

HI I: Lakeside Te Kauwhata – Appendix 3

Rebuttal Evidence

Chapter 22: Rural Zone

Proposed Waikato District

Plan Stage I

(Notified version)

Waikato



DISTRICT COUNCIL

Te Kaunihera aa Takiwaa o Waikato

Contents

Chapter 22: Rural Zone	5
22.1 Land Use - Activities.....	5
22.1.1 Prohibited Activities.....	5
22.1.2 Permitted Activities.....	5
22.1.3 Restricted Discretionary Activities	7
22.1.5 Discretionary Activities.....	8
22.1.5 Non-Complying Activities	9
22.2 Land Use - Effects.....	9
22.2.1 Noise	9
22.2.1.1 Noise – General	9
22.2.1.2 Noise – Frost Fans.....	10
22.2.1.3 Noise – Construction	10
22.2.2 Glare and Artificial Light Spill	10
22.2.3 Earthworks.....	10
22.2.3.1 Earthworks – General.....	11
22.2.3.2 Earthworks - Maaori Sites and Maaori Areas of Significance.....	12
22.2.3.3 Earthworks - Significant Natural Areas.....	12
22.2.3.4 Earthworks – within Landscape and Natural Character Areas.....	12
22.2.4 Hazardous substances	13
22.2.5 Notable trees.....	14
22.2.5.1 Notable tree – removal or destruction.....	14
22.2.5.2 Notable tree - trimming	14
22.2.5.3 Notable tree - activities within the dripline.....	14
22.2.6 Signs	15
22.2.6.1 Signs – General	15
22.2.6.2 Signs - effects on traffic	16
22.2.7 Indigenous vegetation clearance inside a Significant Natural Area	16
22.2.8 Indigenous vegetation clearance - outside a Significant Natural Area	17
22.3 Land Use - Building.....	18
22.3.1 Number of dwellings within a lot	18
22.3.2 Minor dwelling.....	18
22.3.3 Buildings and structures in Landscape and Natural Character Areas.....	18
22.3.4 Height.....	18

22.3.4.1 Height - Building General	18
22.3.4.2 Height – Frost Fans.....	19
22.3.4.3 Height - Buildings, structures and vegetation within an airport obstacle limitation surface.....	19
22.3.4.4 Height – Buildings, structures and vegetation in a battlefield view shaft.....	19
22.3.5 Daylight admission.....	19
22.3.6 Building coverage	19
22.3.7 Building setbacks	20
22.3.7.1 Building Setbacks – All boundaries.....	20
22.3.7.2 Building setback - sensitive land use	20
22.3.7.3 Building – Te Kowhai Noise Buffer.....	21
22.3.7.4 Building – Noise Sensitive Activities	21
22.3.7.5 Building setback – water bodies	21
22.3.7.6 Building setback – Environmental Protection Area.....	21
22.3.8 Heritage items	22
22.4 Subdivision.....	23
22.4.1.1 Prohibited subdivision	23
22.4.1.2 General subdivision.....	24
22.4.1.3 Subdivision of Maaori Freehold Land.....	24
22.4.1.4 Boundary relocation	24
22.4.1.5 Rural Hamlet Subdivision.....	25
22.4.1.6 Conservation lot subdivision	25
22.4.1.7 Subdivision to create a reserve.....	26
22.4.2 Title boundaries – natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas	26
22.4.3 Title boundaries – Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance	27
22.4.4 Subdivision - Road frontage.....	27
22.4.5 Subdivision within identified areas.....	27
22.4.6 Subdivision of land containing all or part of an Environmental Protection Area	28
22.4.7 Esplanade reserves and esplanade strips.....	28
22.4.8 Subdivision of land containing heritage items	28
22.4.9 Subdivision - Building platform	28
22.5 Specific Area – Agriculture Research Centres.....	30
22.5.1 Application of Rules	30
22.5.2 Permitted Activities – Agricultural and Horticultural Research.....	30

22.5.3	Discretionary Activities – Agricultural and Horticultural Research.....	30
22.5.4	Building Height – within a Campus.....	31
22.5.5	Building Coverage – within a Campus.....	31
22.6	Specific Area - Huntly Power Station - Coal and Ash Water.....	32
22.6.1	Application of Rules	32
22.6.2	Permitted Activities – Huntly Power Station.....	32
22.6.3	Discretionary Activities – Huntly Power Station.....	33
22.6.4	Building Setback and Location – Huntly Power Station	33
22.6.5	Building height	33
22.6.6	Coal stockpile height, setback and coverage	33
22.6.7	Ash disposal and transport of coal ash water	33
22.6.8	Energy corridor - transportation of minerals and substances	33
22.7	Specific Area – Whaanga Coast Development Areas.....	35
22.7.1	Application of Rules within a Whaanga Coast Development Area.....	35
22.7.2	Application of Rules outside a Whaanga Coast Development Area.....	38
22.7.2.2	Discretionary Activities	38
22.7.2.3	Non-complying Activities	38
22.8	Lakeside Te Kauwhata Precinct.....	39
22.8.1	Application of rules	39
22.8.5	Non-Complying Activities	45
22.8.7	Subdivision Lakeside General.....	46

Chapter 22: Rural Zone

- (1) The rules that apply to activities in the Rural Zone are contained in [Rule 22.1](#) Land Use – Activities, [Rule 22.2](#) Land Use – Effects and [Rule 22.3](#) Land Use – Building.
- (2) The rules that apply to subdivision in the Rural Zone are contained in [Rule 22.4](#).
- (3) The activity status tables and standards in the following chapters also apply to activities in the Rural zone:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:
 - (a) PR Prohibited activity
 - (b) P Permitted activity
 - (c) C Controlled activity
 - (d) RD Restricted discretionary activity
 - (e) D Discretionary activity
 - (f) NC Non-complying activity
- (5) The Rural Zone contains four Specific Areas listed below. These Specific Areas contain rules that are either in addition to, or different from, other rules that apply to the rest of the Rural Zone.
 - (a) [Rule 22.5](#) Agricultural Research Centre;
 - (b) [Rule 22.6](#) Huntly Power Station - Coal and Ash Water;
 - (c) [Rule 22.7](#) Whaanga Coast Development Areas
 - (d) [Rule 22.8](#) Lakeside Te Kauwhata Precinct

22.1 Land Use - Activities

22.1.1 Prohibited Activities

- (1) The following activity is a prohibited activity. No application for resource consent for a prohibited activity can be made and a resource consent cannot be granted.

PRI	Any building , structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (refer to Appendix 7).
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22.1.2 Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
 - (a) Land Use – Effects rules in [Rule 22.2](#) (unless the activity rule and/or activity specific conditions identify a condition(s) that does not apply);
 - (b) Land Use – Building rules in [Rule 22.3](#) (unless the activity rule and/or activity specific conditions identify a condition(s) that does not apply);
 - (c) Activity specific conditions.

Activity	Activity specific conditions
P1 A Marae Complex or Papakaainga Housing Development on Maori Freehold Land or on Maaori Customary Land.	(a) Land Use – Effects in Rule 22.2; (b) Land Use – Building in Rule 22.3 except: (i) Rule 22.3.1 (Number of dwellings) does not apply; (ii) Rule 22.3.2 (Minor Dwellings) does not apply; (iii) Rule 22.3.3 (Buildings and structures in Landscape and Natural Character Areas) does not apply; (iv) Rule 22.3.4 (Building Height) does not apply; (v) Rule 22.3.6 (Building Coverage) does not apply; (c) Building height does not exceed 7.5m in any of the following areas: (i) Outstanding Natural Landscape; (ii) Outstanding Natural Feature; (iii) Outstanding Natural Character Area of the coastal environment; (iv) High Natural Character Area of the coastal environment; (d) A Concept Management Plan is provided, with either: (i) A Licence to Occupy at the time of lodgement of the building consent application where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation; or (ii) Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the building consent application: A. A lease; or B. An Occupation Order of the Māori Land Court.
P2 A temporary event	(a) The event occurs no more than 3 times per consecutive 12 month period; (b) The duration of each event is less than 72 hours; (c) It may operate between 7.30am to 8:30pm Monday to Sunday; (d) Temporary structures are: (i) erected no more than 2 days before the event occurs; (ii) removed no more than 3 days after the end of the event; (e) The site is returned to its previous condition no more than 3 days after the end of the event; (f) There is no direct site access from a national route or regional arterial road.
P3 Cultural event on Maaori Freehold Land containing a Marae Complex	Nil
P4 A home occupation	(a) It is wholly contained within a building; (b) The storage of materials or machinery associated with the home occupation is wholly contained within a building;

		<p>(c) No more than 2 people who are not permanent residents of the site are employed at any one time;</p> <p>(d) Unloading and loading of vehicles or the receiving of customers or deliveries only occur after 7:30am and before 7:00pm on any day;</p> <p>(e) Machinery may be operated after 7:30am and up to 9pm on any day.</p>
P5	Meremere Dragway Activity	<p>(a) Land Use – Effects in Rule 22.2; and</p> <p>(b) Land Use – Building in Rule 22.3.</p>
P6	Afforestation not in an Outstanding Landscape Area	Nil
P7	Farming	Nil
P8	Forestry	Nil
P9	Produce stall	Nil
P10	Home stay	Nil
P11	Equestrian Centre	Nil
P12	Horse Training Centre	Nil

22.1.3 Restricted Discretionary Activities

(I) The activities listed below are restricted discretionary activities.

Activity	Matters of Discretion
<p>RD1</p> <p>(a) Intensive Farming that meets all of the following conditions:</p> <p>(i) Land Use – Effects in Rule 22.2</p> <p>(ii) Land Use – Building in Rule 22.3</p> <p>(iii) Building coverage does not exceed 3% of the site:</p> <p>A. Rule 22.3.6 (Building Coverage) does not apply;</p> <p>(iv) Building height does not exceed 15m;</p> <p>A. Rule 22.3.4 (Building Height) does not apply;</p> <p>(b) It is not located in:</p> <p>(i) An Outstanding Natural Feature;</p> <p>(ii) An Outstanding Natural Landscape;</p> <p>(iii) A Significant Amenity Landscape;</p> <p>(iv) An Outstanding Natural Character Area; or</p> <p>(v) A High Natural Character Area</p> <p>(c) For pig farming, buildings and adjacent yard areas are set back at least:</p> <p>(i) 300 metres from any site boundary;</p> <p>(ii) From any boundary of a Residential, Village or Country Living:</p> <p>A. 1200 metres (500 or less pigs); or</p> <p>B. 2000 metres (more than 500 pigs);</p> <p>(d) For free-range poultry farming, buildings and outdoor enclosures are set back at least:</p> <p>(i) 100 metres from any site boundary; and</p> <p>(ii) 500 metres from any boundary of a Residential, Village and Country Living Zone;</p> <p>(e) For housed poultry and all other intensive farming, buildings and adjacent yard areas are set</p>	<p>(a) Council's discretion is restricted to the following matters:</p> <p>(i) traffic effects;</p> <p>(ii) effects on amenity values, including odour, visual impact, landscaping;</p> <p>(iii) location, type and scale of development; and</p> <p>(iv) noise effects.</p>

	back at least: (i) 300 metres from any site boundary ; and (ii) 500 metres from any boundary of a Residential, Village and Country Living Zone.	
RD2	Rural Industry	(a) Council's discretion is restricted to the following matters: (i) effects on rural character and amenity, (ii) location, type and scale of development; (iii) waste disposal; (iv) nuisance effects including: light spill and glare, odour, dust, noise; (v) traffic effects.

