

# Chapter 24: Village Zone

## Proposed Waikato District

### Plan Stage I

(Notified version)



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## Chapter 24: Village Zone

- (1) The rules that apply to activities in the Village Zone are contained in [Rule 24.1](#) Land Use – Activities, [Rule 24.2](#) Land Use – Effects, [Rule 24.3](#) Land Use – Building.
- (2) The rules that apply to subdivision in the Village Zone are contained in [Rule 24.4](#).
- (3) The activity status tables and standards in the following chapters also apply to activities in the Village 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

### 24.1 Land Use - Activities

#### 24.1.1 Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
  - (a) Land Use – Effects rules in [Rule 24.2](#) (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);
  - (b) Land Use – Building rules in [Rule 24.3](#) (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	Residential activity, unless specified below.	Nil
P2	A Marae Complex or Papakainga Housing Development on Maaori Freehold Land or on Maaori Customary Land.	<ol style="list-style-type: none"> <li>(a) The total building coverage does not exceed 50%;</li> <li>(b) Where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation, the following is provided to Council with the associated building consent application:               <ol style="list-style-type: none"> <li>(i) A Concept Management Plan approved by the Māori Land Court; and</li> <li>(ii) A Licence to Occupy.</li> </ol> </li> <li>(c) 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:               <ol style="list-style-type: none"> <li>(i) A Concept Management Plan approved by the Māori Land Court; and</li> <li>(ii) A lease, or an Occupation Order of the Māori Land Court.</li> </ol> </li> <li>(d) The following Land Use – Effects rules in Rule 24.3 do not apply:               <ol style="list-style-type: none"> <li>(i) <a href="#">Rule 24.3.1</a> (Dwelling);</li> <li>(ii) <a href="#">Rule 24.3.2</a> (Minor dwellings);</li> </ol> </li> </ol>

		(iii) <b>Rule 24.3.5</b> (Building Coverage).
P3	<b>Home occupation</b>	<p>(a) It is wholly contained within a <b>building</b>;</p> <p>(b) The storage of materials or machinery associated with the <b>home occupation</b> are wholly contained within a <b>building</b>;</p> <p>(c) No more than 2 people who are not permanent residents of the <b>site</b> 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>
P4	<b>Temporary event</b>	<p>(a) The event occurs no more than 3 times per calendar year;</p> <p>(b) It may operate between 7.30am to 8:30pm Monday to Sunday;</p> <p>(c) Temporary structures are:</p> <p>(i) erected no more than 2 days before the event occurs; and</p> <p>(ii) removed no more than 3 days after the end of the event;</p> <p>(d) The <b>site</b> is returned to its previous condition no more than 3 days after the end of the event;</p> <p>(e) There is no direct <b>site</b> access from a national route or regional arterial road.</p>
P5	<b>Community activity</b>	Nil
P6	Neighbourhood park	Nil
P7	<b>Home stay</b>	<p>(a) No more than 4 temporary residents;</p> <p>(b) No more than 2 people who are not permanent residents of the <b>site</b> are employed at any one time.</p>
P8	<b>Farming</b>	Nil

### 24.1.2 Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with an "Activity-Specific Condition" in <b>Rule 24.1.1</b> .
D2	Any permitted activity that does not comply with Land Use - Effects <b>Rule 24.2</b> or Land Use - Building <b>Rule 24.3</b> unless the activity status is specified as controlled, restricted discretionary or non-complying.

### 24.1.3 Non Complying Activities

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

NCI	Any activity that is not listed as Permitted, Restricted Discretionary or Discretionary.
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## 24.2 Land Use – Effects

- (1) Rules 24.2.1 and 24.2.2 provide the permitted noise levels for noise generated by land use activities.
- (2) Rule 24.2.1 Noise – general provides permitted noise levels in the Village Zone.
- (3) Rule 24.3.2 Noise – Construction provides the noise limits generated by construction activities.

