 15.3.16.3 To ensure that within areas identified as requiring comprehensive development plans, subdivision or development does not occur in advance of the approval of such plans.

Objective - Comprehensive development plans: integrated development

- 15.3.17 To achieve the efficient and cost effective infrastructure for land within the comprehensive development plan areas located in the Hamilton Airport Strategic Node and the Agri-activities Overlay of the Mystery Creek Events Zone by ensuring that the servicing provided is appropriate to the land use and future development.

Policy - Comprehensive development plan areas: infrastructure requirements

- 15.3.17.1 All proposed development and subdivision shall be serviced to a level that will provide for the anticipated activities approved in the comprehensive development plan. Infrastructure shall

provide sufficient capacity to meet the demand identified in the comprehensive development plan and include, where appropriate to the proposed land use and locality:

- (a) Reserves for community, active and passive recreation; and
- (b) Pedestrian and cycle connections; and
- (c) Roads; and
- (d) Public transport infrastructure, e.g. bus stops; and
- (e) Telecommunications; and
- (f) Electricity; and
- (g) Stormwater collection, treatment and disposal; and
- (h) Wastewater treatment and reticulation, water provision for domestic and fire fighting purposes; and
- (i) Infrastructure provision for both the strategic infrastructure network and local infrastructure connections; and
- (j) Connections anticipating and providing for identified adjacent future growth areas.

Policy - Comprehensive development plans

15.3.17.2 To ensure that comprehensive development plans are approved prior to development and subdivision in a manner that:

- (a) Mitigates adverse effects on the transport network; and
- (b) Details the timing, funding and provision for infrastructure and servicing; and
- (c) Addresses appropriate landscape treatment of zone boundaries.

15.4 Rules

The rules that apply to activities are contained in:

- (a) *The activity status tables and the performance standards of this section; and*
- (b) *The activity status tables and the performance standards in Part D Zone Provisions, Part E District Wide Provisions, and Part F District Wide Natural and Cultural Heritage of the Plan.*

15.4.1 Activity Status Table

15.4.1.1	Activity	Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
	This table includes rules that apply to all zones and zones specific activity status rules, both of which may be applicable to an activity. For all the activities listed in this table the performance standard Rules 15.4.2 will apply. The activity status for activities which fail to comply with the performance standards is identified under each rule. For the avoidance of doubt where activities fail to comply with this table and have no associated rule, resource consent for a non-complying activity is required.							

15.4.1.1	Activity	Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
	All Zones							
(a)	Amendments to Flats Plan, Boundary Adjustments.	C	C	C	C	C	C	C
	Matters over which Council reserves its control are: ▪ Efficient use of site; and ▪ Effects on archaeological or cultural sites; and ▪ Effects on adjacent sites, adjacent activities, or the wider receiving environment; and ▪ Compliance controls of original consent. These matters will be considered in accordance with the assessment criteria in Section 21.							
(b)	Boundary Relocations and Amalgamations.	D	D	D	D	D	D	NC
(c)	Boundary relocation of a benefit lot or a surplus dwelling lot.	NC	NC	NC	NC	NC	NC	NC
(d)	Subdivision of a lot subject to a consent notice, bond, or other legal instrument registered on a certificate of title in favour of Waipa District Council which restricts further subdivision under a previous Waipa District Plan.	NC	NC	NC	NC	NC	NC	NC
(e)	Subdivision that meets all the performance rules in Part A OR; Part A and Part C for 7 or more lots. (Part A: Development and subdivision Part C: Development and subdivision of 7 or more lots in any zone.)	RD	RD	RD Industrial Zone NA Airport Business Zone	RD	RD	RD	NC
	Assessment will be restricted to the following matters: (For Houchens Road Large Lot Residential Structure Plan Area refer to the matters in (o) below instead): ▪ Infrastructure servicing; and ▪ Site suitability; and ▪ Access and manoeuvring; and ▪ The potential for reverse sensitivity effects; and ▪ Proximity to the dairy manufacturing sites; and ▪ Low impact design; and ▪ Archaeology; and ▪ Connectivity; and ▪ Integration with the productive use of the land; and ▪ Effects on the National Grid electricity transmission network within the Rural Zone, Residential Zone, Large Lot Residential Zone and Reserves Zone.							

15.4.1.1	Activity	Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
	- In the Character Cluster Areas and Character Precinct Areas, the extent to which the Design Guidelines (Appendix DG1 – DG6) have been applied. - In areas subject to an approved structure plan or development plan, development in general accordance with that structure plan or development plan. - For Comprehensive Residential Subdivision within the C1 and C2/C3 Structure Plan areas, assessment of the overall concept plan for staged subdivision layout, including distribution of residential densities. - Alignment with any relevant Urban Design Guidelines approved by Council. These matters will be considered in accordance with the assessment criteria in Section 21.							
(f)	Subdivision to create lots for Network Utilities, except for roads, in accordance with Rule 15.4.2.26.	RD	RD	RD	RD	RD	RD	NC
	Assessment will be restricted to the following matters: - The extent to which the lot is of a configuration to accommodate the intended activity; and - The location of the network utility; and - The extent to which the balance lot complies with the relevant standards for the zone. These matters will be considered in accordance with the assessment criteria in Section 21. Note: Only Rule 15.4.2.26 applies to new allotments created in accordance with this rule.							
(g)	Subdivision that utilises Transferable Development Rights.	NA	NA	NA	NA	D	D NC In other zones	NC
(h)	Subdivision to create all types of environmental benefit lots	D	D	D	D	D	D	D
(i)	Subdivision to create additions to Significant Recreation Reserves as identified in Appendix O5.	NA	NA	NA	NA	NA	D	NA
(j)	Subdivision within Outstanding Landscapes excluding the Maungatautari Ecological Island Lots as identified in Appendix O2.	NA	NA	NA	NC	NA	NC	NC
(k)	Subdivision in any area of High Value Amenity, Significant or Other Landscapes or within a Significant Natural Area, identified within the Planning Maps.	RD	RD	RD	RD	RD	RD	RD

15.4.1.1	Activity	Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
	Assessment will be restricted to the following matters: - The extent to which the subdivision complies with the performance standards in Section 15; and - Effects of the subdivision layout, and consequential features of the subdivision, on identified significant natural areas and landscapes; and - Visual and amenity effects; and - Ecology and biodiversity effects; and - Effects on the National Grid electricity transmission network within the Rural Zone, Residential Zone, Large Lot Residential Zone and Reserves Zone. These matters will be considered in accordance with the assessment criteria in Section 21.							
	Residential Zone - Specific activity status rules							
(l)	Subdivision of existing dwellings, constructed prior to 31 May 2012.	RD	NA	NA	NA	NA	NA	NA
	Assessment will be restricted to the following matters: - Infrastructure servicing; and - Access and manoeuvring; and - Effects on the National Grid electricity transmission network. These matters will be considered in accordance with the assessment criteria in Section 21.							
(m)	In the C1 and C2/C3 structure plan areas, subdivision for a compact housing development in conjunction with a compact housing land use resource consent application in accordance with Rule 2.4.2.43	RD	NA	NA	NA	NA	NA	NA
	Assessment will be restricted to the following matters: - Infrastructure servicing; and - Access and manoeuvring; and - Development in general accordance with the C1 and C2/C3 Structure Plans; and - Alignment with any relevant Urban Design Guidelines approved by Council. These matters will be considered in accordance with the assessment criteria in Section 21. Performance Standards 15.4.2.3 to 15.4.2.12 shall not apply to subdivision in accordance with this rule.							
(n)	Subdivision to create three to six lots for infill housing between 350m ² to 500m ² in conjunction with a land use consent for the development, provided that Rule 15.4.1.1(o) applies in the Cambridge Residential Character Area.	RD (refer to 2.4.1.3(f))	NA	NA	NA	NA	NA	NA

15.4.1.1	Activity	Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
	Activities that fail to comply with this rule are non-complying. Assessment will be restricted to the following matters: - Low impact design, including the disposal of stormwater; and - Infrastructure servicing; and - Site suitability; and - Lot size shape and configuration; and - The extent to which the subdivision complies with the performance standards in Section 15; and - Heritage and Archaeology; and - Access and manoeuvring; and - Solar access; and - Outdoor living; and - Location, form, and materials of the proposed buildings and their relationship to existing buildings in the neighbourhood; and - Visual effects from adjoining properties and the road; and - Landscaping; and - CPTED; and - Reverse sensitivity effects. These matters will be considered in accordance with the assessment criteria in Section 21. Refer to the matters listed in Section 2 Residential.							
(o)	In the Cambridge Residential Character Area subdivision to create lots for infill housing between 400m ² -500m ² in conjunction with a land use consent.	D	NA	NA	NA	NA	NA	NA
	Large Lot Residential Zone - Specific activity status rules							
(p)	Subdivision within the Houchens Road Large Lot Residential Structure Plan Area.	NA	NA	NA	NA	RD	NA	NA
	Assessment will be restricted to the following matters: - Lot size and dimensions; and - Road layout, traffic and roading effects; and - Hydrological effects and the storm water management system; and - Landscape Development Plan; and - Infrastructure servicing; and - Site suitability and geotechnical constraints; and - Access and manoeuvring; and - Low impact design methods and techniques; and - The potential for reverse sensitivity effects; and - Archaeology; and - Connectivity; and - Development in general accordance with the Houchens Road Large Lot Residential Structure Plan in Appendix S13. These matters will be considered in accordance with the assessment criteria in Section 21.							
	Rural Zone - Specific activity status rules							
(q)	Subdivision to create a lot to accommodate	NA	NA	NA	NA	NA	D	NC

15.4.1.1	Activity	Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
	activities specified in Rule 15.4.2.36 for which a land use consent has been granted and given effect to, and which has been operating for a period of no less than 2 years.						(Rural Zone only)	
(r)	Subdivision to create a lot within 500m of a poultry farming activity.	NA	NA	NA	NA	NA	D (Rural Zone only)	NC
(s)	Surplus Dwellings. (refer to 4.4.2.80(e))	NA	NA	NA	NA	NA	D (Rural Zone only)	NC
(t)	Subdivision of farm workers dwellings constructed after 1 April 2015 as a Surplus Dwelling.	NA	NA	NA	NA	NA	NC (Rural Zone only)	NC
Airport Business Zone - Specific activity status rules								
(u)	Subdivision where only front lots are created.	NA	NA	C	NA	NA	NA	NA
	Matters over which Council reserves its control are: Compliance to the standards in the Airport Business Zone Structure Plan. These matters will be considered in accordance with the assessment criteria in section 21.							
(v)	Subdivision where rear lots are created or where subdivision is not in accordance with the structure plan.	NA	NA	D	NA	NA	NA	NA
Deferred Zones - Specific activity status rules								
(w)	Any subdivision that is not a boundary adjustment or boundary relocation.	NA	NA	NA	NA	NA	NA	NC
Comprehensive Development Plan Areas – Specific activity status rules								
(x)	Comprehensive development plan for: (i) Titanium Park – Northern Precinct; or (ii) Industrial Zone (Raynes Road); or	NA	NA	RD	NA	NA	RD	NA

15.4.1.1	Activity	Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
	(iii) Mystery Creek Agri-Activities Overlay Area.							
	Assessment will be restricted to the following matters: ▪ Traffic effects; and ▪ Water supply, wastewater treatment and disposal and stormwater management; and ▪ Landscaping and visual treatment; and ▪ Consistency with District Plan provisions relating to the operation of Hamilton Airport. ▪ Mystery Creek Agri-Activities Overlay Area only: The development of standards for subdivision and development. These matters will be considered in accordance with the assessment criteria in Section 21.							
(y)	Development and subdivision in accordance with an approved comprehensive development plan for: (i) Titanium Park – Northern Precinct; or (ii) Industrial Zone (Raynes Road); or (iii) Mystery Creek Agri-Activities Overlay area.	NA	NA	C	NA	NA	C	NA
	Matters over which Council reserves its control are: ▪ Compliance with the approved comprehensive development plan. These matters will be considered in accordance with the assessment criteria in Section 21.							
(z)	Development and subdivision prior to the approval of a comprehensive development plan for: (i) Titanium Park – Northern Precinct; or (ii) Industrial Zone (Raynes Road); or (iii) Mystery Creek Agri-Activities Overlay area.	NA	NA	NC	NA	NA	NC	NA
	<i>In this table: P = permitted activity; C = controlled activity; RD = restricted discretionary activity; D = discretionary activity; NC = non-complying activity; PR = prohibited activity; NA = not applicable</i>							

15.4.2 Performance Standards

The following rules apply to activities listed as permitted, controlled and restricted discretionary and discretionary activities. The rules that apply to any subdivision or development are divided into the following parts:

- (a) Part A: Rules that apply to all development and subdivision, regardless of the location or size of the development and/or subdivision within the District.*
- (b) Part B: Rules that apply to development and subdivision for specific activities.*
- (c) Part C: Additional rules that apply to development and subdivision of 7 or more lots in any zone.*
- (d) Part D: Subdivision and development in any structure plan area.*

Where rules are not complied with resource consent will be required in accordance with the rules in the activity status table or as identified in the performance standards, and will be assessed against the relevant objectives and policies.

