

APPENDIX B

DISTRICT PLAN ASSESSMENTS

25.70A to 25.83 Subdivision

Editorial Note

Editorial Note:

Any subdivision application relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in [Appendix Of](#).

Note: see prohibited activity rule [25.5](#) for prohibited subdivision.

25.70A Subdivision generally

8 additional lots =
Non Complying

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>25.70A Subdivision generally</p>	<p>25.70A.1 Subdivision is a restricted discretionary activity if:</p> <p>(a) the subdivision creates no more than one additional certificate of title from each existing viable certificate of title that existed prior to subdivision, other than utility and access allotments, and</p> <p>(b) the land being subdivided comprises land with each certificate of title issued</p> <p style="padding-left: 40px;">(i) prior to 6 December 1997, or</p> <p style="padding-left: 40px;">(ii) after 6 December 1997 if it was created by:</p> <ul style="list-style-type: none"> • a process other than subdivision under the Resource Management Act 1991, or • a boundary adjustment where the land was contained in a viable certificate of title issued prior to 6 December 1997, or • despite rule 25.5(e), a subdivision which created a utility allotment exclusively for the purposes of a network utility from land contained in a certificate of title issued prior to 6 December 1997. <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • subdivision layout • rural character • subdivision layout supporting the efficient use of soils • potential for reverse sensitivity 	<p>25.70A.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a non-complying activity.</p> <p>25.70A.3 Subdivision that creates an additional certificate of title through separating amalgamated allotments is a non-complying activity.</p> <p>Note: some subdivision is a prohibited activity. See rule 25.5. Conservation and reserve allotments are governed by rules 25.73 and 25.73B.</p>

25.70B Subdivision: Policy Areas - Utility and Access Allotments

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
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Waikato District Plan - Waikato Section

<p>25.70B Subdivision: <ul style="list-style-type: none"> ● Policy Areas ● Utility and Access Allotments Complies</p>	<p>25.70B.1 Subdivision is a restricted discretionary activity if:</p> <p>(a) the subdivision creates no more than</p> <ul style="list-style-type: none"> (i) one utility allotment, and (ii) one access allotment, and <p>(b) the land being subdivided is not within</p> <ul style="list-style-type: none"> (i) the Landscape, Ridgeline, Coal Mining, Aggregate Resource or Aggregate Extraction Policy Areas, or (ii) 500m of the southern boundary of the Te Rapa Dairy Factory between State Highway 1 and the Waikato River. <p>Discretion restricted to:</p> <ul style="list-style-type: none"> ● subdivision layout ● effects on indigenous vegetation and ecological values ● need for utility, and reserve allotments ● rural character ● effects on the Hauraki Gulf Catchment Area ● subdivision layout and proximity of building platforms to indigenous vegetation and habitats ● potential for reverse sensitivity ● subdivision layout supporting the efficient use of soils 	<p>25.70B.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p> <p>Note: Subdivision under Rule 25.70B is also subject to other applicable rules, including Rule 25.70A.</p>
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25.71 Boundary adjustment

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>25.71 Boundary adjustment N/A</p>	<p>25.71.1 Despite rules 25.70A.1(b)(ii), 25.70B.1(b) and 25.74.1(c), subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> (a) the result of the subdivision is to adjust a common boundary between two viable certificates of title , and (b) no additional certificates of title are created, and (c) the subdivision creates certificates of title having substantially the same area, shape, location and access as before the subdivision, and (d) no additional potential for permitted activity dwellings and no additional subdivision potential is created beyond that which already existed prior to the subdivision occurring. <p>Control reserved over</p> <ul style="list-style-type: none"> • area and shape of certificates of title • easements • amenity and rural character 	<p>25.71.2 Subdivision that does not comply with a condition for a controlled activity is not a boundary adjustment and will be processed under Rule 25.71A or other relevant rules.</p>