### 24.2.1 Noise – general

PI	Farming noise, and noise generated by emergency generators and emergency sirens.
P2	(a) Noise measured within any other site in the Village Zone must not exceed: <ul style="list-style-type: none"> <li>(i) 50dB (L<sub>Aeq</sub>), 7am to 7pm, every day;</li> <li>(ii) 45dB (L<sub>Aeq</sub>), 7pm to 10pm, every day; and</li> <li>(iii) 40dB (L<sub>Aeq</sub>) and 65dB (L<sub>Amax</sub>), 10pm to 7am the following day.</li> </ul>
P3	(a) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 "Acoustics Measurement of Environmental Sound"; and (b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 "Acoustic Environmental noise".
D1	Noise that does not comply with Rule 24.2.1 PI, P2 or P3.

### 24.2.2 Noise – construction

PI	(a) Construction noise must meet the limits in NZS 6803:1999 (Acoustics – Construction Noise); and (b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'.
RDI	(a) Construction noise that does not comply with Rule 24.2.2 PI. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Effects on amenity values;</li> <li>(ii) Hours and days of construction;</li> <li>(iii) Noise levels;</li> <li>(iv) timing and duration; and</li> <li>(v) methods of construction.</li> </ul>

### 24.2.3 Glare and artificial light spill

PI	(a) Illumination from glare and light spill must not exceed 10 lux measured horizontally and vertically at any other site. (b) Rule 24.2.3 PI (a) does not apply to streetlights, navigation lights, traffic signals or from vehicles or equipment used in farming activities.
RDI	(a) Illumination that does not comply with Rule 24.2.3 PI. (b) Council's discretion is restricted to the following matters:

	<ul style="list-style-type: none"> <li>(i) Effects on amenity values;</li> <li>(ii) Light spill levels on other sites;</li> <li>(iii) Road safety;</li> <li>(iv) Duration and frequency;</li> <li>(v) Location and orientation of the light source; and</li> <li>(vi) Mitigation measures.</li> </ul>
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## 24.2.4 Earthworks

- (1) Rule 24.2.4.1 – General, provides the permitted rules for earthwork activities for the Residential Zone.
- (2) There are specific standards for earthworks within:
  - (a) Rule 24.2.4.2 – Maori Sites and Maaori Areas of Significance;
  - (b) Rule 24.2.4.3 – Significant Natural Areas;
  - (c) Rule 24.2.4.4 – Landscape and Natural Character Areas.

### 24.2.4.1 Earthworks - general

PI	<p>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Be located more than 1.5 m horizontally from any waterway, open drain or overland flow path;</li> <li>(ii) Not exceed a volume of more than 250m<sup>3</sup>;</li> <li>(iii) Not exceed an area of more than 1,000m<sup>2</sup> over any single consecutive 12 month period;</li> <li>(iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level;</li> <li>(v) The slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal);</li> <li>(vi) Earthworks are set back 1.5m from all boundaries;</li> <li>(vii) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</li> <li>(viii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;</li> <li>(ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</li> </ul>
P2	<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"> <li>(i) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development;</li> </ul>
P3	<p>(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material must meet all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Not exceed a total volume of 20m<sup>3</sup>;</li> <li>(ii) Not exceed a depth of 1m;</li> <li>(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);</li> <li>(iv) Fill material is setback 1.5m from all boundaries;</li> <li>(v) Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</li> <li>(vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls;</li> <li>(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</li> </ul>

RD I	<p>(a) Earthworks that do not comply with Rule 24.2.4.1 P1, P2 or P3.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Amenity values and landscape effects;</li> <li>(ii) Volume, extent and depth of earthworks;</li> <li>(iii) Nature of fill material;</li> <li>(iv) Contamination of fill material;</li> <li>(v) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</li> <li>(vi) Compaction of the fill material;</li> <li>(vii) Volume and depth of fill material;</li> <li>(viii) Protection of the Hauraki Gulf Catchment Area;</li> <li>(ix) Geotechnical stability;</li> <li>(x) Flood risk, including natural water flows and established drainage paths;</li> <li>(xi) Land instability, erosion and sedimentation.</li> </ul>
NCI	Earthworks including the importation of cleanfill to a site.