In the case of controlled and restricted discretionary activities, the assessment will be restricted to the matters over which control or discretion has been reserved, in accordance with the relevant assessment criteria contained in Section 21 For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.

Part A: All development and subdivision

Advice Note: The performance standards listed below apply to all development and subdivision in the District.

Design & Layout

Net lot area rules

15.4.2.1 All new lots shall comply with the following net lot areas:

15.4.2.1	Zone or Area	Minimum Net Lot Area	Average Net Lot Area	Maximum Net Lot Area or Maximum Number of Lots
(a)	Residential Zone (sewered) exclusive of Compact Housing and Infill Housing	500m ² , (except for subdivision around dwellings existing as of 31 May 2012, where the minimum net site area containing the existing dwelling is 400m ²).	≥600m ² for 3 or more lots	1000m ² provided that for sites listed within Appendix N1, or sites within character clusters, or sites within the Cambridge Residential Character Area there shall be no maximum net lot area.
(b)	Residential Zone Compact Housing	Refer to Rule 2.4.2.43		
(c)	Residential Zone Infill Housing	Refer to Rule 2.4.1.3(f) and Rule 2.4.1.4(c)		
(d)	Residential (unsewered)	2000m ²	NA	NA
(e)	St Kilda Residential Area	1,000m ²	NA	285 lots
(f)	Kihikihi Residential area bound by Dick Street, Oliver Street, Grey Street and Arapuni Road in Kihikihi	1,000m ²	NA	NA
(g)	Cambridge Park Structure Plan Area	550m ²	750m ²	NA
(h)	Cambridge Park (Character Area 4 – with or without a dwelling and supporting premises having a gross floor area not exceeding 150m ² from which food and beverages and convenience good are sold and including a café)	550m ²	NA	NA
(i)	Picquet Hill Structure Plan Area	600m ²	≥700m ²	NA

15.4.2.1	Zone or Area	Minimum Net Lot Area	Average Net Lot Area	Maximum Net Lot Area or Maximum Number of Lots
(j)	Large Lot Residential Zones of Rukuhia (Planning Map 16), Ngahinapouri (Planning Map 34), Ohaupo (Planning Map 35), St Leger (Planning Map 40) Leamington (Planning Maps 26 and 27)	2,500m ²	(i) ≥3,500m ² , for 3 or more lots; or (ii) 2500m ² provided that each additional lot created in excess of the number allowed by 15.4.2.1(j)(i) must be created using a Transferable Development Right.	5,000m ²
(k)	Large Lot Residential Zone of Lamb Street, Leamington (Planning Map 27)	2,500m ²	NA	5,000m ²
(l)	Large Lot Residential Zone – Pirongia	2,000m ²	≥2,500m ² , for 3 or more lots	5,000m ²
(m)	St Kilda Large Lot Residential Area	2,500m ²	3,500m ²	6,000m ²
(n)	Large Lot Residential Zones at all other locations excluding Houchens Road Large Lot Residential Structure Plan Area (Refer to (z) and (aa) below) and the Karāpiro Large Lot Residential Structure Plan Area	2500m ²	(i) 5000m ² provided that for every lot under 5000m ² there is a corresponding lot over 5000m ² ; or (ii) 4000m ² provided that for every lot under 4000m ² there is a corresponding lot over 4000m ² AND that each additional lot created in excess of the number allowed by 15.4.2.1(n)(i) must be created using a Transferable Development Right.	NA

15.4.2.1	Zone or Area	Minimum Net Lot Area	Average Net Lot Area	Maximum Net Lot Area or Maximum Number of Lots
(o)	Rural, including the area outside the Core Campus Area of St Peters School Zone (excluding boundary relocations, and specified sites in Appendix 05)	40ha	NA	NA
(p)	Rural – Environmental benefit lots remaining on the parent title: Maungatautari Ecological Island, Te Awa Cycleway and an Incentivised Cycleway	2,500m ²	NA	5,000m ²
(q)	Rural – Transferable development right on lots sized between 5000m ² and 1ha located within 1km of any Large Lot Residential Zone, Deferred Large Lot Residential Zone, the Te Awamutu, Kihikihi or Cambridge urban limits	2,500m ²	NA	5,000m ²
(r)	Rural - land use consent lots – proposed and balance	2,500m ²	NA	NA
(s)	Boundary relocations in the Rural Zone	5,000m ²	NA	NA
(t)	Commercial	No minimum	NA	NA
(u)	St Kilda Commercial Hub Overlay	No minimum	NA	NA
(v)	Reserve	No minimum	NA	NA
(w)	Industrial	1000m ² serviced sites 2,500m ² unserviced sites	NA	NA
(x)	Transferable development right recipient site in Rural Zone before subdivision	1ha	NA	NA

15.4.2.1	Zone or Area	Minimum Net Lot Area	Average Net Lot Area	Maximum Net Lot Area or Maximum Number of Lots
(y)	Transferable Development Right Lot; Rural Zone after subdivision	5,000m ²	NA	1ha
(z)	Houchens Road Large Lot Residential Structure Plan Area For all lots southwest of the main stormwater drain on the Houchens Road Large Lot Residential Structure Plan Area (see Appendix S13 for the Houchens Road Large Lot Residential Area Structure Plan)	1ha on peat areas over 2.5m depths.	Not less than 2ha	The maximum number of lots in the Houchens Road Large Lot Residential Structure Plan Area subject to Rules 15.4.2.1(z) and 15.4.2.1(aa) is 199 lots.
(aa)	Houchens Road Large Lot Residential Area Structure Plan Area. For all lots northeast of the main stormwater drain on the Houchens Road Large Lot Residential Structure Plan Area (see appendix S13 for the Houchens Road Large Lot Residential Area, Structure Plan Area)	2,500m ² except for lots within the area identified as 'preferred location for 2,000m ² sites' on the Structure Plan in Appendix S13, which must have a minimum Net Lot Area of 2,000m ² .	NA	The maximum number of lots in the Houchens Road Large Lot Residential Structure Plan Area subject to Rules 15.4.2.1(z) and 15.4.2.1(aa) is 199 lots, of which the maximum number of lots within Lot 1 DPS 84715, Lot 1 DPS 29779 and Lot 4 DPS 59241 (as at 1 October 2016) is 179 lots, and the maximum number of lots within any other land in the Houchens Road Large Lot Residential Structure Plan Area is 20 lots.
(ab)	Airport Business Zone	500m ²	NA	NA
(ac)	Residential subdivision in the C1 and C2/C3 structure plan areas.	500m ² , (except for subdivision around dwellings existing as of 31 August 2018, where no maximum net site area shall apply to the lot surrounding	< 800m ² (i.e. 12.5 dwellings per hectare minimum, over the extent of the subdivision)	1,000m ²

15.4.2.1	Zone or Area	Minimum Net Lot Area	Average Net Lot Area	Maximum Net Lot Area or Maximum Number of Lots
		the existing dwelling; any such dwelling will be exempt from the average net lot area calculation).		
(ad)	Comprehensive Residential Subdivision in the C1 and C2/C3 structure plan areas, in accordance with Rule 15.4.1.1(e) and Rule 15.4.2.58.	400m ² , (except for subdivision around dwellings existing as of 31 August 2018, where no maximum net site area shall apply to the lot surrounding the existing dwelling; any such dwelling will be exempt from the average net lot area calculation; and except for subdivision in relation to compact housing where the provisions of Rule 2.4.2.43 apply).	Average between 500m ² (20 dwellings per hectare) and 800m ² (12.5 dwellings per hectare) over the extent of the Comprehensive Residential Subdivision area. Compact residential densities are excluded from the above calculations.	1,500m ²

Advice Note: Unsewered lots in any zone may be required to comply with specific requirements or larger minimum lot areas to satisfy the requirements of the Waikato Regional Council for the disposal of stormwater and wastewater.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity, provided that in the Houchens Road Large Lot Residential Structure Plan Area activities that fail to comply with this rule (excluding the maximum number of lots of 199) will require resource consent for a discretionary activity. Any more than 199 lots in the Houchens Road Large Lot Residential Structure Plan Area will require a resource consent for a non-complying activity.

Rule - Existing consent notices, bonds, and other legal instruments

- 15.4.2.2 All existing consent notices, bonds, and other legal instruments registered on a certificate of title in favour of the Waipa District Council which either restrict further subdivision or require ongoing performance of a matter relating to that certificate of title under the provisions of any previous planning regime must continue to be binding against that certificate of title.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rules - Lot frontage, lot shape factor and vehicle crossings

Advice Note: Refer to Section 16 - Transportation for the location and formation of vehicle crossings.

15.4.2.3 All lots shall comply with the following:

Zone	Lot frontage (excluding rear lots)	Lot shape factor	Vehicle Crossing minimum to maximum
Residential, except front lots on entrance corridors	20m	13m diameter circle	3m to 5.5m
Residential front lots on entrance corridors	25m	16m diameter circle	3m to 5.5m
Commercial	No minimum	No shape factor required	5m to 7.5m
Industrial	20m	No shape factor required	5m to 7.5m
Reserve	No minimum	30m diameter circle	No minimum/ maximum
Large Lot Residential	20m	30m diameter circle except that for any lot within the Houchens Road Large Lot Residential Structure Plan Area which is less than 2,500m ² , a 20m minimum diameter circle is required.	3m minimum, and no maximum
Rural	20m	30m diameter circle	4m to 4.5m
Airport Business	20m	25m minimum depth	5m to 7.5m
All other zones	20m	30m diameter circle	4m to 4.5m

Advice Note: For the avoidance of doubt an 'entrance corridor' in this rule means any main access to a greenfield subdivision with more than 7 lots; and any new collector road which connects to the existing road network.

Rule - Minimum width of vehicle access to rear lots

15.4.2.4 Access to rear lots shall comply with the following minimum widths:

Zone	Minimum width of access to rear lots
Residential	Up to 3 lots - 4m 4-6 lots - 6m 7 lots or more – a public or private road may be required
Commercial/Industrial	Up to 3 lots - 7m 4-6 lots - 9m 7 lots or more – a public or private road may be required
Reserve	No minimum
Large Lot Residential/Rural	Up to 3 lots - 6m 4-6 lots - 9m 7 lots or more – a public or private road may be required
All other zones	4m

Rules - Lot design

- 15.4.2.5 Each new lot created shall be able to incorporate the lot shape factor in a position which does not encroach on any building setback or easement requirement.
- 15.4.2.6 Subdivision within the urban limits, and any Large Lot Residential Zone shall not create more than two rear lots, unless provided for by Rule 15.4.2.60.
- 15.4.2.7 New residential and large lot residential lots, other than corner lots, shall have frontage to only one road or street.
- 15.4.2.8 In any zone where lots are to be prevented from obtaining direct access to an adjacent road an access denial or segregation strip shall be vested in Council. The performance standards for development and subdivision in the underlying zone do not apply to lots created for the purpose of access denial or segregation.