25.71A Boundary relocation

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>25.71A Boundary relocation N/A</p>	<p>25.71A.1 Despite rule 25.70A.1(b)(ii) and rule 25.74.1(a) and (c), a boundary relocation is a restricted discretionary activity if:</p> <p>(a) the boundary relocation is between a maximum of five viable certificates of title forming a continuous landholding in the same ownership, and</p> <p>(b) the result of the boundary relocation is to relocate a common boundary or boundaries, and</p> <p>(c) no additional potential for permitted activity dwellings and no additional subdivision potential is created beyond that which already existed prior to the subdivision occurring, and</p> <p>(d) the boundary relocation creates:</p> <p style="padding-left: 40px;">(i) one certificate of title of at least 20ha, and</p> <p style="padding-left: 40px;">(ii) the remaining certificates of title each having an area no less than 8000m² and no more than 1.6ha</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • subdivision layout including supporting the efficient use of soils • rural character and amenity • potential for reverse sensitivity effects <p>Note: Continuous landholding is defined in Appendix P</p>	<p>25.71A.2 Despite rules 25.5(d) and 25.5(e), subdivision that does not comply with conditions (b), (c) and (d) for a restricted discretionary activity is a discretionary activity.</p> <p>25.71A.3 Subdivision that does not comply with condition (a) for a restricted discretionary activity will not be processed as a boundary relocation and will be assessed as a subdivision under other relevant rules, such as Rule 25.70A Subdivision Generally.</p>

25.72 Allotment boundaries

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>25.72 Allotment boundaries</p> <p>Does not comply with (a) therefore Discretionary Activity</p>	<p>25.72.1</p> <p>Subdivision is a restricted discretionary activity if the boundary of every allotment is drawn so that:</p> <p>(a) existing buildings comply with the permitted activity rules relating to building coverage, set backs, and daylight angles, except to the extent of any non-compliance that existed lawfully prior to the subdivision, and</p> <p>(b) no area of significant indigenous vegetation and habitat, hazard area, contaminated land, dune land, heritage item, site of significance to Maaori, or wetland is divided between allotments, an</p> <p>(c) boundaries avoid any tree listed in Appendix F (Notable Trees), and</p> <p>(ca) the largest new allotment contains all land within:</p> <p>(i) 200m of the boundary of an Aggregate Extraction Policy Area used for sand extraction, and</p> <p>(ii) 500m of the boundary of an Aggregate Extraction Policy Area used for rock extraction, and</p> <p>(iii) 300m of the limit of any area occupied by an operating intensive farm.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on amenity values of buildings • effects on sites of significance to Maaori • effects on any notable trees • amenity and rural character • effects on heritage items • matters referred to in Appendix M: Acoustic Insulation, M4 Airport Noise Outer Control Boundary Consent Notice • effects on archaeological sites 	<p>25.72.2</p> <p>Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

25.73 Conservation house allotment

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT										
<p>25.73 Conservation house allotment</p> <p>N/A</p>	<p>25.73.1</p> <p>Despite rule 25.70A.1 and rule 25.74.1, subdivision for a conservation allotment is a restricted discretionary activity if:</p> <p>(a) the land being subdivided contains an area of significant indigenous vegetation or significant habitat of indigenous fauna that will be legally protected under this rule, and</p> <p>(aa) the area to be protected is assessed by a suitably qualified person as being significant according to the criteria listed in Appendix Oc, and</p> <p>(ab) the area to be protected is assessed by a suitably qualified person to be a functioning indigenous ecosystem having regard to the extent to which it is in a natural, mature and self-sustaining state, and</p> <p>(ac) all areas within the certificate of title that are significant according to the criteria in Appendix Oc and are functioning indigenous ecosystems, as assessed by a suitably qualified person, are legally protected, and</p> <p>(b) this rule or its equivalent in a previous district plan has not previously been used to gain an additional subdivision entitlement, and</p> <p>(c) the number of allotments created does not exceed the number in the table below:</p> <table data-bbox="418 1570 932 1771"> <thead> <tr> <th>Area protected (ha)</th> <th>No. of allotments</th> </tr> </thead> <tbody> <tr> <td>Less than 2</td> <td>0</td> </tr> <tr> <td>2 to less than 5</td> <td>1</td> </tr> <tr> <td>5 to less than 10</td> <td>2</td> </tr> <tr> <td>10 or more</td> <td>3</td> </tr> </tbody> </table> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • subdivision layout and proximity of new allotments to indigenous vegetation and habitats • area protected by conservation covenant • legal mechanism used to protect the significant indigenous vegetation or habitat 	Area protected (ha)	No. of allotments	Less than 2	0	2 to less than 5	1	5 to less than 10	2	10 or more	3	<p>25.73.2</p> <p>Subdivision that does not comply with a condition for a restricted discretionary activity is a non-complying activity.</p>
Area protected (ha)	No. of allotments											
Less than 2	0											
2 to less than 5	1											
5 to less than 10	2											
10 or more	3											