22.1.5 Discretionary Activities

(1) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with an activity specific condition in Rule 22.1.2
D2	Any permitted activity that does not comply with Land Use - Effects Rule 22.2 or Land Use - Building Rule 22.3 unless the activity status is specified as controlled, restricted discretionary or non-complying activity.
D3	Any activity that does not comply with (Rule 22.1.3 RD1 or RD2)
D4	A waste management facility
D5	Hazardous waste storage , processing or disposal.
D6	An education facility
D7	A correctional facility
D8	An extractive industry
D9	A commercial activity , excluding a produce stall
D10	An industrial activity
D11	Travellers' accommodation for more than 5 people.
D12	Motorised recreation activity
D13	Transport depot
D14	Place of Assembly
D15	Afforestation of any part of an Outstanding or Natural Character Area or High Natural Character Area .
D16	A boarding, breeding or animal training establishment

22.1.5 Non-Complying Activities

(1) The activities listed below are non-complying activities.

NC1	Construction of a building located on an indicative road .
NC2	(a) An extractive industry located within all or part of any of the following: <ul style="list-style-type: none"> (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) High natural character area; (iv) Outstanding Natural Character area.
NC3	(a) A waste management facility located within all or part of any of the following: <ul style="list-style-type: none"> (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) High Natural Character area; or (iv) Outstanding Natural Character Area.
NC4	(a) Within the Urban Expansion Area , the following activities: <ul style="list-style-type: none"> (i) intensive farming; (ii) storage, processing or disposal of hazardous waste; (iii) correctional facility; (iv) extractive industry; (v) industrial activity; (vi) motorised recreation activity; (vii) transport depot.
NC5	Any other activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.

22.2 Land Use Effects

22.2.1 Noise

- (1) **Rules 22.2.1.1 to 22.2.1.3** provide the permitted noise levels for noise generated by land use activities.
- (2) **Rule 22.2.1.1** Noise – general provides permitted noise levels in the Rural Zone.
- (3) Noise levels for specific activities are provided in **Rules 22.2.1.2** Noise – Frost Fans and **22.2.1.3** Noise – Construction.

22.2.1.1 Noise – General

P1	Farming noise , and noise generated by emergency generators and emergency sirens.
P2	(a) Noise measured at the notional boundary on any other site in the Rural Zone must not exceed: <ul style="list-style-type: none"> (i) 50dB (LAeq), 7am to 7pm every day; (ii) 45dB (LAeq), 7pm to 10pm every day; (iii) 40dB (LAeq) and 65dB (LAm_{ax}), 10pm to 7am the following day.
P3	(a) Noise measured within any site in any zone, other than the Rural Zone, must meet the permitted noise levels for that zone.
P4	(a) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics - Measurement of Environmental Sound" . (b) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 "Acoustic- Environmental noise" .
D1	Noise that does not comply with Rule 22.2.1.1 P1, P2, P3 or P4 .

22.2.1.2 Noise – Frost Fans

PI	Noise generated by a frost fan must not exceed 55dB (L _{Aeq}) when measured at the notional boundary on any site in the Rural Zone and within any site in the Country Living Zone, Village Zone or Residential Zone.
DI	Noise generated by a frost fan that does not comply with Rule 22.2.1.2 PI .

22.2.1.3 Noise – Construction

PI	(a) Construction noise generated from a construction site must meet the limits in New Zealand Standard NZS 6803:1999 (Acoustics – Construction Noise) . (b) Construction noise must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 'Acoustics – Construction Noise' .
RDI	(a) Construction noise that does not comply with Rule 22.2.1.3 PI . (b) Council's discretion is restricted to the following matters: (i) effects on amenity values; (ii) hours and days of construction; (iii) noise levels; (iv) timing and duration; (v) methods of construction.

22.2.2 Glare and Artificial Light Spill

PI	(a) Illumination from glare and artificial light spill shall not exceed 10 lux measured horizontally and vertically at the notional boundary on any other site in the Rural Zone; at any road boundary or within any other site in the Residential, Village or Country Living Zones; (b) Rule 22.2.2 PI (a) does not apply to vehicles used in farming activities and agricultural equipment; (c) Any artificial lighting from vehicles used in farming activities and agricultural equipment shall be operated so that direct or indirect illumination does not create a nuisance to occupants of adjoining or nearby sites.
RDI	(a) Illumination from glare and artificial light spill that does not comply with Rule 22.2.2 PI (b) Council's discretion is restricted to the following matters: (i) effects on amenity values; (ii) light spill levels on other sites; (iii) road safety; (iv) duration and frequency; (v) location and orientation of the light source; (vi) mitigation measures; (vii) location and orientation of the light source.

22.2.3 Earthworks

- (1) **Rule 22.2.3.1 – Earthworks General**, provides the permitted rules for earthworks in the Rural Zone. These rules do not apply to earthworks for subdivision.
- (2) There are specific standards for earthworks within rules:
 - (a) **Rule 22.2.3.2 – Earthworks - Maori Sites and Maori Areas of Significance**
 - (b) **Rule 22.2.3.3 – Earthworks - Significant Natural Areas**
 - (c) **Rule 22.2.3.4 – Earthworks – within Landscape and Natural Character Areas**

22.2.3.1 Earthworks – General

P1	<p>(a) Earthworks for:</p> <ul style="list-style-type: none"> (i) Ancillary rural earthworks; (ii) Farm quarry where the volume of aggregate does not exceed 1000m³ per single consecutive 12 month period; (iii) Construction and/or maintenance of tracks, fences or drains; (iv) A building platform for a residential activity, including accessory buildings.
P2	<p>(a) Earthworks within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Do not exceed a volume of more than 1000m³ and an area of more than 2000m² over any single consecutive 12 month period; (ii) The total depth of any excavation or filling does not exceed 3m above or below ground level with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iii) Earthworks are setback 1.5m from all boundaries; (iv) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
P3	<p>(a) Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material must meet the following condition:</p> <ul style="list-style-type: none"> (i) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.
P4	<p>(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material or cleanfill must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) not exceed a total volume of 200m³; (ii) not exceed a depth of 1m; (iii) the slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) fill material is setback 1.5m from all boundaries; (v) areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (vi) sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls; (vii) does not divert or change the nature of natural water flows, water bodies or established drainage paths.
RD1	<p>(a) Earthworks that do not comply with Rule 22.2.3.1 P1, P2, P3 or P4.</p> <p>(b) Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) amenity values and landscape effects; (ii) volume, extent and depth of earthworks; (iii) nature of fill material; (iv) contamination of fill material or cleanfill; (v) location of the earthworks to waterways, significant indigenous vegetation and habitat; (vi) compaction of the fill material; (vii) volume and depth of fill material; (viii) protection of the Hauraki Gulf Catchment Area; (ix) geotechnical stability; (x) flood risk, including natural water flows and established drainage paths; (xi) land instability, erosion and sedimentation.

22.2.3.2 Earthworks - Maaori Sites and Maaori Areas of Significance

RD1	<p>(a) Earthworks within a Maaori site of significance as identified in Schedule 30.3 (Maaori sites of Significance) and shown on the planning maps.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) location of activity in relation to the site; (ii) effects on heritage and cultural values.
RD2	<p>(a) Earthworks within a Maaori area of significance as identified in Schedule 30.4 (Maaori areas of Significance) and shown on the planning maps.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) location of activity in relation to the site; (ii) effects on heritage and cultural values.

22.2.3.3 Earthworks - Significant Natural Areas

PI	<p>(a) Earthworks for the maintenance of existing tracks, fences or drains within an identified Significant Natural Area must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) The earthworks must not exceed a volume of 50m³ in a single consecutive 12 month period; and (ii) The earthworks must not exceed an area of 250m² in a single consecutive 12 month period; (iii) The total depth of any excavation or filling does not exceed 1.5m above or below ground level with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Earthworks are setback 1.5m from all boundaries; (v) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (vi) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
P2	Filling using imported fill must not exceed a volume of 20m ³ and a depth of 1.5m.
RD1	<p>(a) Earthworks that do not comply with Rule 22.2.3.3 P1 or P2.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) The location of earthworks, taking into account waterways, significant indigenous vegetation or habitat; (ii) The effects on the Significant Natural Area.

22.2.3.4 Earthworks – within Landscape and Natural Character Areas

PI	<p>(a) Earthworks are for the maintenance of existing tracks, fences or drains within an identified Landscape or Natural Character Area and must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) The earthworks are undertaken within a single consecutive 12 month time period; (ii) The earthworks must not exceed the following areas and volumes within a single consecutive 12 month period: <table border="1" data-bbox="363 1639 1289 2000"> <thead> <tr> <th>Landscape or Natural Character Area</th> <th>Area (m2)</th> <th>Volume (m3)</th> </tr> </thead> <tbody> <tr> <td>Hill Country Significant Amenity Landscape</td> <td>1,000</td> <td>500</td> </tr> <tr> <td>Significant Amenity Landscape Waikato River Margins and Lakes</td> <td>500</td> <td>500</td> </tr> <tr> <td>Significant Amenity Landscape (SAL) sand</td> <td>50</td> <td>250</td> </tr> </tbody> </table>	Landscape or Natural Character Area	Area (m2)	Volume (m3)	Hill Country Significant Amenity Landscape	1,000	500	Significant Amenity Landscape Waikato River Margins and Lakes	500	500	Significant Amenity Landscape (SAL) sand	50	250
Landscape or Natural Character Area	Area (m2)	Volume (m3)											
Hill Country Significant Amenity Landscape	1,000	500											
Significant Amenity Landscape Waikato River Margins and Lakes	500	500											
Significant Amenity Landscape (SAL) sand	50	250											

	<p>dune</p> <p>High or Outstanding Natural Character area of the coastal environment</p> <p>Outstanding Natural Feature sand dune</p> <p>Outstanding Natural Feature (ONF)</p> <p>Outstanding Natural Landscapes (ONLs)</p>			
	<p>(iii) The height of the resulting cut or batter face in stable ground does not exceed 1.5m;</p> <p>(iv) The maximum slope of the resulting cut or batter face in stable ground does not exceed 1:2 (1m vertical to 2m horizontal);</p> <p>(v) Areas exposed by the earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</p> <p>(vi) Sediment is retained on the site through implementation and maintenance of erosion and sediment controls;</p> <p>(vii) The earthworks do not divert or change natural water flows, water bodies or established drainage paths.</p>			
D1	Earthworks within an identified Landscape or Natural Character Area that do not comply with Rule 22.2.3.4 PI.			