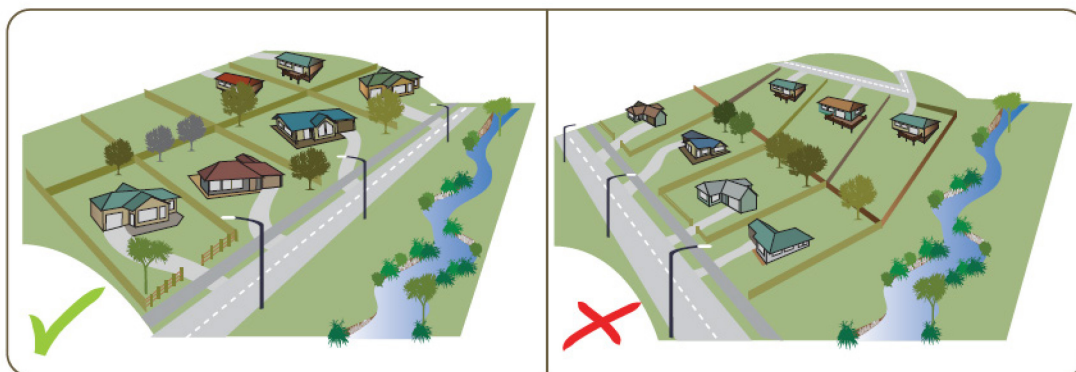
(new) Any new Lot created must be able to accommodate all buildings outside of the Root Protection Zone of a Protected Tree whether the Protected Tree is on the new lot or on an adjacent site.

(new) The Root Protection Zone of any protected tree must be contained entirely within any new allotment. [DR2]

Activities that fail to comply with Rules 15.4.2.3 to 15.4.2.8 (new) [DR2] will require a resource consent for a discretionary activity.

Rule - Design and layout of development and subdivision adjoining water bodies and reserves

- 15.4.2.9 Within the urban limits and the Large Lot Residential Zone, the design and layout of subdivisions shall ensure that water bodies and reserves are fronted by either roads or the front or side boundary of a lot.



Development should front natural features such as water bodies and reserves.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity except that in the Houchens Road Large Lot Residential Structure Plan Area activities that fail to comply with this rule will require resource consent for a restricted discretionary activity with the discretion being restricted over:

- (a) The extent to which the development and subdivision layout and design provides for passive surveillance of reserve(s).

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Lots within areas of high value amenity landscapes, viewshafts, river and lake environs, significant natural features and landscapes and visually sensitive hill country

15.4.2.10 Where new lots are to be created within high amenity landscapes, viewshafts, river and lake environs, significant natural features, and visually sensitive hill country, as identified on the Planning Maps, then the following shall apply:

- (a) Power and telephone services shall be provided underground; and
- (b) The subdivision plan shall define the building platform and associated access alignment on each lot. The building platform shall be located so that at the time of building construction no part of any complying building will extend above the ridgeline nearest to the building platform, when viewed from a public place; and
- (c) The building platform, roads, and accessways shall minimize intrusion into the landscape, or viewshaft; and
- (d) Access to the building site must follow the contour of the land.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Site Suitability & Hazards

Rule - Site suitability: General

15.4.2.11 Subdivision and development shall have a defined building platform in a complying location that is capable of being serviced to the requirements of the zone.

Advice Notes:

- 1. For lots with multiple building platforms at least one suitable building site must be identified on each new lot to demonstrate compliance with this rule. Where there are site specific reasons why any future building must be built on that identified site, Council will impose a Section 221 consent notice to that effect.
- 2. For lots within a high amenity landscapes, viewshafts, river and lake environs, significant natural landscapes, and visually sensitive hill country, refer to Rule 15.4.2.10.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rules - Site suitability: within or adjoining a Flood Hazard Area

15.4.2.12 Subdivision and Development within or adjoining a Flood Hazard Area identified on the Planning Maps, or as shown on the Houchens Road Large Lot Residential Structure Plan at Appendix S13, shall have building platforms in a complying location that can achieve a minimum free-board level 500mm above the 1% AEP (100 year flood level).

Advice Note: The flood areas on the District Plan Maps are derived from: Te Awamutu Flood Management Plan, Waikato Regional Council, Technical Publication 93/10, and the Pukekura Drain Hydraulic Assessment Stage 4, Opus, January 2011, and the Waipā River Flood Hazard Study, Waikato Regional Council.

15.4.2.13 No subdivision and development shall occur within a High Risk Flood Zone.

Advice Note: The 'High Risk Flood Zone' is defined in Part B of the District Plan and relates to the 1% AEP (100 year flood level).

Activities that fail to comply with Rules 15.4.2.12 and 15.4.2.13 will require a resource consent for a non-complying activity.

Infrastructure & Services

Rule - Infrastructure servicing in all zones

- 15.4.2.14 All lots in a subdivision and any sites in a development shall be connected to the following infrastructure services:
- (a) Formed public road or new road; and
 - (b) Electricity; and
 - (c) Telecommunications; and
 - (d) Fibre optic cable.

Advice Notes:

1. Telecommunications: Where a development or subdivision is located within an area where fixed cable is available a connection to this network must be provided. Where it is impracticable (due to topographical or financial constraints) to connect to fixed cabling, alternative connections may be considered through a resource consent process, and a consent notice must be registered on the certificate of title for each site.
2. Fibre optic cable: Where a development or subdivision is located in an area where fibre optic cable has not yet been installed, appropriate ducting must be installed to provide for fibre optic cable in the future.
3. Water Supply: Refer to Rules 15.4.2.16 and 15.4.2.20 for the requirements for water supply.
4. Pukerimu Water Supply Area: Where a development or subdivision is located within a fully allocated reticulated water supply and the water volume is allocated on the basis of area to that property, the development or subdivision's share shall also be determined by area and shall be not exceed the volume previously allocated to the land containing the development. All water take from fully allocated reticulated water supply shall be metered.
5. Wastewater disposal: Refer to Rules 15.4.2.16, 15.4.2.19 and 15.4.2.21 for the requirements for wastewater.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rule - Design, location and maintenance of services in infill development

- 15.4.2.15 Where more than one serviced building (excluding accessory buildings) is erected on a site, all services shall be provided to each building as if the site was being subdivided to create separate titles for each serviced building.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rules - Additional infrastructure servicing for the Residential, Commercial and Industrial Zones within the urban limits

- 15.4.2.16 All lots in a subdivision and any sites in a development in the Residential, Commercial and Industrial Zones within the urban limits shall be connected to the following Council infrastructure services:
- (a) Wastewater reticulation and treatment; and
 - (b) Water supply for domestic, or industrial, or commercial activity; and
 - (c) Water supply for fire fighting purposes.

Advice Note: SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice sets out a number of options to provide water for the New Zealand Fire Service's operational requirements, and shall be used as a guide when designing fire fighting water protection.

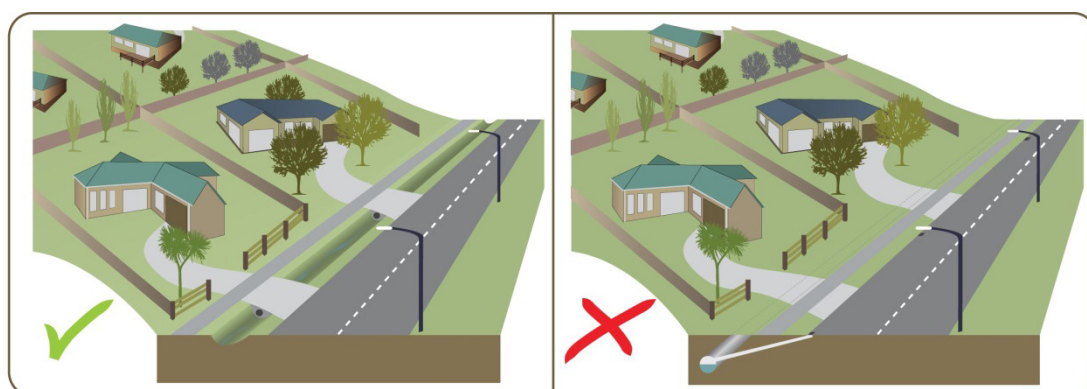
Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

- 15.4.2.17 Any proposed connection to the mains water supply shall be located in the berm adjacent to the building it is supplying and not require crossing under road carriageways.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

- 15.4.2.18 Within the urban limits, all lots in a subdivision and any sites in a development in the Residential, Commercial and Industrial Zones shall:

- (a) Dispose of stormwater generated from within roads, reserves, and any lot to be vested in Council, into Council's reticulation system at pre development levels; and
- (b) Dispose of all stormwater generated from lots not to be vested in Council within the boundaries of the lot itself.
- (c) Except that (a) and (b) above shall not apply to the C1 and C2/C3 growth cells where regional and/or district resource consents for the overall structure plan stormwater system provide for alternative means of stormwater management and disposal. For the avoidance of doubt, on-site soakage within the C3 cell is not anticipated due to the risk of exacerbating slope stability issues. Alternative methods of stormwater management will need to be demonstrated for the C3 cell.



Swales can provide a sustainable option to traditional kerb and channel drainage, and can contribute to both the ecological diversity and aesthetic values of the neighbourhood.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rules - When infrastructure services are not provided by Council

- 15.4.2.19 Where wastewater treatment and disposal services are **not** provided by Council:
- (a) Every Lot shall be of sufficient size to contain within the lot boundaries the treatment and disposal of wastewater resulting from any future permitted development; and
 - (b) The wastewater treatment and disposal services shall be set back 23m from any water body.

15.4.2.20 Where water is **not** supplied by Council each lot shall provide:

- (a) An independent potable water supply sufficient for activities permitted on the site-; and
- (b) Access to an adequate water supply for firefighting purposes.

Advice Note: SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice sets out a number of options to provide water for the New Zealand Fire Service's operational requirements, and shall be used as a guide when designing fire fighting water protection.

Activities that fail to comply with Rules 15.4.2.19 and 15.4.2.20 will require a resource consent for a non-complying activity.

Rule - Wastewater disposal

15.4.2.21 The design (including design life) and construction of wastewater treatment and disposal facilities shall ensure adequate provision is made to meet public health standards, eliminate the ingress of stormwater and groundwater, and avoid the occurrence of system surcharging or overflow.

Advice Note: The Waikato Regional Council needs to be consulted regarding the requirements for wastewater discharge consents.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rules - Stormwater

15.4.2.22 All lots or sites shall be of sufficient size to enable on site detention and disposal of stormwater resulting from any future development permitted in the zone, provided that this rule does not apply to stormwater disposal in the

- (a) Houchens Road Large Lot Residential Structure Plan Area.
- (b) The C1 and C2/C3 Structure Plan areas, where regional and/or resource district consents for the overall structure plan stormwater system provide for alternative means of stormwater management and disposal. For the avoidance of doubt, on-site soakage within the C3 cell is not anticipated due to the risk of exacerbating slope stability issues. Alternative methods of stormwater management will need to be demonstrated for the C3 cell.