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| <ul style="list-style-type: none">• requirement for and contents of a management plan for the covenant area. | |
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25.73A Deleted

25.73B Reserve allotment

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>25.73B Reserve allotment N/A</p>	<p>25.73B.1 Despite rules 25.5(e), 25.70A.1, and 25.74.1 subdivision is a restricted discretionary activity if:</p> <p>(a) the land being subdivided contains an area that is identified in a Council strategy document to be required for permanent public access or for reserve purposes, and</p> <p>(b) the area referred in (a) is vested in Council or public access is permanently secured by way of easement, and</p> <p>(c) no more than one additional certificate of title, excluding any land vested in Council, is created.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • size and location of area for which public access or reserve is secured • method of securing public access • management of land remaining in private ownership over which access rights are granted • location of additional certificate of title • size of additional certificate of title 	<p>25.73B.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

25.74 Allotment size - minimum - maximum

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>25.74 Allotment size</p> <ul style="list-style-type: none"> • minimum • maximum <p>Does not comply with A, B and C therefore is a Non-Complying Activity</p>	<p>25.74.1 Subdivision is a restricted discretionary activity if:</p> <ul style="list-style-type: none"> (a) the parent certificate of title is at least 20ha and (b) every child certificate of title has a minimum net site area of 8000m² and a maximum of 1.6ha, except for an access allotment or a utility allotment, and (c) no more than one certificate of title produced by the subdivision has an area greater than 1.6ha, and (d) a utility allotment for a network utility does not exceed 50m². <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • dimensions, shapes and orientation of certificate of title • effects on runoff rate and water quality • amenity and visual values • rural character • potential for reverse sensitivity • subdivision layout supporting the efficient use of soils 	<p>25.74.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a non-complying activity.</p>

25.74A Deleted

25.75 Frontage

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>25.75 Frontage</p> <p>Does not comply with (a) therefore is a Discretionary Activity</p>	<p>25.75.1 Subdivision is a restricted discretionary activity if:</p> <ul style="list-style-type: none"> (a) every allotment with a road boundary, other than an access allotment, access leg, or utility allotment, has a width at the road boundary of at least 60m. <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • safety and efficiency of vehicle access and road network • amenity values and rural character. 	<p>25.75.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

25.76 Road access

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>25.76 Road access</p> <p>Does not comply with b as discussed in section 3.1 of the 42A Report and is a Restricted Discretionary Activity</p>	<p>25.76.1</p> <p>Subdivision is a restricted discretionary activity if:</p> <ul style="list-style-type: none"> (a) every allotment is provided with vehicle access to a public road, and (b) the vehicle access complies with Appendix A (Traffic) and Appendix B (Engineering Standards), and (c) the access is aligned to avoid any tree listed in Appendix F (Notable Trees), or a site of significance to Maaori. <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • adequacy of the access for its intended use • road efficiency and safety • matters referred to in Appendix A (Traffic) and Appendix B (Engineering Standards) • amenity and rural character resulting from the location of the road access. 	<p>25.76.2</p> <p>Subdivision that does not comply with a condition for a restricted discretionary activity requires resource consent as stated in the relevant appendix, or is a discretionary activity if not otherwise specified.</p>

25.77 Building platform

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>25.77 Building platform</p> <p>Complies with this rule therefore is a Restricted Discretionary</p>	<p>25.77.1 Subdivision is a restricted discretionary activity if every allotment, other than a utility or access allotment, is capable of containing:</p> <p>(a) deleted</p> <p>(b) a shape factor, being either</p> <p style="padding-left: 40px;">(i) a circle with a diameter of at least 30m exclusive of boundary setbacks, or</p> <p style="padding-left: 40px;">(ii) a rectangle of at least 1000m², exclusive of boundary setbacks, of which each dimension is at least 25m, and</p> <p>(ba) a building platform where a dwelling could be built as a permitted activity, being a circle with a diameter of at least 18m, located within the shape factor, and</p> <p>(c) a building platform with an average gradient not steeper than 1:8, and</p> <p>(d) a building platform that, within the Landscape or Ridgeline Policy Area, is not visible from a road or other public place, and</p> <p>(e) a building platform not subject to inundation in a 2% probability storm or flood event.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • subdivision layout • shape of allotments • ability of allotments to accommodate a practical building platform • earthworks and fill required for subsequent building on the allotment • geotechnical suitability for building • likely location of future buildings and their potential effects on the environment • avoidance or mitigation of natural hazards • for a building platform inside the Airport Noise Outer Control Boundary, compliance with <p>Appendix M (Acoustic Insulation), M5</p>	<p>25.77.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity if:</p> <p>(a) within the Landscape or Ridgeline Policy Area, the platform is not visible from a road or other public place, and</p> <p>(b) every allotment has an area of at least 1000m² not subject to inundation in a 2% probability storm or flood event.</p> <p>25.77.3 Subdivision that does not comply with a condition for a discretionary activity is a non-complying activity.</p>