#### 24.2.4.2 Earthworks for Maaori Sites and Maaori areas of Significance

PI	<p>(a) Earthworks within 100m of a Maaori site of significance as identified in Schedule 30.2 (Maaori site of Significance) must submit to Council:</p> <ul style="list-style-type: none"> <li>(i) A cultural assessment from the appropriate mana whenua representative/s that demonstrates that there will be no adverse effects on cultural values.</li> </ul> <p>(b) Earthworks within a Maaori area of significance as identified in Schedule 30.4 (Maaori area of Significance) must submit to Council:</p> <ul style="list-style-type: none"> <li>(i) A cultural assessment from the appropriate mana whenua representative/s that demonstrates that there will be no adverse effects on cultural values.</li> </ul>
RD I	<p>(a) Earthworks that do not comply with a condition of Rule 24.2.4.2 P1</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Location of activity in relation to the site</li> <li>(ii) Effects on heritage and cultural values.</li> </ul>

#### 24.2.4.3 Earthworks –within Significant Natural Areas

PI	<p>(a) Earthworks for the maintenance of existing tracks, fences or drains within an identified Significant Natural Area must not:</p> <ul style="list-style-type: none"> <li>(i) Exceed a volume of 50m<sup>3</sup> in a single calendar year;</li> <li>(ii) Exceed an area of 250m<sup>2</sup> in a single calendar year; and</li> <li>(iii) Import any fill material.</li> </ul>
DI	<p>(a) Earthworks that do not comply with one or more conditions of Rule 24.2.4.3 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) the location of earthworks, taking into account waterways, significant indigenous vegetation or habitat</li> </ul>



**24.2.4.4 Earthworks –Landscape and Natural Character Areas**

PI	<p>(a) <b>Earthworks</b> for the maintenance of existing tracks, fences or drains within an identified <b>Landscape</b> or <b>Natural Character Area</b> and must meet all of the following conditions;</p> <p>(i) The <b>earthworks</b> are undertaken within a single consecutive 12 month period;</p> <p>(ii) The <b>earthworks</b> must not exceed the following areas and volumes within a single consecutive 12 month period:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th style="text-align: left;">Landscape or Natural Character Area</th> <th style="text-align: center;">Area (m2)</th> <th style="text-align: center;">Volume (m3)</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;"> <b>Significant Amenity Landscape</b> (SAL) sand dune                 </td> <td style="text-align: center; vertical-align: top;">50</td> <td style="text-align: center; vertical-align: top;">250</td> </tr> <tr> <td style="vertical-align: top;"> <b>Natural Character or Outstanding Natural Character</b> area of the coastal environment                 </td> <td></td> <td></td> </tr> </tbody> </table> <p>(iii) The <b>height</b> of the resulting cut or batter face in <b>stable ground</b> does not exceed 1.5m;</p> <p>(iv) The maximum slope of the resulting cut or batter face in <b>stable ground</b> does not exceed 1:2 (1m vertical to 2m horizontal);</p> <p>(v) Areas exposed by the <b>earthworks</b> are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the <b>earthworks</b>;</p> <p>(vi) Sediment is retained on the <b>site</b> through implementation and maintenance of erosion and sediment controls;</p> <p>(vii) The <b>earthworks</b> do not divert or change natural water flows, water bodies or established drainage paths.</p>	Landscape or Natural Character Area	Area (m2)	Volume (m3)	<b>Significant Amenity Landscape</b> (SAL) sand dune	50	250	<b>Natural Character or Outstanding Natural Character</b> area of the coastal environment		
Landscape or Natural Character Area	Area (m2)	Volume (m3)								
<b>Significant Amenity Landscape</b> (SAL) sand dune	50	250								
<b>Natural Character or Outstanding Natural Character</b> area of the coastal environment										
DI	<b>Earthworks</b> that do not comply with <b>Rule 24.2.4.4 PI.</b>									

**24.2.5 Hazardous substances**

PI	<p>(a) The <b>use, storage</b> or disposal of any <b>hazardous substances</b> where:</p> <p>(i) The aggregate quantity of <b>hazardous substances</b> of any <b>hazard</b> classification on a <b>site</b> is less than the quantity specified for the Residential zone in <b>Table 5.1</b> contained within <b>Appendix 5</b> (Hazardous Substances).</p>
P2	<p>(a) The <b>storage</b> or <b>use</b> of radioactive materials 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>
DI	The <b>use, storage</b> or disposal of any <b>hazardous substances</b> that does not comply with <b>Rule 24.2.5 PI or P2.</b>