22.2.4 Hazardous substances

P1	<p>(a) The use, storage or disposal of any hazardous substances where:</p> <p>(i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Rural Zone in Table 6.1 contained within Appendix 6 (Hazardous Substances).</p>
P2	<p>(a) The storage or use of radioactive materials if it is:</p> <p>(i) an approved equipment for medical and diagnostic purposes; or</p> <p>(ii) specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</p>
C1	<p>(a) The storage of the following maximum volumes of fuel for retail sale within a service station:</p> <p>(i) 100,000 litres of petrol in underground storage tanks;</p> <p>(ii) 50,000 litres of diesel in underground storage tanks; and</p> <p>(iii) 6 tonnes of LPG (single vessel storage).</p> <p>(b) Council's control is reserved over the following matters:</p> <p>(i) The proposed site design and layout in relation to:</p> <p>A. the sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities;</p> <p>B. interaction with natural hazards (flooding, instability), as applicable. proposed emergency management planning (spills, fire and other relevant hazards);</p> <p>(ii) Procedures for monitoring and reporting of incidents.</p>
D1	The use, storage or disposal of hazardous substances that does not comply with Rule 22.2.4 PI, P2 or CI.

22.2.5 Notable trees

- (a) Rules 22.2.5.1 – 22.2.5.3 provide permitted rules for notable trees, which are identified in Schedule No.4 (Notable Trees) as follows:
- (i) Rule 22.2.5.1 Notable tree - Removal or destruction;
 - (ii) Rule 22.2.5.2 Notable tree - Trimming;
 - (iii) Rule 22.2.5.3 Notable tree - Activities within the dripline.

22.2.5.1 Notable tree – removal or destruction

PI	Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) where certification is provided to Council from a works arborist that states the tree is dead, dying, and diseased or is unsafe in accordance with Appendix 11 Tree Removal Certificate.
RD I	<p>(a) Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) that does not comply with Rule 22.2.5.1 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) timing and manner in which the activity is carried out; (i) effects on amenity values; (ii) effects on heritage values.

22.2.5.2 Notable tree - trimming

PI	<p>(a) The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) is either:</p> <ul style="list-style-type: none"> (i) To remove dead, dying, or diseased branches and the tree work is undertaken by a works arborist; or (ii) The maximum branch diameter does not exceed 50mm at the point of severance and no more than 10% of live foliage growth is removed in any single 12 month period.
RD I	<p>(a) The trimming of a notable tree that does not comply with Rule 22.2.5.2 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) timing and manner in which the activity is carried out and by whom; (ii) health of the tree; (iii) effects on amenity values.

22.2.5.3 Notable tree - activities within the dripline

PI	<p>(a) Any activity within the dripline of a notable tree identified in Schedule 30.2 (Notable Trees) must not:</p> <ul style="list-style-type: none"> (i) Involve excavation, compaction, sealing or soil disturbance and placement of fill material, except for sealing of an existing road or footpath; and (ii) Involve parking or storage of materials, vehicles or machinery; and (iii) Discharge an eco-toxic substance; and (iv) Involve construction of structures.
RD I	<p>(a) Any activity that does not comply with Rule 22.2.5.3 PI</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) location of activity in relation to the tree; (ii) timing and manner in which the activity is carried out ; (iii) remedial measures; (iv) effect on the health of the tree; (v) amenity values

22.2.6 Signs

- (a) **Rule 22.2.6.1** Signs – General provides permitted standards for any sign, including real estate signs, across the entire Rural Zone.
- (b) **Rule 22.2.6.2** Signs – effects on traffic apply specific standards for signs that are directed at road users.

22.2.6.1 Signs – General

P1	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) It is the only sign on the site; (ii) The sign is wholly contained on the site; (iii) The sign does not exceed 3m²; (iv) The sign height does not exceed 3m; (v) The sign is not illuminated, (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vii) The sign is set back at least 50m from a state highway and the Waikato Expressway; (viii) The sign is not attached to a notable tree identified in Schedule 30.2 (Notable Trees), except for the purpose of identification; (ix) The sign is not attached to a heritage item listed in Schedule 30.1 (Historic Heritage Items) except for the purpose of identification and interpretation; (x) The sign is not attached to a Maaori site of significance listed in Schedule 30.3 (Maaori Sites of Significance) except for the purpose of identification and interpretation; (xi) The sign relates to: <ul style="list-style-type: none"> A. Goods or services available on the site; or B. A property name sign.
P3	<p>(a) A real estate 'for sale' sign relating to the site on which it is located must not:</p> <ul style="list-style-type: none"> (i) Have more than 1 sign per agency; (ii) Be illuminated; (iii) Contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (iv) Project into or over road reserve.
RD1	<p>(a) Any sign that does not comply with Rule 22.2.6.1 P1, P2 or P3.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) amenity values; (ii) rural character of the locality; (iii) effects on traffic safety; (iv) effects of glare and artificial light spill; (v) content, colour and location of the sign; (vi) effects on notable trees; (vii) effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (viii) effects on cultural values of any Maaori site of significance; (ix) effects on notable architectural features of the building.

22.2.6.2 Signs - effects on traffic

PI	<p>(a) Any sign directed at road users must:</p> <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (iv) Contain no more than 40 characters and no more than 6 symbols; (v) Have lettering that is at least 200mm high; and (vi) Where the sign directs traffic to a site entrance, it must be at least: <ul style="list-style-type: none"> A. 175m from the entrance on roads with a speed limit of 80 km/hr or less; or B. 250m from the entrance on roads with a speed limit of more than 80km/hr.
DI	Any sign that does not comply with Rule 22.2.6.2 PI .

22.2.7 Indigenous vegetation clearance inside a Significant Natural Area

PI	<p>(a) Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes:</p> <ul style="list-style-type: none"> (i) Removing vegetation that endangers human life or existing buildings or structures; (ii) Conservation fencing to exclude stock or pests; (iii) Maintaining existing farm drains; (iv) Maintaining existing tracks and fences; or (v) Gathering plants in accordance with Maaori customs and values.
P2	Removal of up to 5m ³ of manuka and/or kanuka outside of the Coastal Environment per single consecutive 12 month period per property for domestic firewood purposes and arts or crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant.
P3	<p>(a) Indigenous vegetation clearance for building, access, parking and manoeuvring areas in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) There is no alternative development area on the site outside the Significant Natural Area; and (ii) The total indigenous vegetation clearance does not exceed 250m².
P4	<p>(a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) where:</p> <ul style="list-style-type: none"> (i) There is no alternative development area on the site outside the Significant Natural Area; (ii) The following total areas are not exceeded: <ul style="list-style-type: none"> A. 1500m² for a Marae complex, including areas associated with access, parking and manoeuvring; B. 500m² per dwelling, including areas associated with access, parking and manoeuvring; and C. 500m² for a papakaainga building including areas associated with access, parking and manoeuvring.
P5	<p>(a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes:</p> <ul style="list-style-type: none"> (i) Removing vegetation that endangers human life or existing buildings or structures; (ii) Conservation fencing to exclude stock or pests; (iii) Maintaining existing farm drains; (iv) Maintaining existing tracks and fences; or (v) Gathering plants in accordance with Maaori customs and values.

P6	Removal of up to 5m ³ of manuka and/or kanuka outside of the Coastal Environment per single consecutive 12 month period per property for domestic firewood purposes and arts or crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant
D1	Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 5 (Urban Allotment Significant Natural Areas) that does not comply with one or more conditions in Rule 22.2.7 P1, P2, P3, P4, P5 or P6.

22.2.8 Indigenous vegetation clearance - outside a Significant Natural Area

PI	<p>(a) Indigenous vegetation clearance outside a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must be for the following purposes:</p> <ul style="list-style-type: none"> (i) Removing vegetation that endangers human life or existing buildings or structures; (ii) Maintaining productive pasture through the removal of up to 1000m² per single consecutive 12 month period of manuka and/or kanuka that is more than 10m from a waterbody, and less than 4m in height; (iii) Maintaining existing tracks and fences; (iv) Maintaining existing farm drains; (v) Conservation fencing to exclude stock or pests; (vi) Gathering of plants in accordance with Maori custom and values; or (vii) A building platform and associated access, parking and manoeuvring up to a total of 500m² clearance of indigenous vegetation.
P2	<p>(a) On Maori Freehold Land or Maaori Customary Land, indigenous vegetation clearance outside a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must be for the following purposes:</p> <ul style="list-style-type: none"> (i) Removing vegetation that endangers human life or existing buildings or structures; (ii) Maintaining productive pasture through the removal of up to 1000m² per single consecutive 12 month period of manuka and/or kanuka that is more than 10m from a waterbody, and less than 4m in height; (iii) Maintaining existing tracks and fences; (iv) Maintaining existing farm drains; (v) Conservation fencing to exclude stock or pests; or (vi) Gathering of plants in accordance with Maori custom and values.
P3	<p>(a) On Maori Freehold Land or Maaori Customary Land, the clearance of indigenous vegetation clearance outside a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must not exceed:</p> <ul style="list-style-type: none"> (i) 1500m² for a Marae complex including associated access, parking and manoeuvring; (ii) 500m² per dwelling including associated access, parking and manoeuvring; and (iii) 500m² for a papakaainga building including associated access, parking and manoeuvring.
RD1	<p>(a) Indigenous Vegetation clearance outside a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) that does not comply with one or more conditions of Rule 22.2.8 P1, P2 or P3.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) the extent to which the clearance will result in the fragmentation and isolation of indigenous ecosystems and habitats, including the loss of corridors or connections that link indigenous ecosystems and habitat and the loss of buffering of indigenous ecosystems; (ii) the extent to which the clearance will result in loss, damage or disruption to ecological processes, functions and ecological integrity, including ecosystem services; (iii) the extent to which cumulative effects have been considered and addressed; (iv) the extent to which the clearance affects Tangata Whenua relationships with indigenous

	<p>biodiversity on the site;</p> <p>(v) the extent to which the indigenous biodiversity contributes to natural character and landscape values, including in areas of outstanding natural character, outstanding natural features, outstanding natural landscapes and significant amenity landscapes.</p>
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22.3 Land Use - Building

22.3.1 Number of dwellings within a lot

PI	<p>(a) One dwelling within a lot containing less than 40ha;</p> <p>(b) No more than two dwellings within a lot containing 40ha or more;</p> <p>(c) Any dwelling(s) under Rule 22.3.1 PI (a) and (b) must not be located within any:</p> <p>(i) Outstanding Natural Feature;</p> <p>(ii) Outstanding Natural Landscape;</p> <p>(iii) Outstanding Natural Character Area;</p> <p>(iv) High Natural Character Area.</p>
DI	A dwelling that does not comply with Rule 22.3.1 PI.

22.3.2 Minor dwelling

PI	<p>(a) One minor dwelling not exceeding 70m² gross floor area within a lot.</p> <p>(b) Where there is an existing dwelling located within a lot:</p> <p>(i) The minor dwelling must be located within 20m of the dwelling;</p> <p>(ii) The minor dwelling must share a single driveway access with the existing dwelling.</p>
DI	A minor dwelling that does not comply with Rule 22.3.2.PI.

22.3.3 Buildings and structures in Landscape and Natural Character Areas

DI	<p>(a) Building or structure located within any:</p> <p>(i) Outstanding Natural Feature;</p> <p>(ii) Outstanding Natural Landscape;</p> <p>(iii) Outstanding Natural Character Area;</p> <p>(iv) High Natural Character Area.</p>
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22.3.4 Height

- (I) Rule 22.3.4.1 – Height - Building general provides permitted height levels across the entire Rural Zone for buildings, structures or vegetation.
- (i) The following rules provide height levels for specific activities:
- (ii) Rule 22.3.4.2 – Height - Frost fans;
- (iii) Rule 22.3.4.3 – Height - Buildings, structures and vegetation within an airport obstacle limitation surface;
- (iv) Rule 22.3.4.4 - Buildings in a battlefield view shaft.