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| <ul style="list-style-type: none">• effects on landscape and amenity• location of building platform including distance to mineral extraction and intensive farming activities• measures to avoid storm or flood events. | |
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25.78 Earthworks

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>25.78 Earthworks N/A</p>	<p>25.78.1 Subdivision is a restricted discretionary activity if:</p> <p>(a) earthworks comply with Appendix B (Engineering Standards).</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • matters referred to in Appendix B (Engineering Standards) • amenity and streetscape • nature and source of fill • location of earthworks and fill • compaction of fill • volume and depth of earthworks and fill • identification of future building platforms • provision of erosion and sediment control plan for the work • notice prior to commencement • protection of the Hauraki Gulf Catchment Area. 	<p>25.78.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

25.79 On-site services

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>25.79 On-site services Complies with this rule therefore is a Restricted</p>	<p>25.79.1 Subdivision is a restricted discretionary activity if, for every allotment other than a utility or access allotment:</p> <p>(a) stormwater, land drainage, water supply and wastewater disposal on every allotment is managed in accordance with Appendix B (Engineering Standards), and</p> <p>(aa) provision is made to connect to a telecommunications network and energy supply network, and</p> <p>(b) services are placed underground where</p> <p>(i) a new road is required as part of the subdivision, or</p> <p>(ii) existing services to the land are already placed underground, and</p> <p>(ba) every allotment less than 6ha in an area serviced by the existing infrastructure of a rural water supply scheme is connected to that scheme.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • health and safety • amenity values • matters referred to in Appendix B (Engineering Standards) • the ability of allotments to manage on-site: <ul style="list-style-type: none"> (i) treatment and disposal of household effluent (ii) stormwater (iii) sediment resulting from building platforms, access and landscaping • safety, integrity, and maintenance of local networks including water supply and wastewater disposal. 	<p>25.79.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

25.80 Hazard risks

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
25.80 Hazard risks Complies with this rule therefore is a Restricted Discretionary Activity	25.80.1 Subdivision is a restricted discretionary activity if: (a) the land is not in the Huntly South Assessment Area, Huntly East Mine Subsidence Area or Flood Risk Area. Discretion restricted to: <ul style="list-style-type: none"> avoidance and mitigation of hazard risk. 	25.80.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.

25.81 Esplanade reserves and esplanade strips

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
25.81 Esplanade reserves and esplanade strips N/A	25.81.1 Subdivision is a restricted discretionary activity if an esplanade reserve or strip 20m wide (or other width stated in Appendix G Esplanade Priority Areas) is created from every allotment: (a) less than 4ha and within 20m of <ul style="list-style-type: none"> (i) mean high water springs, or (ii) the bank of any river whose bed has an average width of 3m or more, or (iii) a lake whose bed has an area of 8ha or more, or (b) 4ha or more within 20m of mean high water springs or a water body identified in Appendix G (Esplanade Priority Areas). Discretion restricted to: <ul style="list-style-type: none"> deleted the type of esplanade provided - reserve or strip width of the esplanade reserve or strip access to the esplanade reserve or strip matters provided for in an instrument creating an esplanade strip or access strip works required prior to vesting any reserve in the Council costs and benefits of acquiring the land. 	25.81.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.