**24.2.6 Notable trees**

- (I) **Rules 24.2.6.1 – 24.2.6.3** provide permitted rules for works on notable trees, which are identified in **Schedule 30.2** (Notable Trees) as follows:
  - (a) **Rule 24.2.6.1** - Removal or destruction;
  - (b) **Rule 24.2.6.2** – Trimming;
  - (c) **Rule 24.2.6.3** - Activities within the dripline.

### 24.2.6.1 Notable tree – removal or destruction

PI	Removal or destruction of a tree identified in <b>Schedule 30.2</b> (Notable Trees) where certification is provided to Council from a <b>works arborist</b> that states the tree is dead, dying, diseased or is unsafe.
CI	<p>(a) Removal or destruction of a tree identified in <b>Schedule 30.2</b> (Notable Trees) that does not comply with <b>Rule 24.2.6.1 PI.</b></p> <p>(b) Council shall reserve its control over the following matters:</p> <ul style="list-style-type: none"> <li>(i) Timing and manner in which the activity is carried out;</li> <li>(ii) Effects on amenity values; and</li> <li>(iii) Effects on heritage values.</li> </ul>

### 24.2.6.2 Notable tree – trimming

PI	<p>(a) The trimming of a notable tree identified in <b>Schedule 30.2</b> (Notable Trees) is either:</p> <ul style="list-style-type: none"> <li>(i) To remove dead, dying, or diseased branches and the tree work is undertaken by a <b>works arborist</b>; or</li> <li>(ii) The maximum branch diameter does not exceed 50mm at severance and no more than 10% of live foliage growth is removed in any consecutive 12 month period.</li> </ul>
RDI	<p>(a) The trimming of a notable tree that does not comply with <b>Rule 24.2.6.2 PI.</b></p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Timing and manner in which the activity is carried out;</li> <li>(ii) Effects on amenity values.</li> </ul>

### 24.2.6.3 Notable tree – activities within the dripline

PI	<p>(a) Any activity within the <b>dripline</b> of a notable tree identified in <b>Schedule 30.2</b> (Notable Trees) must not:</p> <ul style="list-style-type: none"> <li>(i) Involve excavation, compaction, sealing or soil disturbance and placement of <b>fill material</b>, except for sealing of an existing road or footpath;</li> <li>(ii) Involve parking or storage of materials, vehicles or machinery;</li> <li>(iii) Discharge of an eco-toxic substance; and</li> <li>(iv) Involve construction of structures.</li> </ul>
RDI	<p>(a) Any activity that does not comply with <b>Rule 24.2.6.3 PI.</b></p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Location of activity in relation to the tree;</li> <li>(ii) Timing and manner in which the activity is carried out;</li> <li>(iii) Remedial measures;</li> <li>(iv) Protection of the tree; and</li> <li>(v) Amenity values.</li> </ul>

### 24.2.7 Signs

- 1) **Rule 24.2.7.1** Signs – general provides permitted standards for any sign, including real estate signs, across the entire Residential Zone.
- 2) **Rule 24.2.7.2** Signs – effects on traffic apply specific standards for signs that are directed at road users.