22.3.4.1 Height - Building General

PI	The maximum height of any building must not exceed 10m.
P2	The height of any dwelling or building must not exceed 7.5m in a Significant Amenity Landscape.

DI	Any building that does not comply with Rule 22.3.4.1 PI or P2.
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22.3.4.2 Height – Frost Fans

PI	(a) The height of the support structure for a frost fan must not exceed 10.5m; and (b) The fan blades must not rotate higher than 13.5m.
DI	Any frost fan that does not comply with Rule 22.3.4.2 PI.

22.3.4.3 Height - Buildings, structures and vegetation within an airport obstacle limitation surface

PI	A building , structure or vegetation must not protrude through any Airport Obstacle Limitation Surface as shown on the planning maps.
NCI	A building , structure or vegetation that does not comply with Rule 22.3.4.3 PI

22.3.4.4 Height – Buildings, structures and vegetation in a battlefield view shaft

PI	The maximum height of any building , structure or vegetation within a battlefield view shaft as shown on the planning map must not exceed 5m.
DI	Any building , structure or vegetation that does not comply with Rule 22.3.4.4 PI

22.3.5 Daylight admission

PI	A building must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary .
RD1	(a) A building that does not comply with Rule 22.3.5 PI. (b) Council's discretion is restricted to the following matters: (i) Height of building ; (ii) Design and location of the building ; (iii) Admission of daylight and sunlight to the site and other site ; (iv) Privacy on other site ; (v) Amenity values of the locality.

22.3.6 Building coverage

PI	(a) The total building coverage must not exceed the larger of: (i) 2% of the site area; or (ii) 500m ² .
DI	A building that does not comply with Rule 22.3.6 PI

22.3.7 Building setbacks

- (a) Rules 22.3.7.1 to 22.3.7.4 provide the permitted building setback distances for buildings from site boundaries, specific land use activities and environmental features.
- (b) Rule 22.3.7.1 Building setbacks – all boundaries provides permitted building setback distances from all boundaries on any site within the Rural Zone. Different setback distances are applied based on the type of building and the site area.
- (c) Rule 22.3.7.2 Building setback - sensitive land use provides permitted setback distances for any building containing a sensitive land use from specified land use activities.
- (d) Rule 22.3.7.3 Building setback – water bodies provides permitted setback distances from lakes, wetlands, rivers and the coast.
- (e) Rule 22.3.7.4 Building setback - Environmental Protection Area provide specific setback distances from specified environmental features.

22.3.7.1 Building Setbacks – All boundaries

P1	(a) A habitable building located on a site less than 1.6ha must be set back a minimum of: <ol style="list-style-type: none"> (i) 7.5m from the road boundary; (ii) 17.5m from the centre line of an indicative road; (iii) 25m from the boundary of an adjoining site that is 6ha or more; (iv) 12m from the boundary of an adjoining site that is less than 6ha.
P2	(a) A non-habitable building located on a Record of Title less than 1.6ha must be set back a minimum of: <ol style="list-style-type: none"> (i) 7.5m from the road boundary; (ii) 17.5m from the centre line of an indicative road; (iii) 12m from every boundary other than a road boundary.
P3	(a) A habitable building located on a Record of Title 1.6ha or more must be set back a minimum of: <ol style="list-style-type: none"> (i) 12m from the road boundary; (ii) 22m from the centre line of an indicative road; (iii) 25m from every boundary other than a road boundary.
P4	(a) A non-habitable building located on a Record of Title 1.6ha or more must be set back a minimum of: <ol style="list-style-type: none"> (i) 12m from the road boundary; (ii) 22m from the centre line of an indicative road; (iii) 12m from every boundary other than a road boundary.
RD1	(a) A building that does not comply with Rule 22.3.7.1 P1, P2, P3 or P4. (b) Council's discretion is restricted to the following matters: <ol style="list-style-type: none"> (i) amenity values; (ii) effects on traffic.

22.3.7.2 Building setback - sensitive land use

P1	(a) Any building for a sensitive land use must be set back a minimum of: <ol style="list-style-type: none"> (i) 5m from the designated boundary of the railway corridor; (ii) 15m from a national route or regional arterial road; (iii) 35m from the designated boundary of the Waikato Expressway; (iv) 200m from an Aggregate Extraction Area containing a sand resource; (v) 500m from an Aggregate Extraction Area containing a rock resource; (vi) 100m from a site in the Tamahere Commercial Areas A and C; (vii) 300m from the boundary of another site containing an intensive farming activity;
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	(viii) 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site; (ix) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed.
DI	Any building for a sensitive land use that does not comply with Rule 22.3.7.2 PI.

22.3.7.3 Building – Te Kowhai Noise Buffer

PI	Construction of, or addition, or alteration to, a dwelling within the Te Kowhai Noise Buffer that is designed and constructed to achieve the internal design sound levels specified in Section 3.2 of Appendix I (Acoustic Insulation).
RDI	(a) Construction of, or addition, or alteration to, a dwelling that does not comply with Rule 22.3.7.3 PI (b) Council's discretion shall be restricted to the following matters: (i) on-site amenity values; (ii) noise levels received at the notional boundary of the dwelling; (iii) timing and duration of noise received at the notional boundary of the dwelling; (iv) potential for reverse sensitivity effects.

22.3.7.4 Building – Noise Sensitive Activities

PI	(a) Construction of, or addition, or alteration to a building containing a noise sensitive activity must comply with Appendix I (Acoustic Insulation) within: (i) The Airport Noise Outer Control Boundary; (ii) 350m of the Huntly Power Station site boundary; (iii) The Waikato Gun Club Noise Control Boundary.
RDI	(a) Construction of, or addition, or alteration to a building that does not comply with a condition in Rule 22.3.7.4 .PI. (b) Council's discretion is restricted to the following matters: (i) internal design sound levels; (ii) on-site amenity values; and (iii) potential for reverse sensitivity effects.

22.3.7.5 Building setback – water bodies

PI	(a) Any building must be set back a minimum of: (i) 32m from the margin of any; A. Lake; and B. Wetland; (ii) 23m from the bank of any river (other than the Waikato River and Waipa River); (iii) 28m from the banks of the Waikato River and Waipa River; and (iv) 23m from mean high water springs.
P2	A public amenity of up to 25m ² , and a pump shed within any building setback identified in Rule 22.3.7.5 PI.
DI	Any building that does not comply with Rule 22.3.7.5 PI.

22.3.7.6 Building setback – Environmental Protection Area

PI	Any building must be set back a minimum of 3m from an Environmental Protection Area identified on the planning maps.
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DI	Any building that does not comply with Rule 22.3.7.6 PI
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22.3.8 Heritage items

- (a) The following rules manage heritage items (buildings and monuments) within the Rural Zone.
- (i) **Rule 22.3.8.1** Group A Heritage Item – demolition, removal or relocation;
 - (ii) **Rule 22.3.8.2** Group B Heritage Item – demolition, removal or relocation;
 - (iii) **Rule 22.3.8.3** All Heritage Items – alteration or addition;
 - (iv) **Rule 22.3.8.4** All Heritage Items – maintenance or repair;
 - (v) **Rule 22.3.8.5** All Heritage Items – all site development.

22.3.8.1 Group A heritage item - demolition, removal or relocation

NCI	Demolition, removal or relocation of any Group A heritage item listed in Schedule 30.1 (Historic Heritage Items)
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22.3.8.2 Group B heritage item - demolition, removal or relocation

DI	Demolition, removal or relocation of any Group B heritage item listed in Schedule 30.1 (Historic Heritage Items) .
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22.3.8.3 All heritage items – alteration or addition

PI	(a) Alteration or addition to a heritage item listed in Schedule 30.1 (Historic Heritage Items) where: <ul style="list-style-type: none"> (i) No significant feature of interest is removed, destroyed or damaged; (ii) Alterations or additions are not visible from a public place.
RD I	(a) Any activity that does not comply with Rule 22.3.8.3 PI . (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) Form, style, materials and appearance; (ii) Effects on heritage values.

22.3.8.4 All heritage items – maintenance or repair

PI	(a) Maintenance or repair of a heritage item listed in Schedule 30.1 (Historic Heritage Items) where: <ul style="list-style-type: none"> (i) No significant feature of interest is destroyed or damaged; (ii) Replacement materials are the same as, or similar to, the original in terms of form, style and appearance.
RD I	(a) Any activity that does not comply with Rule 22.3.8.4 PI (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) Form, style, materials and appearance; (ii) Effects on heritage values.

22.3.8.5 All heritage items – all site development

PI	(a) Development on a site containing a heritage item listed in Schedule 30.1 (Historic Heritage Items) must: <ul style="list-style-type: none"> (i) Be set back at least 10m from the heritage item; (ii) Not locate a building between the front of the heritage item and the road.
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RD1	<ul style="list-style-type: none"> (a) Any activity that does not comply with Rule 22.3.8.5 PI. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) Effects on the values, context and setting of the heritage item; (ii) Location, design, size, materials and finish; (iii) Landscaping; (iv) The relationship of the heritage item with the setting.
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22.4 Subdivision

- (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:

PR1	Any subdivision within the Urban Expansion Area involving the creation of any additional lot .
PR2	<ul 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: <ul 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).
PR3	<ul style="list-style-type: none"> (a) Subdivision of a Record of Title issued after 6 December 1997, which results in any additional lot being located on high class soil. (b) Exceptions to PR3(a) are where an additional lot is created by any of the following: <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);

	<p>(iv) Subdivision of Maori Freehold land (Rule 22.4.1.3);</p> <p>(c) Rule PR3(a) does not apply to the following:</p> <p>(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</p> <p>(ii) a process other than subdivision under the Resource Management Act 1991.</p>
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> <p>(i) Amalgamation; or</p> <p>(ii) Re-survey</p>

22.4.1.2 General subdivision

RD1	<p>(a) Subdivision must comply with all of the following conditions:</p> <p>(i) The Record of Title to be subdivided must have issued prior to 6 December 1997;</p> <p>(ii) The Record of Title to be subdivided must be at least 20 hectares in area;</p> <p>(iii) The proposed subdivision must create no more than one additional lot, excluding an access allotment.</p> <p>(iv) The additional lot must have a proposed area of between 8,000m² and 1.6 ha;</p> <p>(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:</p> <p>A. one lot must contain a minimum of 80% of the high class soil; and</p> <p>B. the other lot may contain up to 20% of high class soil.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) subdivision layout and design including dimensions, shape and orientation of the proposed lot;</p> <p>(ii) effects on rural character and amenity values;</p> <p>(iii) effects on landscape values;</p> <p>(iv) potential for reverse sensitivity effects;</p> <p>(v) extent of earthworks including earthworks for the location of building platforms and accessways.</p>
NCI	General subdivision that does not comply with Rule 22.4.1.2. RD1 .