25.82 Land containing heritage items

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>25.82 Land containing heritage items N/A</p>	<p>25.82.1 Subdivision of land containing a heritage item listed in Appendix C1 (Historic Heritage Items) is a restricted discretionary activity if:</p> <p>(a) the heritage item is wholly contained on one allotment, and</p> <p>(b) the relationship of the heritage item with its setting is maintained.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> effects on the values, context and setting of the heritage item. 	<p>25.82.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

25.83 Traffic generation

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>25.83 Traffic generation Complies with this rule therefore is a Restricted Discretionary Activity</p>	<p>25.83.1 Subdivision is a restricted discretionary activity if:</p> <p>(a) traffic generated by likely land uses following the subdivision does not alter the status or function of roads in the road hierarchy identified in Appendix A (Traffic).</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> capacity and quality of the road surface function of the public road safety and efficiency of the road network safety of road users. 	<p>25.83.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

22.4 Subdivision

22.4.1

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

22.4.1.1 Prohibited subdivision

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

PRI	Any subdivision within the Urban Expansion Area involving the creation of any additional lot.
PR2	<ol style="list-style-type: none"> (a) Subdivision of a Record of Title issued prior to 6 December 1997, which results in more than one additional lot being located on high class soil. (b) Exceptions to PR2(a) are where an additional lot is created by any of the following rules: <ol style="list-style-type: none"> (i) The conservation lot subdivision (Rule 22.4.1.6); (ii) Reserve lot subdivision (Rule 22.4.1.7); (iii) Access allotment or utility allotment using Rule 14.12 (Transportation); (iv) Subdivision of Maaori Freehold Land (Rule 22.4.1.3).

The site does not contain high class soils therefore this rule is not triggered.

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The site does not contain a record of title issued after 6 December 1997 therefore this rule is not applicable.

PR3	<p>(a) Subdivision of a Record of Title issued after 6 December 1997, which results in any additional lot being located on high class soil.</p> <p>(b) Exceptions to PR3(a) are where an additional lot is created by any of the following:</p> <ul style="list-style-type: none"> (i) Conservation lot subdivision (Rule 22.4.1.6); (ii) Reserve lot subdivision (Rule 22.4.1.7); (iii) Access allotment or utility allotment using Rule 14.12 (Transportation); (iv) Subdivision of Maaori Freehold Land (Rule 22.4.1.3); <p>(c) Rule PR3(a) does not apply to the following:</p> <ul style="list-style-type: none"> (i) a boundary relocation or adjustment between Records of Title that existed prior to 6 December 1997; (refer to Rule 22.4.1.4); or (ii) a process other than subdivision under the Resource Management Act 1991.
PR4	<p>(a) Any subdivision where a lot has been created for the purpose of a transferable rural lot subdivision under the provisions of the previous Operative Waikato District Plan – Franklin Section by either:</p> <ul style="list-style-type: none"> (i) Amalgamation; or (ii) Re-survey.

22.4.1.2 General subdivision

RDI	<p>(a) Subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The Record of Title to be subdivided must have issued prior to 6 December 1997; (ii) The Record of Title to be subdivided must be at least 20 hectares in area; (iii) The proposed subdivision must create no more than one additional lot, excluding an access allotment. (iv) The additional lot must have a proposed area of between 8,000m² and 1.6 ha; (v) Land containing high class soil (as determined by a Land Use Capability Assessment prepared by a suitably qualified person) must be contained within the boundaries of only two lots as follows: <ul style="list-style-type: none"> A. one lot must contain a minimum of 80% of the high class soil; and B. the other lot may contain up to 20% of high class soil. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) subdivision layout and design including dimensions, shape and orientation of the proposed lot; (ii) effects on rural character and amenity values; (iii) effects on landscape values; (iv) potential for reverse sensitivity effects; (v) extent of earthworks including earthworks for the location of building platforms and accessways.
NCI	General subdivision that does not comply with Rule 22.4.1.2. RDI.

22.4.1.3 Subdivision of Maaori Freehold Land

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

22.4.1.4 Boundary relocation

RDI	<p>(a) The <u>boundary</u> relocation must:</p> <ul style="list-style-type: none"> (i) Relocate a common <u>boundary</u> or <u>boundaries</u> between two existing <u>Records of Title</u> that existed prior to 18 July 2018; (ii) The <u>Records of Title</u> must form a continuous landholding; (iii) Not result in any additional <u>lot</u>; (iv) Create one <u>lot</u> of at least 8000m² in area. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) <u>subdivision</u> layout and design including dimension, shape and orientation of the proposed <u>lots</u>; (ii) effects on rural character and amenity values; (iii) effects on landscape values; and (iv) potential for reverse sensitivity effects.
DI	A <u>boundary</u> relocation that does not comply with Rule 22.4.1.4 RDI