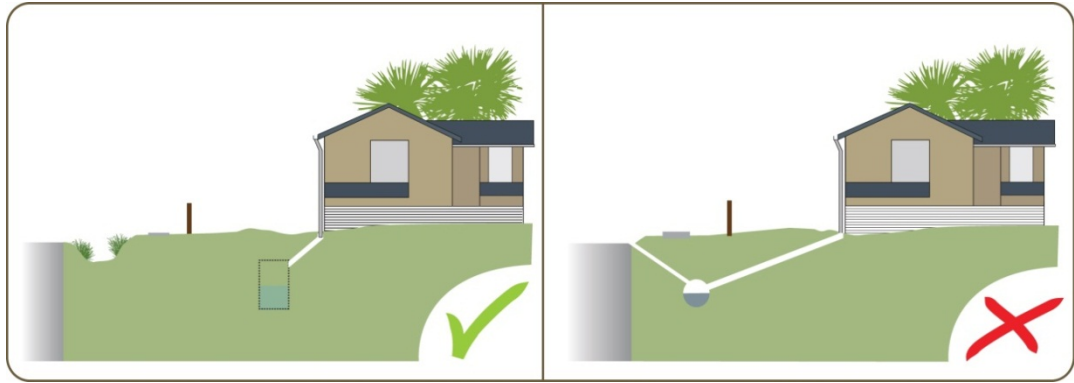
Advice Notes:

1. For lots within the Residential, Commercial and Industrial Zones within the urban limits refer also to Rule 15.4.2.18.
2. For lots within the Houchens Road Large Lot Residential Structure Plan Area refer to Rules 15.4.2.79 to 15.4.2.82.
3. A Stormwater Discharge Consent may also be required from the Waikato Regional Council.

15.4.2.23 Development shall not obstruct overland and secondary flow paths.

Advice Note: A secondary flow path refers to the path taken by runoff in excess of the primary design flow and is to be capable of producing protection to the surrounding buildings for a once in 50 years return period rain event.

Activities that fail to comply with Rules 15.4.2.22 and 15.4.2.23 will require a resource consent for a non-complying activity.



On site detention systems shall ensure that stormwater runoff from the site remains at pre development levels.

Rules - Tree Planting on Roads: Residential and Large Lot Residential Zones

- (new) [Where any subdivision in the residential or large lot residential zone includes the creation of new roads; the design, layout, construction and formation of the new road, except for service lanes, must provide for the planting of street trees.](#)
- (new) [Planting of street trees must be at an equivalent rate of one tree per residential property road frontage using an appropriate species for the location. Council may approve groups of trees where the kerb line and location of services and the area available are sufficient to accommodate the group of trees in the long term.](#)

[Advice note: Council's Tree Policy as updated from time to time provides guidance on the appropriate species of tree to be planted, along with standards for tree planting, protection of underground services and tree maintenance. \[DR2\]](#)

Rule - National Grid Yard

- 15.4.2.24 All lots shall identify a building platform for the principal dwelling, and any proposed secondary dwelling, outside of the National Grid Yard.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rule - Proximity to poultry farming activities

- 15.4.2.25 In the Rural Zone, any new lot created within 500m of a poultry farming activity shall identify a building platform for the principal dwelling and any proposed secondary dwelling, that is no less than 250m from a building forming part of a poultry farming activity.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Part B: Development and subdivision for specific activities

Rule - Lots for network utilities

- 15.4.2.26 Land that is to be subdivided for a network utility service, except for roads, shall be configured to accommodate the intended activity, and the balance area of the subdivision shall comply with the relevant subdivision standards for the zone in which it is located. Provided that lots for network utilities shall comply with this rule only.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Amendments to flats plans cross lease, company lease or unit title

- 15.4.2.27 Where a proposed subdivision is intended solely to amend any cross lease, company lease or unit title plan to accommodate alterations to buildings or the erection of an accessory building which has a Code of Compliance Certificate (CCC) issued pursuant to the Building Act 2004, then the following shall apply:
- (a) The building works shall comply with the provisions of this District Plan; and
 - (b) There shall be no material change to the unit site area or to the overall extent and configuration of the individual occupancy.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Boundary relocations

- 15.4.2.28 The number of certificates of title involved in the subdivision will be the same or less after the subdivision has been undertaken.
- 15.4.2.29 New lots created by way of boundary relocation must comply with the rules for the zone within which the subdivision is taking place, provided that titles shall not be considered as titles for the purpose of this rule if they are incapable of accommodating a dwelling for the zone within which the title is located because:
- (a) The site area cannot comply with the minimum site area under Rule 15.4.2.1; and
 - (b) The site cannot contain a complying lot shape factor under Rules 15.4.2.3 and 15.4.2.5; and
 - (c) The site cannot comply with the minimum setback standards of the zone within which the title is located; and
 - (d) The site is not considered suitable for building under Rule 15.4.2.11; and
 - (e) The site cannot contain within its boundaries a wastewater treatment and disposal system suitable for the site; and
 - (f) The site cannot be provided with a complying vehicular access under Rule 16.4.2.4.

Activities that fail to comply with Rules 15.4.2.28 and 15.4.2.29 will require a resource consent for a non-complying activity.

Rules - Subdivision of a surplus dwelling in the Rural Zone

- 15.4.2.30 The maximum net lot area for the subdivision of land containing a surplus dwelling shall not exceed 5000m², shall be suitable for subdivision and shall comply with all rules for the zone including rules for access, and servicing. The minimum net area of the lot to be created shall be 2,500m².
- 15.4.2.31 All existing dwellings shall have been located on the holding for a period of not less than 10 years at the date of the application for subdivision consent and shall have a useful life expectancy without substantial repairs and/or reconstruction of at least 25 years.
- 15.4.2.32 There shall be an existing dwelling, on the lot comprising the balance land provided that the dwelling has a floor area greater than 70m² exclusive of garaging and decking, and is not a bonded dwelling for removal and/or that has been erected for a dependent relative.
- 15.4.2.33 A surplus dwelling shall not include any dwelling with a floor area of less than 70m² exclusive of garaging and decking or any bonded dwelling for removal.
- 15.4.2.34 A surplus dwelling shall not be a secondary dwelling.
- 15.4.2.35 That as a result of the use of this rule, Council shall restrict the further subdivision of the balance lot, restricting the further use of this rule. This being a condition to be complied with on a continuing basis and shall be subject to a Section 221 Consent Notice or other legal instrument being registered on the title in perpetuity.

Advice Note: Also see Rule 4.4.2.80(e) in the Rural Zone.

Activities which fail to comply with Rules 15.4.2.30 to 15.4.2.35 will require a resource consent for a non-complying activity.

Rule - Activities with land use consents

- 15.4.2.36 In the Rural Zone, where land use consent has been granted and given effect to for a period of no less than 2 years, a lot can be created around the following non farming activities:
- (a) Industry.
 - (b) Packing sheds involving produce grown off the site.
 - (c) Restaurants or cafes.
 - (d) Retreat or conference or education facilities.
 - (e) Garden centres or nurseries.
 - (f) Commercial garages.
 - (g) Service stations.
 - (h) Health care facilities.
 - (i) Travellers accommodation – excluding bed and breakfast or similar home based accommodation.
 - (j) Places of assembly.

For the avoidance of doubt the following activities are not eligible under this rule:

- (i) Wood splitting and drying associated with the sale of firewood.

- (ii) Seasonal activities.
- (iii) Fortified sites.
- (iv) Green houses.
- (v) Operations involving the hire or lease of goods.
- (vi) Distribution of goods not manufactured.

Advice Note: The provision of this rule for the activities listed above does not mean these activities may be granted a land use consent in the Rural Zone, nor that they are appropriate within all parts of the Rural Zone.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Transferable Development Rights

- 15.4.2.37 Within the identified sensitive locations, applications that create an additional lot through meeting the minimum net lot area rules can either be assessed against the relevant rules in 15.4.2 or transferred out using the transferrable development right process. Applications for environmental benefit lots under Rules 15.4.2.46 to 15.4.2.50 may be undertaken on site or transferred out in accordance with the relevant rules. The Transferable Development Right provisions shall not apply to subdivision for a surplus dwelling.
- 15.4.2.38 To be eligible for a Transferable Development Right, the owner of the donor holding and the owner of the recipient holding must make a joint application.

Activities which fail to comply with Rules 15.4.2.37 and 15.4.2.38 will require a resource consent for a non-complying activity.

Rules - Transferable Development Rights: location of holdings and recipient sites

- 15.4.2.39 The donor holding must have provided land for the Te Awa cycleway identified in Appendix O4 or an Incentivised Cycleway, or be in the Rural Zone and located in whole or in part in a sensitive location identified below:
- (a) Within an identified outstanding landscape or viewshaft as identified on the Planning Maps; or
 - (b) Within the air noise boundary of the Hamilton International Airport excluding the Airport Business Zone; or
 - (c) Within or immediately adjacent to the Maungatautari Ecological Island and listed in the Maungatautari Ecological Island lot entitlements as listed in Appendix O2; or
 - (d) Within areas of high class soils; or
 - (e) Within a significant natural area as identified on the Planning Maps; or
 - (f) Within a Quarry Buffer Area identified on the Planning Maps; or
 - (g) Adjoining a State Highway as identified on the Planning Maps; or
 - (h) Within 500m measured in a straight line of an Industrial Zone; or
 - (i) Within 1km from the Hamilton City Council Limits; or
 - (j) Within sites adjacent to significant recreation reserves, as listed in Appendix O5.

15.4.2.40 The recipient sites must be located in the areas identified below:

- (a) Wholly within the Large Lot Residential Zones, excluding the Houchens Road Large Lot Residential Structure Plan Area; or
- (b) In the Rural Zone provided that:
 - (i) The site is not located, in whole or in part within the areas identified in Rule 15.4.2.39; and
 - (ii) The site is not within the outer control boundary as identified on the Planning Maps; and
 - (iii) The site is not within a Deferred Zone as identified on the Planning Maps or future growth areas identified in Appendix S1; and
 - (iv) The site is not located in whole or part in the Houchens Road Large Lot Residential Structure Plan Area.

Provided that one lot can be located on the donor holding in the Maungatautari Ecological Island, the Te Awa Cycleway and for an Incentivised Cycleway in accordance with Rules 15.4.2.46 and 15.4.2.48.

- (c) In the Rural Zone on lots sized between 5000m² and 1 hectare located within 1km of any Large Lot Residential Zone, Deferred Large Lot Residential Zone, the Te Awamutu, Kihikihi or Cambridge urban limits provided that:
 - (i) The site is not located, in whole or in part within the areas identified in Rule 15.4.2.39 with the exception that the site can be located on high class soils; and
 - (ii) The site is not within the outer control boundary as identified on the Planning Maps; and
 - (iii) The site is not within a Deferred Zone as identified on the Planning Maps or future growth areas identified in Appendix S1.

Activities which fail to comply with Rules 15.4.2.39 and 15.4.2.40 will require a resource consent for a non-complying activity.

Rules - Transferable Development Rights: donor holding rules

15.4.2.41 The donor holding must be able to be subdivided into at least one additional lot pursuant to the rules for the zone.

OR

Have an entitlement to an environmental benefit lot and undertake to protect the land/ feature from which the benefit lot entitlement was derived, in perpetuity.

OR

Must amalgamate land held in two or more existing titles into a reduced number of titles.

15.4.2.42 A condition that no further subdivision in respect of the rule that the entitlement was acquired under (or restricted rights of subdivision as the case may be) shall apply to the donor holding. The owner will be required to enter into a bond, or other legal instrument with Council which will be registered on the title(s) against the donor holding to that effect and run with the land in perpetuity.

Advice Note: Where multiple entitlements are allowed, then a bond or other legal instrument will be registered on the donor holding title(s), and will be subsequently amended as each entitlement is taken up on the donor holding (to show the entitlements used, and the entitlements still available). When all entitlements have been used, the final amendment to the bond or other legal instrument will record that no further subdivision shall take place on the donor holding title(s) pursuant to the rule(s) on which the entitlements were created.

Activities which fail to comply with Rules 15.4.2.41 and 15.4.2.42 will require a resource consent for a non-complying activity.