22.4.1.3 Subdivision of Maori Freehold Land

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

22.4.1.4 Boundary relocation

RD1	<p>(a) The boundary relocation must:</p> <p>(i) Relocate a common boundary or boundaries between two existing Records of Title that existed prior to 18 July 2018;</p> <p>(ii) The Records of Title must form a continuous landholding;</p> <p>(iii) Not result in any additional lot;</p> <p>(iv) Create one lot of at least 8000m² in area.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) subdivision layout and design including dimension, shape and orientation of the proposed lots;</p> <p>(ii) effects on rural character and amenity values;</p>
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	(iii) effects on landscape values; and (iv) potential for reverse sensitivity effects.
DI	A boundary relocation that does not comply with Rule 22.4.1.4 RDI

22.4.1.5 Rural Hamlet Subdivision

RD I	<p>(a) Subdivision 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 lots being clustered together; (ii) All existing Records of Title form one continuous landholding; (iii) Each proposed lot has a minimum area of 8,000m². (iv) Each proposed lot has a maximum area of 1.6ha; (v) The proposed balance lot has a minimum area of 20ha; and (vi) It does not create any additional lots beyond the number of existing Records of Title. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) subdivision layout and design including dimension, shape and orientation of the proposed lots; (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 access ways.
NCI	Subdivision that does not comply with Rule 22.4.1.5 RDI .

22.4.1.6 Conservation lot subdivision

RD I	<p>(a) The subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The lot must contain a contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist in accordance with the table below: <table border="1" data-bbox="403 1227 1243 1677"> <thead> <tr> <th>Contiguous area to be legally protected (hectares)</th> <th>Maximum number of new Records of Title</th> </tr> </thead> <tbody> <tr> <td>Between 1ha and 2ha in area within the Hamilton Basin</td> <td>1</td> </tr> <tr> <td>Less than 2ha in all other areas</td> <td>0</td> </tr> <tr> <td>2ha to less than 5ha</td> <td>1</td> </tr> <tr> <td>5ha to less than 10ha</td> <td>2</td> </tr> <tr> <td>10ha or more</td> <td>3</td> </tr> </tbody> </table> <ul style="list-style-type: none"> (ii) The area of Significant Natural Area is assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity); (iii) The Significant Natural Area is not already subject to a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977; (iv) The subdivision proposes to legally protect all areas of Significant Natural Area by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977; (v) An ecological management plan is prepared to address ongoing management of the covenant 	Contiguous area to be legally protected (hectares)	Maximum number of new Records of Title	Between 1ha and 2ha in area within the Hamilton Basin	1	Less than 2ha in all other areas	0	2ha to less than 5ha	1	5ha to less than 10ha	2	10ha or more	3
Contiguous area to be legally protected (hectares)	Maximum number of new Records of Title												
Between 1ha and 2ha in area within the Hamilton Basin	1												
Less than 2ha in all other areas	0												
2ha to less than 5ha	1												
5ha to less than 10ha	2												
10ha or more	3												

	<p>area to ensure that the Significant Natural Area 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 lots are a minimum size of 8,000m²;</p> <p>(vii) All proposed lots excluding the balance lot, 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 subdivision entitlement;</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout and proximity of building platforms to Significant Natural Area; (ii) Matters contained in an ecological management plan for the covenant area; (iii) Effects of the subdivision on rural character and amenity values; (iv) Extent of earthworks including earthworks for the location of building platforms and access ways.
NCI	A conservation lot subdivision that does not comply with Rule 22.4.1.6 RDI .

22.4.1.7 Subdivision to create a reserve

RDI	<p>(a) Subdivision to create a reserve must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The lot being subdivided must contain an area that is identified in a Waikato District Council Parks Strategy as being required for permanent public access or for reserve purposes; (ii) The area identified in the Parks Strategy as being required for permanent public access or for reserve purposes is to be vested in Council; (iii) No more than one additional lot is created, excluding any land vested in Council. (iv) The proposed additional lot, 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 lot.
NCI	A reserve lot subdivision 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

RDI	<p>(a) Subdivision of land containing any natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities or Aggregate Extraction Areas must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The boundaries of every proposed lot containing existing buildings must demonstrate that existing buildings comply with the Land Use-Building rules in Rule 22.3 relating to: <ul style="list-style-type: none"> A. Rule 22.3.1 (Number of Dwellings within a Record of Title); B. Rule 22.3.5 (Daylight admission); C. Rule 22.3.6 (Building coverage); D. Rule 22.3.7 (Building setbacks); (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 subdivision. (iii) The boundaries of every proposed lot must not divide any of the following: <ul style="list-style-type: none"> A. A natural hazard area; B. Contaminated land; C. Significant Amenity Landscape; D. Notable trees. <p>(b) Council's discretion is restricted to the following matters:</p>
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	<ul style="list-style-type: none"> (i) landscape values; (ii) amenity values and character; (iii) reverse sensitivity effects; (iv) effects on existing buildings; (v) effects on natural hazard areas; (vi) effects on contaminated land; (vii) effects on any notable trees; (viii) effects on an intensive farming activity; (ix) effects on any Aggregate Extraction Area.
DI	Subdivision that does not comply with Rule 22.4.2 RDI.

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

RD I	<ul style="list-style-type: none"> (a) The boundaries of every proposed lot must not divide any of the following: <ul style="list-style-type: none"> (i) Significant Natural Areas; (ii) Heritage items as identified in Schedule 30.1 (Historic Heritage Items); (iii) Maaori sites of significance as identified in Schedule 30.3 (Maaori sites of significance); (iv) Maaori areas of significance as identified in Schedule 30.4 (Maaori areas of significance). (b) Council's discretion shall be limited to the following matters: <ul style="list-style-type: none"> (i) Effects on Significant Natural Areas (SNAs); (ii) Effects on heritage items; (iii) Effects on Maaori sites of significance; (iv) Effects on Maaori areas of significance.
NCI	Subdivision that does not comply with Rule 22.4.3 RDI.

22.4.4 Subdivision - Road frontage

RD I	<ul style="list-style-type: none"> (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. (b) Council's discretion is restricted to the following matters: <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	<ul style="list-style-type: none"> (a) Subdivision of any land containing any of the following areas: <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

RD1	<p>(a) Subdivision of land containing all or part of an Environmental Protection Area identified on the planning maps must include the following:</p> <p>(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> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) measures proposed in the planting and management plan;</p> <p>(ii) vesting of reserve land in Council if appropriate;</p> <p>(iii) effects on amenity values;</p> <p>(iv) effects on ecological values;</p> <p>(v) effects on stormwater management.</p>
D1	Subdivision that does not comply with Rule 22.4.6 RD1 .

22.4.7 Esplanade reserves and esplanade strips

RD1	<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 subdivision where the land being subdivided is:</p> <p>(i) Less than 4ha and located within 20m of any:</p> <p>A. Mean high water springs;</p> <p>B. The bank of any river whose bed has an average width of 3m or more;</p> <p>C. A lake whose bed has an area of 8ha or more;</p> <p>(ii) 4ha or more and located within 20m of any:</p> <p>A. Mean high water springs;</p> <p>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, boundary fencing and the removal of structures and debris.</p>
D1	Subdivision that does not comply with Rule 22.4.7 RD1 .

22.4.8 Subdivision of land containing heritage items

RD1	<p>(a) Subdivision of land containing a heritage item 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 heritage item;</p> <p>(iii) The extent to which the relationship of the heritage item with its setting is maintained.</p>
NCI	Subdivision that does not comply with Rule 22.4.8 RD1 .

22.4.9 Subdivision - Building platform

RD1	<p>(a) Subdivision, other than an access or utility allotment, must provide a building platform on the proposed lot that:</p> <p>(i) Has an area of 1,000m² exclusive of boundary setbacks;</p>
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	<ul style="list-style-type: none"> (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% AEP storm or flood event; (vi) a dwelling could be built on as a permitted activity in accordance with Land Use - Building Rules in Rule 22.3. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Earthworks and fill material required for building platforms and access; (ii) Geotechnical suitability for building; (iii) Likely location of future buildings and their potential effects on the environment; (iv) Avoidance of natural hazards; (v) Effects on landscape and amenity; (vi) Measures to avoid storm or flood events.
D1	Subdivision that does not comply with Rule 22.4.9 RDI .

22.5 Specific Area – Agriculture Research Centres

22.5.1 Application of Rules

- (a) The rules that apply to a permitted activity are set out in [Rule 22.5.2](#).
- (b) For any other activity not provided in [Rule 22.5.2](#), the following rules in the Rural Zone apply:
- (i) [Rule 22.1](#) Land Use – Activities
 - (ii) [Rule 22.2](#) Land Use – Effects
 - (iii) [Rule 22.3](#) Land Use – Building; and
 - (iv) [Rule 22.4](#) - Subdivision

22.5.2 Permitted Activities – Agricultural and Horticultural Research

- (a) The rules that apply to a permitted activity within the Agricultural Research Centres Specific Area as identified on the planning maps are as follows:
- (i) [Rule 22.2](#) Land Use – Effects;
 - (ii) [Rule 22.3](#) Land Use – Building; except for building within a [campus](#):
 - A. [Rule 22.3.4.1](#) Height – Building general will not apply and [Rule 22.5.3](#) will apply instead; and
 - B. [Rule 22.3.6](#) Building coverage will not apply and [Rule 22.5.4](#) will apply instead.

P1	An agricultural or horticultural research activity
P2	An education facility that is incidental to agricultural or horticultural research
P3	An industrial activity that is incidental to agricultural or horticultural research
P4	A trade or engineering workshop that is incidental to agricultural or horticultural research
P5	Intensive farming that is incidental to agricultural or horticultural research where an associated building and animal feedlot are located at least 200m inside any boundary of an Agricultural Research Centre site .
P6	Disposal or storage of solid organic waste or cleanfill that is incidental to agricultural or horticultural research where the extracted material is used on the Agricultural Research Centre site .
P7	A staff facility that is incidental to agricultural or horticultural research that includes: <ul style="list-style-type: none"> (1) a dwelling located at least 200m from the site containing Inghams Feed Mill in Hamilton City Council’s jurisdiction; (2) a recreational facility

22.5.3 Discretionary Activities – Agricultural and Horticultural Research

- (a) The activities listed below are discretionary activities.

D1	Any activity that does not comply with Rule 22.5.2 P1-P7 .
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22.5.4 Building Height – within a Campus

PI	A building or structure within a campus identified on the planning maps must not exceed a height of 15m.
RD1	(a) A building or structure that does not comply with Rule 22.5.4 PI . (b) Council's discretion is restricted to the following matter: (i) effects on visual amenity.

22.5.5 Building Coverage – within a Campus

PI	Building coverage must not exceed 70% of a campus identified on the planning maps.
RD1	(a) Building coverage that does not comply with Rule 22.5.5 PI . (a) Council's discretion is restricted to the following matters: (i) effects on visual amenity; and (ii) stormwater management.