22.4.1.5 Rural Hamlet Subdivision

RDI	<p>(a) <u>Subdivision</u> to create a Rural Hamlet must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) It results in 3 to 5 proposed <u>lots</u> being clustered together; (ii) All existing <u>Records of Title</u> form one continuous landholding; (iii) Each proposed <u>lot</u> has a minimum area of 8,000m². (iv) Each proposed <u>lot</u> has a maximum area of 1.6ha; (v) The proposed balance <u>lot</u> has a minimum area of 20ha; and (vi) It does not create any additional <u>lots</u> beyond the number of existing <u>Records of Title</u>. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) <u>subdivision</u> layout and design including dimension, shape and orientation of the proposed <u>lots</u>; (ii) effects on rural character and amenity values; (iii) effects on landscape values; (iv) potential for reverse sensitivity effects; (v) extent of <u>earthworks</u> including <u>earthworks</u> for the location of <u>building platforms</u> and access ways.
NCI	<u>Subdivision</u> that does not comply with Rule 22.4.1.5 RDI.

22.4.1.6 Conservation lot subdivision

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RDI	<p>(a) The <u>subdivision</u> must comply with all of the following conditions:</p> <p>(i) The <u>lot</u> must contain a <u>contiguous</u> area of existing <u>Significant Natural Area</u> either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist in accordance with the table below:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th style="text-align: center;">Contiguous area to be legally protected (hectares)</th> <th style="text-align: center;">Maximum number of new Records of Title</th> </tr> </thead> <tbody> <tr> <td>Between 1 ha and 2ha in area within the Hamilton Basin</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Less than 2ha in all other areas</td> <td style="text-align: center;">0</td> </tr> <tr> <td>2ha to less than 5ha</td> <td style="text-align: center;">1</td> </tr> <tr> <td>5 ha to less than 10ha</td> <td style="text-align: center;">2</td> </tr> <tr> <td>10ha or more</td> <td style="text-align: center;">3</td> </tr> </tbody> </table> <p>(ii) The area of <u>Significant Natural Area</u> is assessed by a suitably-qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity);</p> <p>(iii) The <u>Significant Natural Area</u> is not already subject to a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977;</p> <p>(iv) The <u>subdivision</u> proposes to legally protect all areas of <u>Significant Natural Area</u> by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977;</p> <p>(v) An ecological management plan is prepared to address ongoing management of the covenant area to ensure that the <u>Significant Natural Area</u> is self-sustaining and that plan:</p> <ul style="list-style-type: none"> A. Addresses fencing requirements for the covenant area; B. Addresses ongoing pest plant and animal control; C. Identifies any enhancement or edge planting required within the covenant area; <p>(vi) All proposed <u>lots</u> are a minimum size of 8,000m²;</p> <p>(vii) All proposed <u>lots</u> excluding the <u>balance lot</u>, must each have a maximum area of 1.6ha;</p> <p>(viii) This rule or its equivalent in a previous district plan has not previously been used to gain an additional <u>subdivision</u> entitlement;</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) <u>Subdivision</u> layout and proximity of <u>building platforms</u> to <u>Significant Natural Area</u>; (ii) Matters contained in an ecological management plan for the covenant area; (iii) Effects of the <u>subdivision</u> on rural character and amenity values; (iv) Extent of <u>earthworks</u> including <u>earthworks</u> for the location of <u>building platforms</u> and access ways. 	Contiguous area to be legally protected (hectares)	Maximum number of new Records of Title	Between 1 ha and 2ha in area within the Hamilton Basin	1	Less than 2ha in all other areas	0	2ha to less than 5ha	1	5 ha to less than 10ha	2	10ha or more	3
Contiguous area to be legally protected (hectares)	Maximum number of new Records of Title												
Between 1 ha and 2ha in area within the Hamilton Basin	1												
Less than 2ha in all other areas	0												
2ha to less than 5ha	1												
5 ha to less than 10ha	2												
10ha or more	3												
NCI	A conservation lot <u>subdivision</u> that does not comply with Rule 22.4.1.6 RDI.												

22.4.1.7 Subdivision to create a reserve

Proposed Waikato District Plan

RDI	<p>(a) <u>Subdivision</u> to create a reserve must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The <u>lot</u> being subdivided must contain an area that is identified in a Waikato District Council Parks Strategy as being required for permanent public access or for reserve purposes; (ii) The area identified in the Parks Strategy as being required for permanent public access or for reserve purposes is to be vested in Council; (iii) No more than one additional <u>lot</u> is created, excluding any land vested in Council. (iv) The proposed additional <u>lot</u>, excluding the reserve, has a minimum size of 8,000m². <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Size and location of area for which public access or reserve is secured; (ii) Method of securing public access; (iii) Management of any land remaining in private ownership over which access rights are granted; (iv) Location of additional <u>lot</u>.
NCI	A reserve <u>lot subdivision</u> that does not comply with Rule 22.4.1.7 RDI.