Rules - Transferable Development Rights: recipient site rules

- 15.4.2.43 The recipient site, shall be suitable for subdivision and shall comply with all rules for the zone including rules for access, and servicing.
- 15.4.2.44 A recipient site may only receive one Transferable Development Right, provided that recipient sites in the Large Lot Residential Zone are exempt from this rule.
- 15.4.2.45 That as a result of the use of the Transferable Development Right, Council shall restrict the further subdivision of the recipient site, restricting the further use of this rule on the new lot and the balance area. This being a condition to be complied with on a continuing basis and shall be subject to a Section 221 Consent Notice or other legal instrument being registered on the title. Provided that recipient sites in the Large Lot Residential Zone are exempt from this rule.

Activities that fail to comply with Rules 15.4.2.43 to 15.4.2.45 will require a resource consent for a non-complying activity.

Rules - Environmental benefit lots: Maungatautari Ecological Island

- 15.4.2.46 Properties identified in Appendix 02 may be eligible for an environmental benefit lot(s) provided that these lots have not previously been used or surrendered. Provided that:
- (a) The holding must not have been subdivided previously pursuant to the provisions of Rule 15.4.2.47 (environmental benefit lot provisions relating to protection of significant natural areas or features) in connection with the establishment of pest proof fencing or the covenanting of bush now contained within the Maungatautari Ecological Island.
 - (b) Only one environmental benefit lot per holding may be established on the parent title within the holding. Any additional environmental benefit lot(s) shall be transferred from the holding pursuant to Transferable Development Right provisions in Rules 15.4.2.37 to 15.4.2.45.
 - (c) The environmental benefit lot established on the parent title within the holding, shall be suitable for subdivision and shall comply with all rules for the zone including rules for access, and servicing. The maximum area of the lot to be created shall be 5,000m² and the minimum area of the lot to be created shall be 2,500m² exclusive of the area being protected, and the balance of the land being subdivided shall be no less than 5,000m².

Protection of the Maungatautari Ecological Island Lots

- (d) That protection in perpetuity must be by way of reserve status, a memorandum of encumbrance, consent notice, or covenant that will identify the nature of the protection required and will be registered on the certificate of title and run with the land in perpetuity. Creation as a reserve or a covenant or a Kawanata Agreement¹ will be preferred.
- (e) Protection by way of Council approved covenant (or similar legal instrument) shall identify the nature of the protection required and be registered on the certificate of title and run with the land in perpetuity.
- (f) If the land is to be vested in Council as reserve, Council will determine the appropriate reserve classification of private land to be vested as reserve.

Easements

- (g) The necessity for, and the alignment of public access easements, shall be agreed by Council in consultation with affected landowners.
- (h) Easement considerations include the extent to which legalised public access will assist in the monitoring and management of the ecological island, or the extent to which a proposed easement will legitimise an existing historic access arrangement.

Activities which fail to comply with Rules 15.4.2.46(a) and 15.4.2.46(b) will require a resource consent for a non-complying activity.

Activities which fail to comply with Rules 15.4.2.46(c) to 15.4.2.46(h) will require a resource consent for a discretionary activity.

Rules - Environmental benefit lots: significant natural areas or features

- 15.4.2.47 Significant natural areas and significant natural features identified on the Planning Maps or established using the Criteria for Determining Significance of Indigenous Biodiversity, Section 11A in the Regional Policy Statement, may be eligible for environmental benefit lots where the area or feature is protected in perpetuity by a legal mechanism provided that:
- (a) Lots created through this mechanism that are located in a sensitive area as identified in Rule 15.4.2.39, must utilise the Transferable Development Right provisions of Rules 15.4.2.37 to 15.4.2.45.
 - (b) Holdings that have one feature, located over two titles that are located within significant natural areas shall only qualify for a Transferable Development Right if the titles are amalgamated so that the identified feature is held in one title following the subdivision.

The areas or features that may qualify for one environmental benefit lot are:

- (c) Significant natural areas in identified Biodiversity (Indigenous Forest) Corridors on Planning Map 49 with a minimum area of 5,000m² which are permanently protected and supported by a specialist ecologist report accepted by Council.
- (d) Significant natural features being wetlands and/or kahikatea stands which are permanently protected and supported by a specialist ecologist report accepted by Council that demonstrates that the site is a self sustaining ecosystem.

¹ Kawanata Agreement – agreement associated with the Nga Whenua Rahui fund administered by DOC. It is typically applied to multiple-owned Māori land.

- (e) Land within a Peat Lake Catchment identified as a significant natural area that provides a Whole Farm Management Plan at the time of subdivision which demonstrates that the new land uses can enhance or improve the peat lake significant natural area.

Advice Note: Additional lots may be considered if permanent protection is being achieved for the priority areas or features for protection, listed in Policy 15.3.6.6.

Activities which fail to comply with Rule 15.4.2.47(a) will require a resource consent for a non-complying activity.

Activities that fail to comply with Rules 15.4.2.47(b) to 15.4.2.47(e) will require a resource consent for a discretionary activity.

Rule - Environmental benefit lots: Te Awa Cycleway in the Rural Zone

- 15.4.2.48 Sites adjoining the Te Awa Cycleway identified in Appendix 04 or an Incentivised Cycleway may be eligible for an environmental benefit lot(s) when land is provided for the cycleway and protected in perpetuity by a legal mechanism. Provided that:

- (a) Only one environmental benefit lot may be established on the parent title. Any additional environmental benefit lots shall be transferred from the holding pursuant to Transferable Development Right provisions in Rules 15.4.2.37 to 15.4.2.45.
- (b) The maximum area of the lot to be created shall be 5,000m² and the minimum area of the lot to be created shall be 2,500m² exclusive of the area being protected, and the balance of the land being subdivided shall be no less than 5,000m².

The area of land that may qualify for an environmental benefit lot is:

- (c) One environmental benefit lot can be obtained for a minimum of 2000m² of land protected by the legal mechanism and one additional environmental benefit lot can be obtained for each additional 5000m² of land protected.

Activities which fail to comply this rule will require a resource consent for a discretionary activity.

Rule - Environmental benefit lots: biodiversity (river or stream) corridor

- 15.4.2.49 Sites adjoining the biodiversity (river or stream) corridor identified on the Planning Maps, may be eligible for an environmental benefit lot when land is provided for the biodiversity (river or stream) corridor and protected in perpetuity by a legal mechanism. Provided that:

- (a) Lots created through this mechanism that are located in a sensitive area as identified in Rule 15.4.2.39, must utilise the Transferable Development Right provisions of Rules 15.4.2.37 to 15.4.2.45.
- (b) This rule only applies to properties less than 80ha that are held in one title.

The minimum width and length of land that may qualify for one environmental benefit lot is:

- (c) A minimum width of 20m which are for a public purpose and shall be vested in Council as reserve for the purpose(s) indicated on the Planning Maps.

Activities which fail to comply with Rule 15.4.2.49(a) will require a resource consent for a non-complying activity.

Activities which fail to comply with Rules 15.4.2.49(b) to 15.4.2.49(c) will require a resource consent for a discretionary activity.

Rule - Environmental benefit lots: additions to significant reserves

- 15.4.2.50 Sites adjoining a reserve, as identified in Appendix O5, may be eligible for an environmental benefit lot(s) where the land is protected (in perpetuity) by a legal mechanism, provided that:
- (a) The additions of land to significant reserves are for public purpose and shall be vested in Council as reserve for the purpose(s) indicated in Appendix O5; and
 - (b) The minimum area of the benefit lot to be created shall be 2,500m² and shall be suitable for subdivision and shall comply with all rules for the zone including rules for access, and servicing. The balance of the land being subdivided shall be no less than 5,000m².

Advice Notes:

1. Lots created through this mechanism are not required to utilise the Transferable Development Right provisions of Rules 15.4.2.37 to 15.4.2.45.
2. There is no minimum or maximum number of benefit lots. The number of benefit lots will be assessed as part of the resource consent application.

Activities that fail to comply with 15.4.2.50(a) of this rule will require a resource consent for a non-complying activity.

Activities that fail to comply with 15.4.2.50(b) of this rule will require a resource consent for a discretionary activity.

Rules - Esplanade reserves, esplanade strips, and access strips

Advice Note: In determining any application for a resource consent, Council may reduce, increase or waive the requirements of Rules 15.4.2.50 to 15.4.2.56.

20m esplanade reserves from lots less than four hectares

- 15.4.2.51 Subject to Rules 15.4.2.52 to 15.4.2.56, where any land adjoins the banks of any river or lake as defined in Section 230(4) of the Resource Management Act 1991 and where any lots of less than 4ha is created when the land is subdivided, an esplanade reserve 20m in width shall be set aside from that lot along the bank of any river or along the margin of any lake, as the case may be and shall vest in accordance with Section 231 of the Resource Management Act 1991 and where a reserve or road of less than 20m width already exists along that bank of a river or along that margin of a lake, then additional land shall be vested to increase the width to a minimum of 20m.

Provided that Council may require the creation of an esplanade strip under Section 232 of the Resource Management Act 1991 instead of an esplanade reserve.

Advice Note: The creation of an esplanade strip will be assessed at the time of resource consent application.

Esplanade strips by certain rivers

- 15.4.2.52 In the Rural Zone, on the following rivers instead of an esplanade reserve there shall be an esplanade strip of 10m under Section 232 of the Resource Management Act 1991:
- (a) Kāniwhaniwha Stream - above Limeworks Loop Road; and
 - (b) Mangakara Stream (near Pirongia); and
 - (c) Mangapiko Stream - Pirongia Township Large Lot Residential Zone.

20m esplanade reserves by certain lakes from lots more than four hectares

15.4.2.53 The provisions of Rule 15.4.2.51 shall also apply to any lots of 4ha or more which are created when land is subdivided adjoining the following lakes:

- (a) Lake Kareatohi (Cameron)
- (b) Lake Koromatua
- (c) Lake Mangahia
- (d) Lake Mangakaware
- (e) Lake Maratoto
- (f) Lake Ngārotoiti
- (g) Lake Ngāroto
- (h) Lake Rotomānuka
- (i) Lake Rotopataka
- (j) Lake Ruatuna
- (k) Lake Rotopiko (Serpentine)

Provided that:

- (i) Council may require an esplanade reserve of a greater width than 20m to be determined for each lake depending on an assessment of the local peat/water level conditions.

Activities that fail to comply with Rules 15.4.2.51 to 15.4.2.53 will require a resource consent for a discretionary activity.

Rule - Easements by access strip for access only from lots more than four hectares

15.4.2.54 In determining any application for a resource consent for a subdivision of land in order to create lots of 4ha or more along the bank of the following rivers as shown on the Planning Maps, Council, as a condition of consent, must require that pursuant to Section 220(1)(f) of the Resource Management Act 1991, an easement be granted over the land as an easement in gross in favour of Council for the purposes of public access only and that such easement shall contain such matters (or such of them as are relevant and required in the particular circumstances of each easement) as are set out in the Tenth Schedule to the Resource Management Act 1991 and in considering which of such matters to provide for Council and registered proprietors must consider the various matters that are referred to in Section 237B(4) of the Resource Management Act 1991:

- (a) Pūniu River
- (b) Ōwairaka River
- (c) Waipā River
- (d) Waikato River
- (e) And the upper reaches of the Mangaōhoi Stream

Such easements shall also contain a provision to control littering (where appropriate by the erection of signs) and for fencing requirements for the control of access and for the provision of stiles or gates (where necessary) to be at the cost of Council.

Provided that this rule will not prevent Council and any registered proprietor of land in the District from implementing the creation of an esplanade strip by agreement pursuant to Section 235 of the Resource Management Act 1991 or an access strip by agreement pursuant to Section 237B of the Resource Management Act 1991.

Advice Note: If any such easement in gross in favour of Council is granted, the subdividing owner will not be required to pay any financial contribution for reserves pursuant to financial contribution for reserves or development contributions for reserves under the Local Government Act 2002.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Esplanade strips

- 15.4.2.55 Where land adjoins a river or lake which is not listed in Rules 15.4.2.52 and 15.4.2.53, Council may require as a condition of consent, that an esplanade strip under Section 232 of the Resource Management Act 1991 be created.