22.6 Specific Area - Huntly Power Station - Coal and Ash Water

22.6.1 Application of Rules

- (a) The rules that apply to a permitted activity are set out in **Rule 22.6.2** within the Huntly Power Station: Coal and Ash Water Specific Area as identified on the planning maps are as follows:
 - (i) **Rule 22.2** Land Use – Effects
 - (ii) **Rule 22.3** Land Use – Building, except:
 - A. **Rules 22.3.7** Building setbacks do not apply and **Rule 22.6.3** applies instead; and
 - B. **Rule 22.3.4** Height does not apply and **Rule 22.6.4** applies instead.
 - C. **Rule 22.6.5**;
 - D. **Rule 22.6.6**; and
 - E. **Rule 22.6.7**
- (b) The rules that apply to any other activity that is not provided in **Rule 22.6.2** are those that apply to the Rural Zone as follows:
 - (i) **Rule 22.1** Land Use – Activities
 - (ii) **Rule 22.2** Land Use – Effects
 - (iii) **Rule 22.3** Land Use – Building; and
 - (iv) **Rule 22.4** Subdivision

22.6.2 Permitted Activities – Huntly Power Station

- (a) The rules that apply to a specific permitted activity within the Huntly Power Station: Coal and Ash Water Specific Area as identified on the planning maps are as follows:
 - (i) **Rule 22.2** Land Use – Effects
 - (ii) **Rule 22.3** Land Use – Building, except:
 - A. **Rules 22.3.7** Building setbacks do not apply and **Rule 22.6.3** applies instead; and
 - B. **Rule 22.3.4** Height does not apply and **Rule 22.6.4** applies instead.
 - C. **Rule 22.6.6** Coal stockpile height, setback and coverage;
 - D. **Rule 22.6.7** Ash disposal and transport of coal ash water; and
 - E. **Rule 22.6.8** Energy corridor – transportation of minerals and substances

PI	(a) Coal related activities involving: <ul style="list-style-type: none"> (i) stockpiling; (ii) screening and sorting; (iii) use of transportation conveyors; (iv) erection, operation, and maintenance of loading and unloading facilities; and (v) an activity that is ancillary to those listed in (i) – (iv) above.
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22.6.3 Discretionary Activities – Huntly Power Station

- (a) The activities listed below are discretionary activities.

DI	An activity that does not comply with Rule 22.6.2 PI .
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22.6.4 Building Setback and Location – Huntly Power Station

PI	(a) A building must be: <ol style="list-style-type: none"> (i) set back at least 20m from every boundary of Specific Area 22.6 where its height exceeds 20m; and (ii) set back at least 10m from every boundary of Specific Area 22.6 where its height is up to 20m; or (iii) located within an energy corridor.
DI	A building that does not comply with Rule 22.6.4 PI .

22.6.5 Building height

PI	(a) A building must not exceed a height of: <ol style="list-style-type: none"> (i) 30m within an area of up to 1500m²; and (ii) 20m for the balance of Specific Area 22.6.
DI	A building that does not comply with Rule 22.6.5 PI .

22.6.6 Coal stockpile height, setback and coverage

PI	(a) Coal stockpiles must: <ol style="list-style-type: none"> (i) not exceed a height of 15m; (ii) be set back at least 5m from the boundary of Specific Area 22.6; (iii) not exceed 25% of Specific Area 22.6.
RDI	(a) Coal stockpiles that do not comply with Rule 22.6.6 PI . (b) Council's discretion is restricted to the following matter: <ol style="list-style-type: none"> (i) visual amenity

22.6.7 Ash disposal and transport of coal ash water

PI	(a) The disposal of coal ash and the transport of coal ash water where: <ol style="list-style-type: none"> (i) these materials are transported between the Huntly Power Station and the ash disposal ponds located adjacent to Te Ohaaki Road via the pipeline located within Specific Area 22.6; and (ii) they involve the operation and maintenance of the ash disposal ponds located adjacent to Te Ohaaki Road within Specific Area 22.6.
RDI	(a) The disposal of coal ash and the transport of coal ash water that does not comply with Rule 22.6.7 PI . (b) Council's discretion is restricted to the following matters: <ol style="list-style-type: none"> (i) visual amenity; and (ii) traffic effects.

22.6.8 Energy corridor - transportation of minerals and substances

PI	(a) The transportation of minerals and substances in an energy corridor must comply with all the following conditions: <ol style="list-style-type: none"> (i) be limited to coal ash, aggregate, overburden, cleanfill, wastewater and other liquids (other than a hazardous substance); (ii) not deposit discernible minerals or dust; and
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	(iii) not result in odour identified outside the energy corridor.
RD1	(a) Any activity that does not comply with Rule 22.6.8 PI. (b) Council's discretion is restricted to the following matter: (i) adverse amenity effects.

22.7 Specific Area – Whaanga Coast Development Areas

- (a) **Rule 22.7.1** provides all the rules relating to development and subdivision within Whaanga Coast Development Area.
- (b) **Rule 22.7.2** provides all the rules relating to development and subdivision outside a Whaanga Coast Development Area.

22.7.1 Application of Rules within a Whaanga Coast Development Area

- (1) The rules that apply to a permitted activity under Rule 22.7.2 within the **Whaanga Coast Development Area** as identified on the planning maps are as follows:
 - (a) **Rule 22.2** Land Use – Effects; except that:
 - A. **Rule 22.2.3.1** (Earthworks – General) does not apply and **Rule 22.7.1.3** applies instead.
 - (b) **Rule 22.3** Land Use – Building; except that:
 - A. **Rule 22.3.1** (Number of Dwellings within a Record of Title) does not apply;
 - B. **Rule 22.3.2** (Minor Dwelling) does not apply;
 - C. **Rule 22.3.3** (Building and structures in Landscape and Natural Character Areas) does not apply and **Rule 22.7.1.4** applies instead;
 - D. **Rule 22.3.4.1** (Height – Building General) does not apply and **Rule 22.7.1.4** applies instead;
 - E. **Rule 22.3.6** (Building Coverage) does not apply;
 - F. **Rule 22.3.7** (Building Setbacks) does not apply and **Rule 22.7.1.6** applies instead;
 - G. **Rule 22.7.1.5** applies;
 - H. **Rule 22.7.1.7** applies; and
 - I. **Rule 22.7.1.8** applies.
 - (c) Rule 22.4 applies to subdivision within a **Whaanga Coast Development Area**.
- (2) The activity status tables and standards in the following chapters also apply to activities within any **Whaanga Coast Development Area**:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards (Placeholder)
- (3) The following symbols are used in the tables below:
 - PR Prohibited activity
 - P Permitted activity
 - C Controlled activity
 - RD Restricted discretionary activity
 - D Discretionary activity
 - NC Non-complying activity

22.7.1.1 Permitted Activities

- (1) The following activities are permitted activities within a **Whaanga Coast Development Area** if they meet all the following:
 - (a) Land Use – Effects rules in **Rule 22.7.1(1)(a)** (unless the activity rule and/or activity specific conditions identify a condition(s) that does not apply);
 - (b) Land Use – Building rules in **Rule 22.7.1(1)(b)** (unless the activity rule and/or activity specific conditions identify a condition(s) that does not apply);
 - (c) Activity specific conditions.

Activity		Activity specific conditions
P1	Papakaainga Housing Development and Papakaainga Building within a Whaanga Coast Development Area	(a) A Concept Management Plan is provided with either: (i) a Licence to Occupy with an application for building consent where the land is vested in a Trust Order and/or a Maaori Incorporation; or (ii) where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council with an application for building consent: a. a lease; or b. an Occupation Order of the Māori Land Court.
P2	Waananga within a Whaanga Coast Development Area	Nil
P3	Hauora within a Whaanga Coast Development Area	Nil
P4	A home occupation within a Whaanga Coast Development Area	(a) It is wholly contained within a building; (i) The storage of materials or machinery associated with the home occupation are wholly contained within a building; (ii) No more than 2 people who are not permanent residents of the site are employed at any one time; (iii) Unloading and loading of vehicles or the receiving of customers or deliveries only occur after 7:30am and before 7:00pm on any day; (iv) Machinery may be operated after 7:30am and up to 9pm on any day
P5	A temporary event within a Whaanga Coast Development Area	(a) The duration of each event is less than 72 hours; (b) It may operate between 7:30am to 8:30pm Monday to Sunday; (c) Temporary structures are: (i) erected no more than 2 days before the event occurs; (ii) removed no more than 3 days after the end of the event
P6	Community activity within a Whaanga Coast Development Area	Nil
P7	Farming	Nil
P8	Produce Stall within a Whaanga Coast Development Area	Nil

22.7.1.2 Discretionary Activities

(I) The following activities are discretionary activities within a **Whaanga Coast Development Area**

DI	An activity that does not comply with Rule 22.7.1.1(I) PI-P8
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22.7.1.3 Earthworks within a Development Area

PI	(a) Earthworks within a Development Area that complies with all of the following conditions: <ul style="list-style-type: none"> (i) do not exceed a volume of more than 500m³ and an area of more than 1000m²; (ii) the total depth of any excavation or filling does not exceed 1.5m above or below ground level with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iii) areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (iv) sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; and (v) do not divert or change the nature of natural water flows, water bodies or established drainage paths.
DI	Earthworks that do not comply with Rule 22.7.1.3 PI

22.7.1.4 Building height within a Development Area

PI	(a) A building within a Development Area must comply with the following conditions: <ul style="list-style-type: none"> (i) height does not exceed 7.5m; and (ii) it does not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.
DI	A building that does not comply with Rule 22.7.1.4 PI

22.7.1.5 Accessory building within a Development Area

PI	(a) An accessory building within a Development Area must comply with the following conditions: <ul style="list-style-type: none"> (i) its gross floor area must not exceed 75m²; and (ii) it is the only accessory building for a dwelling.
DI	An accessory building that does not comply with Rule 22.7.1.5 PI .

22.7.1.6 Building setback within a Development Area

PI	(a) A building within a Development Area must be set back a minimum of: <ul style="list-style-type: none"> (i) 12m from any road boundary or any other zone boundary; (ii) 20m from any watercourse or area proposed for wastewater disposal and treatment; and (iii) 100m from mean high water springs.
DI	A building that does not comply with Rule 22.7.1.6 PI .

22.7.1.7 Papakainga Building – Gross Floor Area

PI	A Papakainga Building within a Development Area that does not exceed 300m ² gross floor area .
DI	A Papakainga Building that does not comply with Rule 22.7.1.7 PI .

22.7.1.8 Dwelling – Gross Floor Area

PI	A dwelling within a Development Area that does not exceed 180m ² gross floor area.
DI	A dwelling that does not comply with Rule 22.7.1.8 PI.

22.7.2 Application of Rules outside a Whaanga Coast Development Area

(1) The activity status tables and standards in the following chapters also apply to activities outside a Whaanga Coast Development Area:

- 14 Infrastructure and Energy;
- 15 Natural Hazards (Placeholder)

(2) The following symbols are used in the table below:

- D Discretionary activity
- NCI Non-complying activity

22.7.2.2 Discretionary Activities

(1) The following activities are discretionary activities outside a Whaanga Coast Development Area

DI	Any land use activity or building located outside a Whaanga Coast Development Area
D2	Subdivision for a full partition of Maaori freehold land outside a Whaanga Coast Development Area under Te Ture Whenua Act 1993.