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

Proposed Waikato District Plan

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

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

RDI	<p>(a) The <u>boundaries of every proposed lot</u> must not divide any of the following:</p> <p>(i) <u>Significant Natural Areas</u>;</p> <p>(ii) <u>Heritage item</u> as identified in Schedule 30.1 (Historic Heritage Items);</p> <p>(iii) <u>Maaori sites of significance</u> as identified in Schedule 30.3 (Maaori sites of significance);</p> <p>(iv) <u>Maaori areas of significance</u> as identified in Schedule 30.4 (Maaori areas of significance).</p> <p>(b) Council's discretion shall be limited to the following matters:</p> <p>(i) Effects on <u>Significant Natural Areas (SNAs)</u>;</p> <p>(ii) Effects on <u>heritage items</u>;</p> <p>(iii) Effects on <u>Maaori sites of significance</u>;</p> <p>(iv) Effects on <u>Maaori areas of significance</u>.</p>
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Proposed Waikato District Plan

NCI	Subdivision that does not comply with Rule 22.4.3 RDI.
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22.4.4 Subdivision - Road frontage

RDI	<p>(a) Every proposed lot as part of the subdivision with a road boundary, other than proposed lot containing an access or utility allotment right of way or access leg must have a width along the road boundary of at least 60m.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Safety and efficiency of vehicle access and road network; (ii) Amenity values and rural character.
DI	Subdivision that does not comply with Rule 22.4.4 RDI.

22.4.5 Subdivision within identified areas

DI	<p>(a) Subdivision of any land containing any of the following areas:</p> <ul style="list-style-type: none"> (i) High Natural Character Area; (ii) Outstanding Natural Character Area; (iii) Outstanding Natural Landscape; (iv) Outstanding Natural Feature; (v) Significant Amenity Landscape dune; (vi) Coal Mining Area; (vii) Aggregate Resource Area; (viii) Aggregate Extraction Area.
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22.4.6 Subdivision of land containing all or part of an Environmental Protection Area

RDI	<p>(a) Subdivision of land containing all or part of an Environmental Protection Area identified on the planning maps must include the following:</p> <ul style="list-style-type: none"> (i) A planting and management plan is submitted to Council for the Environmental Protection Area prepared by a suitably-qualified person, containing exclusively indigenous species suitable to the area and conditions. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) measures proposed in the planting and management plan; (ii) vesting of reserve land in Council if appropriate; (iii) effects on amenity values; (iv) effects on ecological values; (v) effects on stormwater management.
DI	Subdivision that does not comply with Rule 22.4.6 RDI.

22.4.7 Esplanade reserves and esplanade strips

Proposed Waikato District Plan

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

22.4.8 Subdivision of land containing heritage items

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

22.4.9 Subdivision - Building platform

Proposed Waikato District Plan

RDI	<p>(a) <u>Subdivision</u>, other than an access or <u>utility allotment</u>, must provide a <u>building platform</u> on the proposed <u>lot</u> that:</p> <ul style="list-style-type: none"> (i) Has an area of 1,000m² exclusive of <u>boundary setbacks</u>; (ii) Has an average gradient not steeper than 1:8; (iii) Is certified by a geotechnical engineer as geotechnically stable; (iv) Has vehicular access in accordance with Rule 14.12.1 PI (Transportation) (v) Is not subject to inundation in a 2% <u>AEP</u> storm or flood event; (vi) a <u>dwelling</u> could be built on as a permitted activity in accordance with Land Use - Building Rules in Rule 22.3. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) <u>Earthworks</u> and <u>fill material</u> required for <u>building platforms</u> and access; (ii) Geotechnical suitability for <u>building</u>; (iii) Likely location of future <u>buildings</u> and their potential effects on the environment; (iv) Avoidance of natural <u>hazards</u>; (v) Effects on landscape and amenity; (vi) Measures to avoid storm or flood events.
DI	<u>Subdivision</u> that does not comply with Rule 22.4.9 RDI.