Advice Note: The creation of an esplanade strip will be assessed at the time of resource consent application.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Stopped roads to be esplanade reserves or access strips

- 15.4.2.56 The provisions of Section 345(3) of the Local Government Act 1974 will apply where any road which is stopped pursuant to the provisions of the Local Government Act 1974 or the Public Works Act 1981 is located within a Large Lot Residential Zone or within any other zone or
- (a) Adjoining a stream, river or lake identified in Rules 15.4.2.52 to 15.4.2.54; or
 - (b) Shown on the Planning Maps as requiring an esplanade reserve, esplanade strip or access strip; or
 - (c) Stopped road that adjoins any existing marginal strip or esplanade reserve or esplanade strip or land used for public purposes.

And

Rule 15.4.2.51 will apply.

For the avoidance of doubt Section 345(3) of the Local Government Act 1974 shall not apply to any road which is stopped pursuant to the provision of the Local Government Act 1974 or the Public Works Act 1981 when:

- (i) The road adjoins a stream, river or lake not identified in the rules or shown on the Planning Maps as requiring an esplanade reserve, esplanade strip or access strip to be set aside; and
- (ii) Is within the Rural Zone.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Development within a Deferred Zone

- 15.4.2.57 No development or subdivisions shall occur unless a structure plan for the comprehensive and integrated development of the zone has been approved by Council and incorporated into the District Plan by way of a plan change or approved by way of a resource consent.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Comprehensive Development Subdivision within the C1 and C2/C3 Structure Plan areas

- 15.4.2.58 Any Comprehensive Residential Subdivision within the C1 and C2/C3 Structure Plan areas (as described within the relevant Structure Plan) shall comply with the following standards (in addition to the relevant performance standards):

- (a) Be applied to an area of land within the overall structure plan area within common ownership and/or control of the applicants.
- (b) Through an appropriate concept plan for the entire Comprehensive Residential Subdivision development area identified, demonstrate how development will achieve a minimum density of 12.5 dwelling per hectare net as set out in the Structure Plan over the course of a staged development in accordance with Rule 15.4.2.1(ad).
- (c) Provide a minimum 2.5% net residential land area or 2,000m² (whichever is larger) of the overall comprehensive residential development area as 'compact housing'.

For avoidance of doubt, all other relevant performance standards within Part A, C and D of this section shall continue to apply.

Advice Note: the 'net residential land area' is total residential land area excluding roads and, in addition, land not suitable or available for residential development including open spaces, areas constrained by topography, commercial areas, schools and land required for environmental buffers and stormwater infrastructure (including any buffer areas or setbacks from the stormwater infrastructure).

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Part C: Development and subdivision of 7 or more lots in any zone

Advice Note: These performance standards are additional to Rules 15.4.2.1 to 15.4.2.58 which must also be complied with.

Rule - Greenfield lot design

- 15.4.2.59 No more than 15% of lots in a greenfield subdivision or within the Houchens Road Large Lot Residential Structure Plan Area at Appendix S13 shall be rear lots.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Provided that activities subject to a Structure Plan approved and included within the Proposed District Plan as at 31 May 2012 and the Houchens Road Large Lot Residential Structure Plan at Appendix S13 that have:

- 15-20% of rear lots will require a resource consent for a discretionary activity, and
- More than 20% of rear lots will require a resource consent for a non-complying activity.

Advice Note: Structure Plans approved by Council prior to 31 May 2012 were considered under a policy framework which excluded urban design provisions therefore are exempt from this rule to acknowledge the differing policy framework in place at the time of approval.

Rule - Design and location of infrastructure services

Advice Note: The Regional Infrastructure Technical Specifications as updated from time to time will provide guidance in relation to the design of infrastructure services at the resource consenting stage.

- 15.4.2.60 Within the urban limits and the Large Lot Residential Zone, all new subdivision and development of 7 or more lots shall provide a utilities corridor in the road reserve free of tree plantings (Refer to Appendix T3 and T4).

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

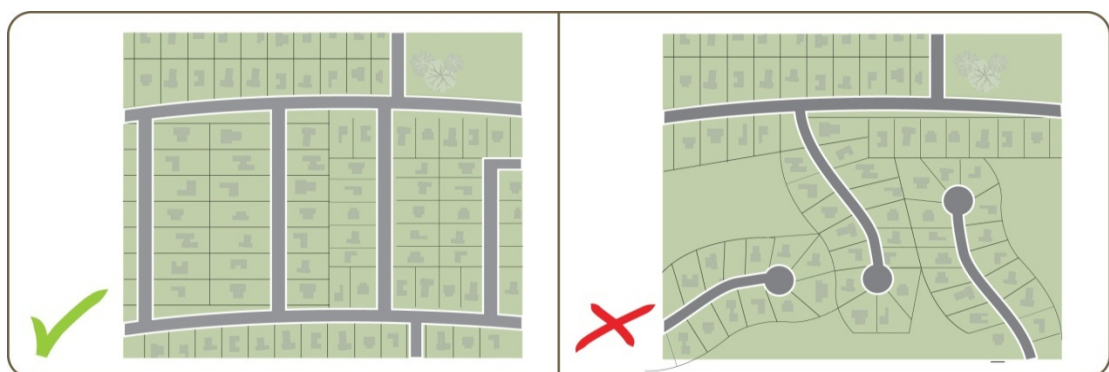
Rules - Roads

- 15.4.2.61 In any zone, unless an approved structure plan provides otherwise, the design and layout, and construction and formation, of a new road and its streetscape shall meet the requirements of Appendix T3, and Appendix T4 - Criteria for Public and Private Roads. Provided that, in the Residential Zone a new road must also provide a footpath of a minimum width of 1.5m, to increase in size to a minimum width of 2m within 400m of a school, community facilities, and commercial areas including pedestrian frontage areas.
- 15.4.2.62 Within the urban limits and the Large Lot Residential Zone the layout and design of subdivision and development that incorporates roads to vest in Council, shall create a grid layout that:
- (a) Has blocks elongated north west to southeast and lots oriented east/west to ensure provision for solar access; and
 - (b) Provides for connectivity to adjoining land that is able to be developed or subdivided in the future or is identified in Appendix S1.

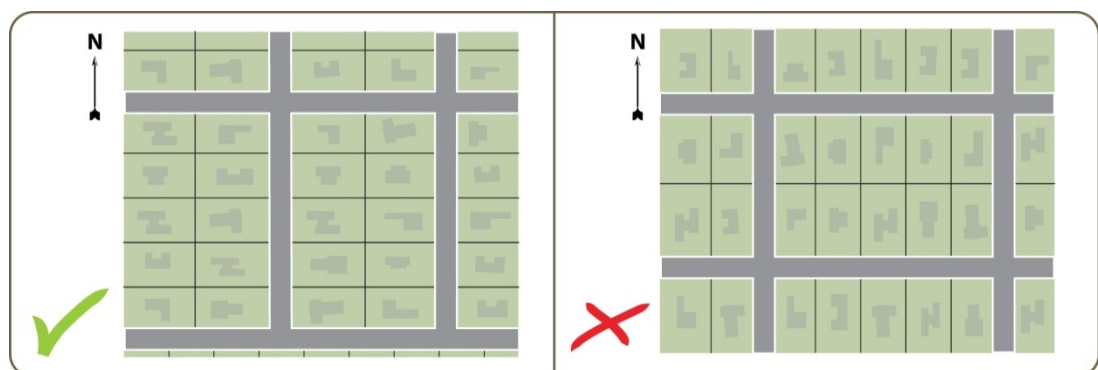
Provided that in the Houchens Road Large Lot Residential Structure Plan Area and in a Structure Plan that was approved and included in the Proposed District Plan as at 31 May 2012 a grid layout is not required.

Advice Note: The following depths and widths are considered to be an appropriate grid layout and should be used as a guide:

- (a) Within the Residential Zone:
 - (i) has an average depth of 100m; and
 - (ii) has a minimum width of 250m.
- (b) Within the Large Lot Residential Zone:
 - (i) for lot sizes of 2,500m² or less, has an average depth of 200m and a minimum width of 200m; or
 - (ii) for lot sizes of between 2,501m² and 3,501m² has an average depth of 200m and a minimum width of 250m; or
 - (iii) for lot sizes between 3,502m² and 5000m², has an average depth of 250m and a minimum width of 300m.



Streets should create a grid layout which allows for the extension of that grid layout in the future.



Streets should be oriented north/south to maximise east/west facing lots. This will provide the potential for more north facing outdoor space.

- 15.4.2.63 Where any subdivision includes the creation of new roads, the location and design of the roads shall ensure the continuation of vistas as identified on the Planning Maps.

Activities that fail to comply with Rules 15.4.2.61 to 15.4.2.63 will require a resource consent for a discretionary activity.

Rule - Location and design of reserves

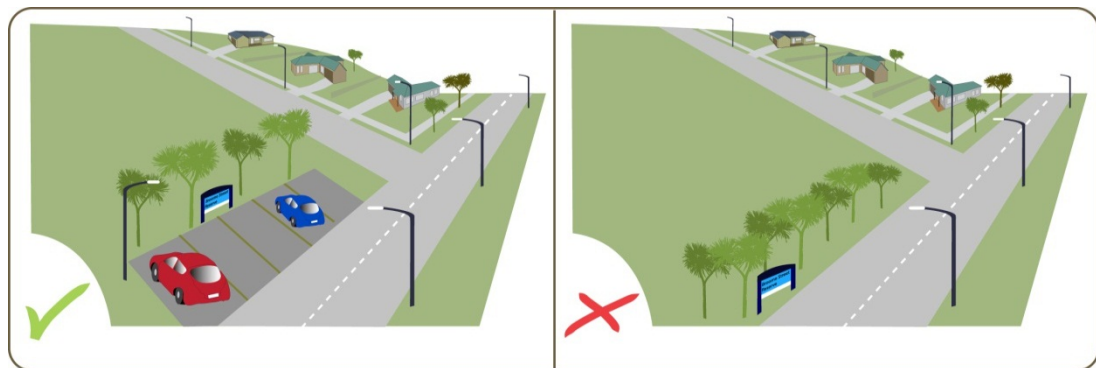
Advice Note: It is anticipated that if the development requires a reserve that the type and location of the reserve, and the suitability or otherwise of the reserve to contribute to stormwater management systems, will be discussed with Council's reserves staff prior to the lodgement of any consent application.

15.4.2.64 In all zones, the location, layout and design of reserves shall demonstrate:

- (a) That the reserve is directly linked to footpaths from the surrounding development; and
- (b) That the reserve is fronted on two sides by roads; and
- (c) That on street parking is provided adjacent to the reserve.



Reserves should have at least two sides fronted by roads.



On street parking should be provided adjacent to reserves to maximise accessibility and surveillance.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity except that in the Houchens Road Large Lot Residential Structure Plan Area activities that fail to comply with this rule will require resource consent for a restricted discretionary activity with the discretion being restricted over:

- (a) The overall provision for walking and cycling access to and within the reserve(s); and
- (b) The layout of the reserve(s); and
- (c) The extent to which the provision of the reserve(s) is in general accordance with the Houchens Road Large Lot Residential Structure Plan; and
- (d) Car parking.

These matters will be considered in accordance with the assessment criteria in Section 21.

Part D: Development and subdivision in a Structure Plan Area

Advice Note: These performance standards are additional to Rules 15.4.2.1 to 15.4.2.64 which must also be complied with.