22.7.2.3 Non-complying Activities

(1) The following activities are non-complying activities outside a Whaanga Coast Development Area

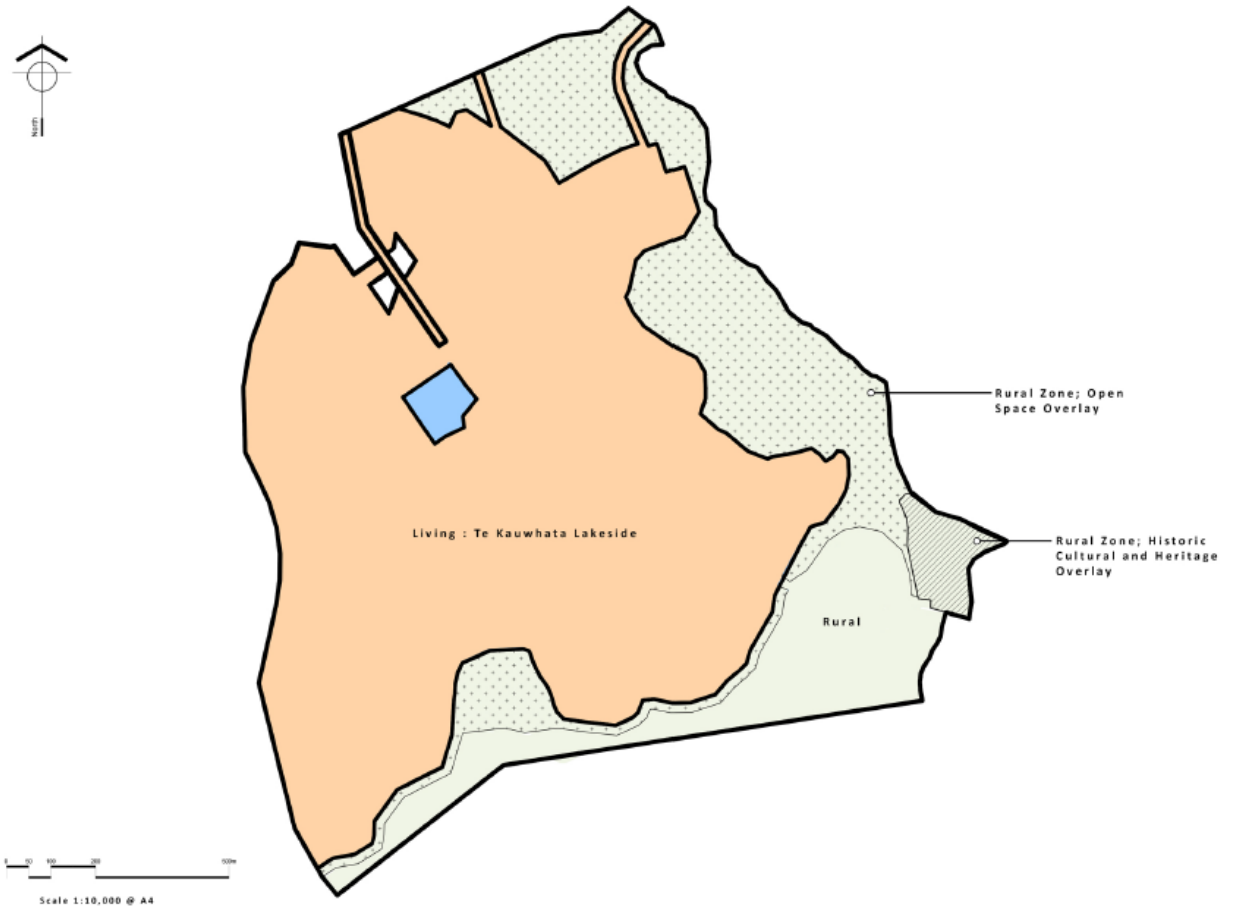
NCI	Subdivision of Maaori freehold land not provided for in Rule 22.7.2.2 D2.
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22.8 Lakeside Te Kauwhata Precinct

22.8.1 Application of rules

- (1) Rules 22.8.2, 22.8.3, 22.8.4 and 22.8.5 apply in the Lakeside Te Kauwhata Precinct.
- (2) The rules that apply to a permitted activity in Rule 22.8.2 P1 – P23 within the Lakeside Te Kauwhata Precinct are as follows:
 - (a) Rule 22.2 (Land Use – Effects), except:
 - (i) Rule 22.2.7.1 (Earthworks – General) does not apply where earthworks consent has been obtained under Rule 22.8.8 (Comprehensive Land Development Consent);
 - (b) Rule 22.3 (Land Use – Building), only the following rules apply:
 - (i) Rule 22.3.4 (Height);
 - (ii) Rule 22.3.5 (Daylight admission);
 - (iii) Rule 22.3.6 (Building coverage); and
 - (iv) Rule 22.3.7 Building setbacks).
- (3) Rule 22.8.6 and Rule 22.8.7 apply to subdivision in the Te Kauwhata Precinct in addition to:
 - (a) Rule 22.4.1.7 Subdivision creating Reserves, and
 - (b) Rule 22.4.7 (Esplanade reserves and Esplanade strips).
- ~~(4) , in addition to the activity rules in:
 - (i) ~~22.1.2 (Permitted Activities);~~
 - (ii) ~~22.1.3 (Restricted Discretionary Activities);~~
 - (iii) ~~22.1.4 (Discretionary Activities); and~~
 - (iv) ~~22.1.5 (Non-complying Activities).~~~~
- (4) The following precinct plan applies to the Rural Zone in the Lakeside Te Kauwhata Precinct as identified on the planning maps:
[s42A report – Section 23 - General and Rule 22.8.1 Application of the rules]

Lakeside Open Space and Lakeside Cultural and Heritage Overlay



22.8.2 Permitted Activities

- (a) The rules that apply to a permitted activity listed in Rule 22.8.2 PI-P23 within the Lakeside Te Kauwhata Precinct as identified on the planning maps are as follows:
- (i) Rule 22.2 (Land Use – Effects), except:
 - A. Rule 22.2.7.1 (Earthworks – General) does not apply where earthworks consent has been obtained under Rule 22.8.8 (Comprehensive Land Development Consent); and
 - (ii) Rule 22.3 (Land Use – Building), only the following rules apply:
 - A. Rule 22.3.4 (Height)
 - B. Rule 22.3.5 (Daylight admission)
 - C. Rule 22.3.6 (Building coverage)
 - D. Rule 22.3.7 Building setbacks) applies.

[s42A report – Section 23 - General and Rule 22.8.1 Application of the rules]

Activity	Activity specific conditions
PI A Marae Complex or Papakaaingā Housing Development on Māori Freehold Land or on Māori Customary Land.	(a) Land Use – Effects in Rule 22.2; (b) Land Use – Building in Rule 22.3 except: <ul style="list-style-type: none"> (i) Rule 22.3.1 (Number of dwellings) does not apply; (ii) Rule 22.3.2 (Minor Dwellings) does not apply; (iii) Rule 22.3.3 (Buildings and structures in landscape and natural character areas) does not apply; (iv) Rule 22.3.4 (Building Height) does not apply; (v) Rule 22.3.6 (Building Coverage) does not apply; (c) Building height does not exceed 7.5m in any of the following areas: <ul style="list-style-type: none"> (i) Outstanding Natural Landscape; (ii) Outstanding Natural Feature; (iii) Outstanding Natural Character Area of the coastal environment; (iv) High Natural Character Area of the coastal environment; (d) A Concept Management Plan is provided, with either: <ul style="list-style-type: none"> (i) A Licence to Occupy at the time of lodgement of the building consent application where the land is vested in trustees whose authority is defined in a Trust Order and/or a Māori Incorporation; or (ii) Where a Trust Order or Māori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the building consent application: <ul style="list-style-type: none"> C. A lease; or D. An Occupation Order of the Māori Land Court.
P2 A temporary event	(a) The event occurs no more than 3 times per consecutive 12 month period; (b) The duration of each event is less than 72 hours; (c) It may operate between 7.30am to 8:30pm Monday to Sunday; (d) Temporary structures are: <ul style="list-style-type: none"> (i) erected no more than 2 days before the event occurs;

		(ii) removed no more than 3 days after the end of the event; (e) The site is returned to its previous condition no more than 3 days after the end of the event; (f) There is no direct site access from a national route or regional arterial road.
P3	Cultural event on Maaori Freehold Land containing a Marae Complex	Nil
P4	A home occupation	(a) It is wholly contained within a building; (b) The storage of materials or machinery associated with the home occupation is wholly contained within a building; (c) No more than 2 people who are not permanent residents of the site are employed at any one time; (d) Unloading and loading of vehicles or the receiving of customers or deliveries only occur after 7:30am and before 7:00pm on any day; (e) Machinery may be operated after 7:30am and up to 9pm on any day.
P5	Afforestation	Nil
P6	Pastoral Farming	(a) Is excluded from Lake Waikare and the natural waterway shown on Precinct Plan 4.
P7	Forestry	Nil
P8	Produce stall	Nil
P9	Home stay	Nil
P10	Equestrian Centre	Nil
P11	Horse Training Centre	Nil
P12	Walkways and cycleways	Nil
P13	Informal recreation	Nil
P14	Active recreation	Nil
P15	Information signage	Nil
P16	Public art	Nil
P17	Planting and landscaping	Nil
P18	Horticulture	Nil
P19	Gardens, landscaping and planting including communal areas	Nil
P20	Shelters	(a) not exceeding 4m in height; and (b) 50m ² gross roof area.
P21	Information kiosk	(a) Provided it is erected located within the cultural and heritage overlay shown on Precinct Plan 4.
P22	Structures providing information on culture, history or environment of the Lake Waikare and Te Kauwhata	(a) Provided it is erected located within the cultural and heritage overlay shown on Precinct Plan 4.

	area	
P23	Memorials recognising the culture and history of the Lake Waikare and Te Kauwhata area	(a) Provided it is catered located within the cultural and heritage overlay shown on Precinct Plan 4.

[s42A report – Section 24 – Rule 22.8.2 Permitted Activities]

22.8.3 Restricted Discretionary Activities

(I) The activities listed below are restricted discretionary activities.