Rule - All development and subdivision in areas subject to a Structure Plan, Development Plan or Concept Plan

15.4.2.65 All development and subdivision within an area subject to an approved structure plan, development plan or concept plan shall be designed in general accordance with the requirements of that structure plan, concept plan or development plan. For the avoidance of doubt, the following areas are subject to concept plans, development plans and/or structure plans:

- | | | |
|-----|--|--------------|
| (a) | Cambridge North Structure Plan and Design Guidelines | Appendix S2 |
| (b) | Cambridge Park Structure Plans and Design Guidelines | Appendix S3 |
| (c) | St Kilda Structure Plan | Appendix S4 |
| (d) | Hautapu Industrial Structure Plan and Landscape Guidelines | Appendix S5 |
| (e) | Te Awamutu Large Format Retail Site Plan | Appendix S6 |
| (f) | Karāpiro Large Lot Residential Structure Plan Area | Appendix S7 |
| (g) | Ohaupo South Structure Plan | Appendix S8 |
| (h) | Bruntwood Large Lot Residential Area Concept Plan | Appendix S9 |
| (i) | Airport Business Zone Structure Plan | Appendix S10 |

Advice Note: Refer to Rules 15.4.2.83 to 15.4.2.86 for all subdivision and development in the Airport Business Zone Structure Plan.

- | | | |
|-----|---|--------------|
| (j) | Piquet Hill Structure Plan | Appendix S11 |
| (k) | Bond Road North Industrial Area | Appendix S12 |
| (l) | Houchens Road Large Lot Residential Structure Plan Area | Appendix S13 |

Advice Note: Refer to Rules 15.4.2.66 to 15.4.2.82 for all subdivision and development in the Houchens Road Large Lot Residential Structure Plan Area.

- | | | |
|-----|--|--------------|
| (m) | Te Awamutu South Structure Plan and design guidelines | Appendix S14 |
| (n) | Cambridge North Neighbourhood Centre Concept Plan | Appendix S15 |
| (o) | Narrows Concept Plan | Appendix S16 |
| (p) | Te Awamutu T1 Growth Cell Structure Plan | Appendix S17 |
| (q) | Leamington Large Lot Residential Zone Structure Plan | Appendix S18 |
| (r) | Cambridge C1, and C2 / C3 Structure Plans | Appendix S19 |
| (s) | Bardowie Industrial Precinct Structure Plan | Appendix S20 |
| (t) | Ngahinapouri Structure Plan | Appendix S21 |
| (u) | T8 Structure Plan | Appendix S22 |
| (t) | Deferred Zones, for the intended future zones identified on the Planning Maps (Subject to resource consent or plan change) | |

Advice Note: From time to time structure plans or development plans may be approved by way of resource consent under the provisions of Section 14 – Deferred Zones. A copy of these Plans are available at Council offices or on Council's website.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity, except where these structure plans indicate that non-compliance with the rules of the structure plan, development plan or concept plan will result in the activity being a non-complying activity.

Houchens Road Large Lot Residential Structure Plan Area

- 15.4.2.66 The subdivision and development of the Houchens Road Large Lot Residential area shall be generally in accordance with the Houchens Road Large Lot Residential Structure Plan Area and shall be undertaken in a manner that does not frustrate the future development of any part of the Large Lot Residential area.
- 15.4.2.67 In the Houchens Road Large Lot Residential Structure Plan Area, the following requirements shall apply:
- (a) The lots shall comply with any larger site area requirement of the Waikato Regional Council in relation to size of the site or any appropriate legal instrument for the disposal of stormwater; and
 - (b) Council is satisfied that there is sufficient area on each allotment to adequately dispose of stormwater and sewage effluent within the boundaries and provide a duplication of the disposal systems; and
 - (c) As part of any subdivision application for lots less than 2500m² Net Lot Area sufficient information shall be provided by a suitably qualified person to demonstrate that the lots will be capable of achieving the environmental standards of Rule 3.5.7.6 of the Waikato Regional Plan.

Advice Note: Lots less than 2500m² Net Lot Area will require either compliance with Waikato Regional Plan permitted activity Rule 3.5.7.6 or a discharge permit. The purpose of (c) is to confirm the overall suitability of multiple lots to be serviced by Improved On-Site Domestic Sewage Treatment and Disposal Systems.

Activities that fail to comply with Rules 15.4.2.66 to 15.4.2.67 will require a resource consent for a discretionary activity.

Rules - Traffic and roading: Houchens Road Large Lot Residential Structure Plan Area

- 15.4.2.68 The subdivision and development of the area within or to the south of the potential Southern links alignments on the Houchens Road Large Lot Residential Structure Plan Area shall be deferred until such time as the New Zealand Transport Agency and Hamilton City Council determines the future alignment of the Proposed Southern links project OR two years, whichever time is the earlier.
- 15.4.2.69 The carriageway of Houchens Road shall be widened as a condition of subdivision consent from near the Hamilton City/Waipā District Boundary to the main access road to the subdivision as depicted on the Houchens Road Large Lot Residential Area Structure Plan. Carriageway widths and engineering design shall be in accordance with the Waipa District Development and Subdivision Manual.

- 15.4.2.70 At least one priority “T” intersection on Houchens Road to access the Houchens Road Large Lot Residential Structure Plan Area shall be provided as a condition of subdivision consent. The location of the access road shall meet the Regional Infrastructure Technical Specifications Safe Stopping Distance design criteria.
- 15.4.2.71 A concrete (or similar approved all weather surface material) footpath extending from the existing footpath on Houchens Road to a safe crossing location, and then extending to the proposed intersection of the main access road to the Houchens Road Large Lot Residential Structure Plan Area shall be provided as a condition of subdivision consent.
- 15.4.2.72 Up to 50 lots may be created within the 102.492 ha of land contained within Lot 1 DPS 84715, Lot 1 DPS 29779 and Lot 4 DPS 59241 (as at 1 October 2016) without the need to comply with Rule 15.4.2.74, provided any necessary subdivision consent contains a condition requiring that the consent(s) shall lapse if not given effect to (through the lodging of a section 224(c) certificate for each lot) by 1 December 2021.

Prior to the issue of a section 224(c) certificate for each lot approved under this Rule, the consent holder shall make a financial contribution for each lot towards the costs of future improvements to the intersection of State Highway 3 / Houchens Road. The value of the contribution shall be no more than a 1/199 share (per lot) of a fair and reasonable effects-based contribution towards the costs of those improvements. That fair and reasonable effects - based contribution will be determined based on the adverse safety and efficiency effects of the traffic generated by 199 lots within the Houchens Road Large Lot Structure Plan Area on the performance of the State Highway 3 / Houchens Road intersection (in its existing layout, and alongside the adverse safety and efficiency effects of other traffic passing through that intersection), as compared to performance under a base scenario comprising no development in the Houchens Road Large Lot Structure Plan Area under this Rule.

Advice Note: The nature and form of any required future improvements, and the responsibility of the relevant road controlling authorities and the developer(s) to arrange implementation (including funding) of the improvements, will need to be agreed between the developer(s), Waipa District Council and the relevant road controlling authorities, as parties with an interest in the upgrade of the SH3 / Houchens Road intersection. The funding of any future improvements by the developer will be determined in the manner described above (including how the level of financial contribution will be assessed).

- 15.4.2.73 Where an application for resource consent for subdivision or development is lodged:
- (a) That would result in any more than 50 Lots being established within the Houchens Road Large Lot Residential Structure Plan area, in addition to those lots existing at the date this Rule becomes operative; or
 - (b) For any activity other than a subdivision of, or residential dwellings on Lot 1 DPS 84715, Lot 1 DPS 29779 and/or Lot 4 DPS 59241 (as at 1 October 2016); or
 - (c) The application for subdivision or development is lodged after 1 December 2021;
- then the requirements of Rule 15.4.2.74 apply.
- 15.4.2.74 An Integrated Transport Assessment ('ITA') prepared by a suitably qualified expert shall be submitted with any application for subdivision or development to which Rule 15.4.2.73 applies. This Rule replaces the assessment criteria in Rule 21.1.16.5 and replaces the exemption for the preparation of an ITA contained in Rule 16.4.2.25(a)(v). An ITA must be submitted as part of any subdivision application that is subject to this Rule, in order for the subdivision to maintain restricted discretionary activity status.

The purposes of the ITA shall be to:

- (a) Identify the anticipated traffic generation and distribution from the entire Houchens Road Large Lot Structure Plan Area (including traffic generated by any subdivision or development approved and/or implemented in accordance with Rule 15.4.2.72 above, between the date this plan becomes operative and the date the ITA is prepared);
- (b) Assess the transportation effects arising from the subdivision and development on the safety and efficiency of the SH3 / Houchens Road Intersection;
- (c) Assess whether any mitigation works are necessary at the SH3 / Houchens Road intersection to ensure that the transportation effects are no more than minor; and
- (d) If mitigation works are necessary, identify their form.

The ITA shall address the following assessment criteria:

- (i) The extent to which the traffic generation and transportation effects of the subdivision and development will affect the safety and efficiency of the SH3 / Houchens Road intersection, its approaches and departures.
- (ii) The extent to which the proposed mitigation will provide for all relevant land transport modes.
- (iii) The extent to which the proposed mitigation will address matters relating to the safety and efficiency of the existing and confirmed future transport network, including those matters identified from consultation with the relevant road controlling authorities.
- (iv) The extent to which the proposed staging, timing, design proposals, costs and funding arrangements of the mitigation will address the adverse effects.

Prior to the issue of a section 224(c) certificate for each lot approved under this Rule, the consent holder shall make a financial contribution for each lot towards the costs of future improvements to the intersection of State Highway 3 / Houchens Road. The value of the contribution (per lot) shall represent that lot's share of a fair and reasonable effects-based contribution towards the costs of those improvements. That fair and reasonable effects-based contribution will be determined based on the adverse safety and efficiency effects of the traffic generated by the proposed lots on the performance of the State Highway 3 / Houchens Road intersection (in its existing layout, and alongside the adverse safety and efficiency effects of other traffic passing through that intersection), as compared to the performance under a base scenario comprising no development in the Houchens Road Large Lot Structure Plan Area under Rule 15.4.2.72 or this Rule, and accounting for any contribution(s) previously made under Rule 15.4.2.72 or this Rule.

Nothing in this Rule restricts Council's discretion under Rules 21.1.1.6 (to the extent applicable), 21.1.15.11(b) or 15.4.1.1(o) to impose conditions of consent relating to traffic and roading effects arising from the subdivision or development and any mitigation measures to be employed, including as may require that section 224 (c) certificate(s) will not be issued until improvements have been made to the SH3 / Houchens Road intersection.

Advice Note: The nature and form of any required mitigation under this Rule, and the responsibilities of the relevant road controlling authorities and the developer(s) to arrange implementation (including funding) of the mitigation, will need to be agreed between the developer(s), Waipa District Council and the relevant road controlling authorities, as parties with an interest in the future improvements to the SH3 / Houchens Road intersection. The level of any financial contribution required will be determined in the manner described above.

- 15.4.2.75 Where an application for subdivision consent is made under Rules 15.4.2.68 to 15.4.2.74, this application shall be considered on a limited notified basis and the New Zealand Transport Agency and Hamilton City Council shall be considered by the Waipa District Council as affected persons under the Resource Management Act 1991 in respect of the matters relevant to this rule.
- 15.4.2.76 Any residential dwelling or any building otherwise intended for noise sensitive activities (such as accommodation or educational facilities, or offices) on lots located within 80m (measured from the nearest painted edge of the carriageway) of State Highway 3/Ohaupo Road or land that is subject to a notice of requirement or designation for State Highway 3/Ohaupo Road shall be subject to covenants/consent notices on the titles of any private lots advising of the requirements of Rule 3.4.2.27 of the Large Lot Residential Zone.
- 15.4.2.77 The internal roads of the Houchens Road Large Lot Residential Structure Plan Area shall be located generally in accordance with the Houchens Road Large Lot Residential Structure Plan and shall enable non – State Highway access to land in all existing certificates of title within the Houchens Road Large Lot Residential Structure Plan Area.

Activities that fail to comply with Rules 15.4.2.68 to 15.4.2.77 will require a resource consent for a discretionary activity.

Rule - Site suitability: Geotechnical constraints - Houchens Road Large Lot Residential Structure Plan Area

- 15.4.2.78 The subdivision and development of any land within the Houchens Road Large Lot Residential Structure Plan Area, which contains peat soils as shown on the Houchens Road Large Lot Residential Structure Plan Area shall be subject to detailed investigations by a suitably qualified geotechnical engineer.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Stormwater: Houchens Road Large Lot Residential Structure Plan Area

- 15.4.2.79 In the Houchens Road Large Lot Residential Structure Plan Area the following shall apply for stormwater disposal:
- (a) The stormwater detention ponds and related systems (including the connections between the two ponds, the inlet to Pond A and outlets from Pond A and Pond B) and reserves are to be transferred to Waipa District Council at valuation. The timing of the transfer and the precise land areas are to be determined in accordance with the Houchens Road Large Lot Residential Structure Plan at Appendix S13 at the time of subdivision.

Advice Note: The ponds and structures and any upgrade and any discharge consents shall be set out in a management plan for the vested assets prepared by the Waipa District Council in consultation with the landowner.

- (b) The stormwater management system for any subdivision and development shall be designed and constructed to ensure that there is no more than minor adverse effects caused to the Hamilton City stormwater management system.

Advice Note: It is expected that Hamilton City Council will be an affected person in relation to subdivision consent applications.

- 15.4.2.80 No activity or use of any land including within or adjoining the Houchens Road Large lot Residential Structure Plan Area that has more than a minor adverse effect on the performance of the flood detention system, including stormwater detention ponds and Indicative Flood Hazard Area as shown on the Houchens Road Large lot Residential Structure Plan Area shall be undertaken. Hamilton City Council shall be consulted as an affected party on any resource consent application.
- 15.4.2.81 A Landscape Development Plan shall be prepared and implemented as a condition of subdivision consent for the Houchens Road Large Lot Residential Structure Plan Area. The Landscape Development Plan shall be generally in accordance with the Houchens Road Large Lot Residential Structure Plan Area; Landscape Concept plan and shall show the following:
- (a) Size and species of existing vegetation to be maintained; and
 - (b) Areas to be subject to the management and eradication of plant pest species; and
 - (c) Areas to be planted as part of the wetland/reserve enhancement; and
 - (d) Names and details of proposed species for planting; and
 - (e) Details of proposed maintenance.
- 15.4.2.82 The subdivision and development of any land within the Houchens Road Large Lot Residential Structure Plan Area shall be subject to covenants/consent notices on the titles of any private lots (as consent notices pursuant to section 221 of the RMA or similar) within or close to the Indicative Flood Hazard Area as generally depicted on the Houchens Road Large Lot Residential Structure Plan Area. The intent of the proposed covenants is to maintain the planting undertaken pursuant to the Structure Plan and to protect the water bodies, stormwater detention area and wetland margins from inappropriate plant species and development.

Activities that fail to comply with Rules 15.4.2.79 to 15.4.2.82 will require a resource consent for a discretionary activity.

Airport Business Zone

- 15.4.2.83 All development and subdivision in the Airport Business Zone shall comply with the Airport Business Zone Structure Plan in Appendix S10 of this Plan including the location and form of access points to State Highway 3, State Highway 21, and Raynes Road, provided that strict compliance in terms of the internal road location is not required, as the roads are indicative only.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity, except as provided in Rule 15.4.2.84 and 15.4.2.85 below.

Development accessed via State Highway 21

- 15.4.2.84 Notwithstanding Rule 15.4.2.83 prior to the construction and completion of the new Airport and State Highway 21 intersection, and any necessary intersection upgrade at State Highway 3/State Highway 21, an initial gross area of land of no more than 8ha within the Central Precinct, excluding road reserve as identified on the Airport Business Zone Structure Plan in Appendix S10 as Stage 1 Development, may be subdivided and developed (but not for retail purposes) in accordance with these rules, provided that access is obtained from the existing Airport terminal access from State Highway 21 or the new Airport/State Highway 21 intersection, if constructed.

Activities that fail to comply with this rule will be a restricted discretionary activity with the discretion being restricted over:

- Effects on the State Highway network.

These matters will be considered in accordance with the assessment criteria in Section 21.

- 15.4.2.85 Any development or subdivision within the Central Precinct beyond the Stage 1 Development Area identified in the Airport Business Zone Structure Plan in Appendix S10, up to a total of 36.6ha including road reserve, of the land area within the Airport Business Zone accessed from State Highway 21, will require the closure of the existing terminal access and a new Airport/ State Highway 21 intersection to be constructed, in accordance with the Structure Plan attached in Appendix S10.

Activities that fail to comply with this rule will be a restricted discretionary activity with the discretion being restricted over:

- Effects on the State Highway network.

These matters will be considered in accordance with the assessment criteria in Section 21.

Development accessed via State Highway 3

- 15.4.2.86 Subdivision or development of land up to a total of 12ha of land excluding road reserve accessed from Ingram Rd is provided for. For any subdivision or development of land in excess of 12ha alternative access via the SH3/21 roundabout and/or the designated partial grade separated intersection (D50) in accordance with the Airport Business Zone Structure Plan shall be provided and the following works shall be completed:

- (a) Closure of No Exit Road, and private accesses to SH3 within the Airport Business Zone except for those residential properties within the Special Amenity Area on Planning Map 19, and the Structure Plan included in Appendix S10.

Activities that fail to comply with this rule will be a restricted discretionary activity with the discretion being restricted over:

- Effects on the State Highway network.

These matters will be considered in accordance with the assessment criteria in Section 21.

Part E: Comprehensive Development Plan Areas

Advice Note: The activity status tables and the performance standards in Part D Zone Provisions, Part E District Wide Provisions, and Part F District Wide Natural and Cultural Heritage Provisions apply to comprehensive development plan areas.

Rule - Development and subdivision within Comprehensive Development Plan Areas

- 15.4.2.87 All development and subdivision within an area subject to an approved comprehensive development plan shall be designed in general accordance with the requirements of that comprehensive development plan. For the avoidance of doubt, the following areas are subject to requirements for the approval of comprehensive development plans:

- (a) Titanium Park – Northern Precinct.
- (b) Industrial Zone (Raynes Road).
- (c) Mystery Creek Agri-Activities Overlay Area.

Advice Notes:

- 1. Following approval, a copy of these comprehensive development plans will be available at Council offices or on Council's website.
- 2. Refer to the relevant zone provisions for activities following the approval of a comprehensive development plan.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rule - Titanium Park - Northern Precinct: Comprehensive Development Plan

- 15.4.2.88 The Comprehensive Development Plan shall include:

- (a) Broad Integrated Transport Assessment (ITA) to assess traffic effects on Raynes Road and the State Highway network between the State Highway 1/State Highway 21 Intersection and the State Highway 3/Normandy Avenue Intersection as shown in Appendix O12. The ITA should identify:
 - (i) Anticipated traffic generation within the Hamilton Airport Strategic Node; and
 - (ii) Anticipated effects on the road corridors and intersections with particular reference to the SH3/Raynes Road Intersection, the SH21/Raynes Road Intersection, the SH3/Collins Road Intersection, the SH3/21 Intersection and the SH3/Normandy Avenue Intersection taking into account existing zoned and consented development; and
 - (iii) Proposals to mitigate effects on the network including design proposals, costs, timing and funding arrangements, having regard to the long term function and configuration of the road network.
- (b) Provision for all development and subdivision to obtain access to the arterial transportation network in accordance with the Airport Business Zone Structure Plan.
- (c) Provision for the provision of a comprehensive wastewater treatment system that will provide effective treatment.
- (d) Provision to ensure the availability of a suitable potable and fire-fighting water supply.
- (e) Provision for the management of stormwater.
- (f) A maximum land area of 40ha and any proposed staging of the development.

- (g) An appropriate internal road layout that provides for connectivity with adjacent land, provision for alternative modes of transport including public transport, and possible pedestrian and cycle linkages within Titanium Park - Northern Precinct.
- (h) Provision for landscaping and screen planting to create a visually defined edge to the zone.
- (i) Provision to ensure consistency with District Plan provisions relating to the operational requirements of Hamilton Airport and its associated infrastructure.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rule - Industrial Zone (Raynes Road): Comprehensive Development Plan

15.4.2.89 The Comprehensive Development Plan shall include:

- (a) A Broad Integrated Transport Assessment (ITA) to assess traffic effects on Raynes Road and the State Highway network between the State Highway 1/State Highway 21 Intersection and the State Highway 3/Normandy Avenue Intersection as shown in Appendix O12. The ITA should identify:
 - (i) Anticipated traffic generation within the Hamilton Airport Strategic Node; and
 - (ii) Anticipated effects on the road corridors and intersections with particular reference to the SH3/Raynes Road intersection, the SH21/Raynes Road Intersection, the SH3/Collins Road Intersection, the SH3/21 Intersection and the SH3/Normandy Avenue Intersection taking into account existing zoned and consented development; and
 - (iii) Proposals to mitigate effects on the network including design proposals, costs, timing and funding arrangements, having regard to the long term function and configuration of the road network.
- (b) Provision for all development and subdivision to obtain access from internal roads to control access to Raynes Road and Airport Road.
- (c) Proposals for the provision of a single comprehensive wastewater management system that will provide effective treatment for the entirety of the area.
- (d) Proposals to ensure the availability of a suitable potable and fire-fighting water supply to service the entirety of the area.
- (e) Proposals for the management of stormwater for the entirety of the area.
- (f) Proposals to ensure consistency with District Plan provisions relating to the operational requirements of Hamilton Airport and its associated infrastructure.
- (g) Proposals for landscaping to Raynes Road and Airport Road.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rule - Mystery Creek Agri-Activities Overlay Area: Comprehensive Development Plan

15.4.2.90 The Comprehensive Development Plan shall include:

- (a) A Broad Integrated Transport Assessment (ITA) to assess traffic effects on the transportation network, including:
 - (i) Anticipated traffic generation; and

- (ii) Anticipated effects on the road corridor and intersections taking into account existing zoned and consented development; and
 - (iii) Temporary traffic effects associated with major events only if direct access to SH21 is proposed; and
 - (iv) Proposals to mitigate effects on the transportation network including design proposals, costs, timing and funding arrangements, having regard to the long term function and configuration of the road network.
- (b) Provision for all development and subdivision to obtain access to the arterial transportation network via internal roads in accordance with the designated SH21 intersection and internal road (D49).
 - (c) Proposals for the provision of a comprehensive wastewater management system/methodology that will provide effective treatment for the entirety of the area.
 - (d) Proposals to ensure the availability of a suitable potable and fire-fighting water supply to service the entirety of the area.
 - (e) Proposals for the management of stormwater for the entirety of the area.
 - (f) Detail of site size, site coverage, setbacks, separation between buildings, height of buildings, landscaping and boundary treatment to create a precinct which results in low density of development with large areas of open space.
 - (g) Proposals to ensure consistency with District Plan provisions relating to the operational requirements of Hamilton Airport and its associated infrastructure.

Advice Note: Proposals for wastewater disposal, storm water management and water supply shall be considered as an integrated whole, where this may involve a series of individual systems being constructed to service development. Assets may remain in private ownership, or be vested in Council.

Activities that fail to comply with this rule will require resource consent for a non-complying activity.

15.5 Assessment Criteria

15.5.1 Controlled activities and Restricted Discretionary activities

For controlled and restricted discretionary activities the assessment will be restricted to the matters over which control or discretion has been reserved, in accordance with the relevant assessment criteria contained in Section 21. Resource consent conditions can only be imposed over the matters which control or discretion has been reserved. The assessment criteria is contained within Section 21.

15.5.2 Discretionary activities

For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.