Activity	Matters of Discretion
<p>RDI</p> <p>(a) A Comprehensive Land Development Consent that meets all of the following conditions:</p> <p>(i) <u>is in accordance with the:</u></p> <p>A. <u>the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a);</u></p> <p>B. <u>the roading network, walkways and cycle ways shown on Precinct Plan Rule 16.5.1(3)(v); and</u></p> <p>C. <u>the open space shown on Precinct Plan Rule 16.5.1(3)(c) as set out in the precinct parameters below; and</u></p> <p>(ii) <u>A Comprehensive Land Development Consent is in accordance with the Lakeside Precinct Plans identified below if:</u></p> <p>A. <u>Primary roads are within 50m of the location shown on Precinct Plan Rule 16.5.1(3)(b); and</u></p> <p>B. <u>Bus route is either on the alignment shown on Precinct Plan Rule 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; and</u></p> <p>C. <u>Subject to E below, the indicative walkways/cycle ways are within 100m of the location shown on Precinct Plan Rule 16.5.1(3)(b) provided that connections are retained between the Lakeside Walkway and the residential development; and</u></p> <p>D. <u>Subject to E below, the Lakeside Walkway is within 30m of the location shown on Precinct Plan 16.5.1(3)(b); and</u></p> <p>E. <u>Any walkway/cycle way or the Lakeside Walkway that needs to be aligned so as to avoid an area of infested alligator weed as identified within in alligator weed management plan may be relocated from the alignment shown on Rule 16.5.1(3)(b) to the extent necessary to avoid the infested area.</u></p> <p>(iii) <u>A Comprehensive Land Development Consent can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages beyond the Business and Residential zones, provided that an individual stage is 5ha or</u></p>	<p>(a) Council's discretion is reserved over the following matters:</p> <p>(vi) <u>consistency with the Te Kauwhata Lakeside Precinct Plans in Rule 16.5.1(3)(a), Rule 16.5.1(3)(b) and Rule 16.5.1(3)(c);</u></p> <p>(vii) <u>managing the effects of wastewater and stormwater;</u></p> <p>(viii) <u>roading network and compliance with a Council-approved roading standard;</u></p> <p>(ix) <u>provision and location of existing and future utilities and connections;</u></p> <p>(x) <u>location of roads and their connections;</u></p> <p>(xi) <u>protection, restoration or enhancement of ecological features;</u></p> <p>(xii) <u>provision of open space, including linkages between residential areas, open space and Lake Waikare;</u></p> <p>(xiii) <u>effects of natural hazards (including flooding), geotechnical suitability and land contamination; and</u></p> <p>(xiv) <u>provision of the historic iwi overlay area shown on Precinct Plan Rule 16.5.1(3)(c).</u></p>

	<p><u>more.</u></p> <p>(iv) <u>Applications for approval of a CLDC as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</u></p> <p>(v) <u>LDC approval does not constitute authorization by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.</u></p>	
RD1	<p>(b) Intensive farming that meets all of the following conditions:</p> <p>(i) Land Use Effects in Rule 22.2;</p> <p>(ii) Land Use Building in Rule 22.3, except:</p> <p>A. Building coverage does not exceed 3% of the site and:</p> <p>B. Rule 22.3.9 (Building Coverage) does not apply;</p> <p>C. Building height does not exceed 15m and Rule 22.3.4 (Building Height) does not apply;</p> <p>(c) It is not located in:</p> <p>(i) An Outstanding Natural Feature;</p> <p>(ii) An Outstanding Natural Landscape;</p> <p>(iii) A Significant Amenity Landscape;</p> <p>(iv) An Outstanding Natural Character Area; or</p> <p>(v) A High Natural Character Area</p> <p>(d) For pig farming, buildings and adjacent yard areas are set back at least:</p> <p>(i) 300 metres from any site boundary;</p> <p>(ii) From any boundary of a Residential, Village, Country Living or Paa Zone:</p> <p>A. 1200 metres (500 or less pigs); or</p> <p>B. 2000 metres (more than 500 pigs);</p> <p>(e) For free range poultry farming, the buildings and outdoor enclosures are set back at least:</p> <p>(iii) 100 metres from any site boundary; and</p> <p>(iv) 500 metres from any boundary of a Residential, Village, Country Living;</p> <p>(f) For housed poultry and all other intensive farming, the buildings and adjacent yard areas are set back at least:</p> <p>(i) 300 metres from any site boundary; and</p> <p>(ii) 500 metres from any boundary of a Residential, Village, Country Living Zone.</p>	<p>(b) Council's discretion is restricted to the following:</p> <p>(i) Traffic effects;</p> <p>(ii) Effects on amenity values, including odour, visual impact, landscaping;</p> <p>(iii) Location, type and scale of development; and</p> <p>(iv) Noise effects.</p>
RD2	Rural Industry	<p>(a) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on rural character and amenity;</p> <p>(ii) Location, type and scale of development;</p> <p>(iii) Waste disposal;</p> <p>(iv) Nuisance effects including light spill and glare, odour, dust, noise;</p> <p>(v) Traffic effects.</p>

[s42A report – Section 25 – Rule 22.8.3 Restricted Discretionary Activities]

22.8.4 Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	Any activity that does not comply with Rule 22.2 – Land use effects, Rule 22.3 – Land use building unless the activity status is specified as controlled, restricted discretionary, discretionary or non-comply activity.
D2	Any activity that does not complying with (Rule 22.8.3 RD1 or RD2)
D3	Any permitted activity that does not comply with an 'Activity Specific Condition' in Rule 22.8.2 .
D4	A waste management facility
D5	Hazardous waste storage, processing or disposal.
D6 D5	An education facility
D7	A correctional facility
D8	An extractive industry
D9	Commercial activity, excluding a produce stall.
D10	Industrial activity
D11	Travellers' accommodation for more than 5 people.
D12	Transport depot
D13	Place of Assembly
D14	Boarding, breeding or animal training establishments

[s42A report – Section 26 – Rule 22.8.4 Discretionary Activities]

22.8.5 Non-Complying Activities

(I) The activities listed below are non-complying activities.

NC1	Construction of a building located on an indicative road.
NC2	Any activity that is not listed as Permitted, Restricted Discretionary or Discretionary.

22.8.6 Earthworks – General

PI	<p>(a) Earthworks in a Flood Risk Area (other than earthworks approved as part of a CLDC) shall meet the following conditions:</p> <p>(i) filling is no more than is necessary to:</p> <p style="padding-left: 40px;">A. provide a foundation for building approved by a building consent, and access to that building, or</p> <p style="padding-left: 40px;">B. enable minor upgrading of existing electricity lines and does not exceed 50m³.</p> <p>(b) The Waikato Pest Management Plan addresses the management of identified pest species, including Alligator Weed. It includes enforceable controls relating to subdivision and land</p>
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	<p>development in infested areas.</p> <p>(c) Regional earthworks consents may also be needed for works in a high risk erosion area.</p>
RDI	<p>(a) Earthworks that do not comply with Rule 22.8.6 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) visual effects; (iii) mitigation measures including sediment control; (iv) effects on land utilisation; (v) effects on erosion; (vi) effects on cultural values; (vii) effects on heritage values; (viii) effects on the Lake Waikare flood plain.

[s42A report – Section 28 – Rule 22.8.6 Earthworks - General]

22.8.7 Subdivision Lakeside General

- (l) **Rules 22.8.7.1** and **22.8.7.2** apply to subdivision within the Lakeside Te Kauwhata Precinct in addition to:
 - (b) **Rule 22.4.1.7** Subdivision creating Reserves, and
 - (c) **Rule 22.4.7** (Esplanade reserves and Esplanade strips).

CI	<p>(a) Subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) it relates to the creation of lots in accordance with the precinct boundaries, and (ii) it is in accordance with the Te Kauwhata Lakeside Precinct Plan in 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c); and (iii) it creates titles necessary to vest public open space in the Council or an iwi authority, or (iv) it creates titles necessary to provide long-term lease or ownership for informal or active recreational uses within the Te Kauwhata Structure Plan Area, or (v) it creates titles appropriate for the long term management of land or part of land identified as open space overlay on Te Kauwhata Lakeside Precinct Plan 22.8.2.1, or (vi) it creates a title for the Rural zoned land outside the open space overlays. (vii) primary roads are within 50m of the location shown on Precinct Plan 16.5.1(3)(b); and (viii) bus route is either on the alignment shown on Precinct Plan 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; and (ix) subject to v) below Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan 16.5.1(3)(c) provided connections are retained between the Lakeside Walkway and the residential development; and (x) subject to v) below Lakeside Walkway is within 10m 30m of the location shown on Precinct Plan 16.5.1(3)(c); and <p>[s42A report – Section 29 – Rule 22.8.7 Subdivision Lakeside General]</p> <ul style="list-style-type: none"> (xi) Any walkway/cycleway or the Lakeside Walkway that needs to be aligned so as to avoid an area of infested alligator weed as identified within any alligator weed management plan may be relocated from the alignment shown on 16.5.1(3)(c) to the extent necessary to avoid the infested area.
RDI	<p>(a) Subdivision that does not comply with conditions (a) to (k) in Rule 22.8.7 CI.</p> <p>(b) Discretion restricted to:</p>

	<ul style="list-style-type: none"> (i) extent to which the proposal accords with the Te Kauwhata Lakeside Precinct Plan 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.2.1(3)(c); (ii) amenity, (iii) pedestrian and cycle networks, (iv) access roads, (v) access to Lake Waikare.
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22.8.8 Lakeside Comprehensive Subdivision Consent

RD1	<p>(a) A Comprehensive Subdivision Consent (CS) that meets all of the following conditions:</p> <ul style="list-style-type: none"> (i) is in accordance with Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a); the roading network, walkways and cycleways shown on Precinct Plan Rule 16.5.1(3)(b); and the open space shown on Precinct Plan Rule 16.5.1(3)(c) as set out in the precinct parameters below; and (ii) A Comprehensive Subdivision Consent (CS) is in accordance with the Lakeside Precinct Plans identified above if: <ul style="list-style-type: none"> A. Primary roads are within 50m of the location shown on Precinct Plan Rule 16.5.1(3)(b); and B. Bus route is either on the alignment shown on Precinct Plan Rule 16.5.(3)(b) or a continuous alignment that achieves the same circulation; and C. Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan Rule 16.5.1(3)(c) provided connections are retained between the Lakeside Walkway and the residential development; and D. Lakeside Walkway is within 10m of the location shown on Precinct Plan Rule 16.5.1(3)(c). <p>(b) A Comprehensive Subdivision Consent (CS) can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages, provided that an individual stage must be 5ha or more.</p> <p>(c) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) consistency with the Te Kauwhata Lakeside Precinct Plan in Rule 16.5.1(3)(a), Rule 16.5.1(3)(b) and Rule 16.5.1(3)(c), (ii) matters identified in the assessment criteria in X, (iii) managing the effects of wastewater and stormwater, (iv) roading network (including the Te Kauwhata Road level crossing safety) and compliance with a Council approved roading standard, (v) protection, restoration or enhancement of ecological features, (vi) provision and location of existing and future utilities and connections, (vii) location of roads and their connections, (viii) provision for public access to Lake Waikare, (ix) provision of open space, including linkages between residential areas, open space and Lake Waikare, (x) effects of natural hazards (including flooding), geotechnical and land contamination, (xi) provision of the historic Iwi overlay area shown on Precinct Plan Rule 16.5.1(3)(c). <p>(d) Applications for approval of a Comprehensive Subdivision Consent (CS) as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>(e) Comprehensive Subdivision Consent (CS) approval does not constitute authorisation by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.</p>
DI	<p>(a) A Comprehensive Subdivision Consent (CS) that does not comply with Rule 21.8.7 RD1 and does not exceed conditions (i) to (iv) below:</p> <ul style="list-style-type: none"> (i) Primary roads are within 50m-100m of the location shown on Precinct Plan Rule 16.5.1(3)(b);

	<p>and</p> <ul style="list-style-type: none"> (ii) Bus route is either on the alignment shown on Precinct Plan Rule 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; and (iii) Indicative walkways/cycleways are within 100m-200m of the location shown on Precinct Plan Rule 16.5.1(3)(c) provided connections are retained between the Lakeside Walkway and the residential development; and (iv) Lakeside Walkway is within 10m-20m 30m-50m of the location shown on Precinct Plan Rule 16.5.1(3)(b). <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>
NCI	A Comprehensive Subdivision Consent (CS) that does not meet the requirements of Rule 22.8.8 DI.

[s42A report – Section 30 – Rule 22.8.8 Lakeside Comprehensive Subdivision Consent]