### 24.2.7.1 Signs – general

P1	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with the following conditions:</p> <ul style="list-style-type: none"> <li>(i) It is the only sign on the site;</li> <li>(ii) The sign is wholly contained on the site;</li> <li>(iii) The sign does not exceed 0.25m<sup>2</sup>;</li> <li>(iv) The sign height does not exceed 2m;</li> <li>(v) The sign is not illuminated;</li> <li>(vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</li> <li>(vii) The sign is set back at least 50m from a state highway and the Waikato Expressway;</li> <li>(viii) The sign does not project over road reserve;</li> <li>(ix) The sign is not attached to a tree identified in Schedule 30.2 Notable Trees, except for the purpose of identification; and</li> <li>(x) The sign is not attached to a heritage item listed in Schedule 30.1 (Heritage Items) except for the purpose of identification and interpretation;</li> <li>(xi) The sign is not attached to a Maori site of significance listed in Schedule 30.3 (Maori Sites of Significance) except for the purpose of identification and interpretation;</li> <li>(xii) The sign relates to: <ul style="list-style-type: none"> <li>A. Goods or services available on the site; or</li> <li>B. A property name sign.</li> </ul> </li> </ul>
P3	<p>(a) A real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) There is no more than 1 sign per agency;</li> <li>(ii) The sign is not illuminated;</li> <li>(iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</li> <li>(i) The sign does not project into or over road reserve.</li> </ul>
RDI	<p>(a) A sign that does not comply with Rule 24.2.7.1, P1, P2 or P3.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Amenity values;</li> <li>(ii) Character of the locality;</li> <li>(iii) Effects on traffic safety;</li> <li>(iv) Glare and artificial light spill;</li> <li>(v) Content, colour and location of the sign; and</li> <li>(vi) Effects on notable trees</li> <li>(vii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</li> <li>(viii) Effects on cultural values of any Maori site of significance;</li> <li>(ix) Effects on notable architectural features of the building.</li> </ul>

### 24.2.7.2 Signs – effects on traffic

P1	<p>(a) Any <b>sign</b> directed at road users must:</p> <ul style="list-style-type: none"> <li>(i) Not imitate the content, colour or appearance of any traffic control <b>sign</b>;</li> <li>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other <b>sign</b>;</li> <li>(iii) Not obstruct sight lines of drivers turning into or out of a <b>site</b> entrance and intersections;</li> <li>(iv) Be able to be viewed by drivers for at least 130m;</li> <li>(v) Contain a no more than 40 characters and no more than 6 symbols;</li> <li>(vi) Have lettering that is at least 150mm high;</li> <li>(vii) Be located at least 130m from a <b>site</b> entrance, where the <b>sign</b> directs traffic to the entrance.</li> </ul>
D1	Any <b>sign</b> that does not comply with <b>Rule 24.2.7.2 P1</b> .

### 24.2.8 Indigenous vegetation clearance inside a Significant Natural Area

P1	<p>(a) <b>Indigenous vegetation clearance</b> in a <b>Significant Natural Area</b> identified on the planning maps or in <b>Schedule 30.5</b> (Urban Allotment Significant Natural Areas) for any of the following purposes:</p> <ul style="list-style-type: none"> <li>(i) Removing vegetation that endangers human life or existing buildings or structures;</li> <li>(ii) Conservation fencing to exclude stock or pests;</li> <li>(iii) Maintaining existing farm drains;</li> <li>(iv) Maintaining existing tracks and fences;</li> <li>(v) Gathering plants in accordance with Maaori customs and values.</li> </ul>
P2	Removal of up to 5m <sup>3</sup> 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) <b>Indigenous vegetation clearance</b> for building, access, parking and manoeuvring areas in a <b>Significant Natural Area</b> identified on the planning maps or in <b>Schedule 30.5</b> (Urban Allotment Significant Natural Areas) must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) There is no alternative development area on the <b>site</b> outside the <b>Significant Natural Area</b>; and</li> <li>(ii) The total <b>indigenous vegetation clearance</b> does not exceed 250m<sup>2</sup>.</li> </ul>
P4	<p>(a) On Maaori Freehold Land or Maaori Customary Land, <b>indigenous vegetation clearance</b> in a <b>Significant Natural Area</b> identified on the planning maps or in <b>Schedule 30.5</b> (Urban Allotment Significant Natural Areas) where:</p> <ul style="list-style-type: none"> <li>(i) There is no alternative development area on the <b>site</b> outside the <b>Significant Natural Area</b>;</li> <li>(ii) The following total areas are not exceeded: <ul style="list-style-type: none"> <li>A. 1500m<sup>2</sup> for a <b>Marae complex</b>, including areas associated with access parking and manoeuvring; and</li> <li>B. 500m<sup>2</sup> per <b>dwelling</b>, including areas associated with access parking and manoeuvring; and</li> <li>C. 500m<sup>2</sup> for a <b>papakaainga building</b> including areas associated with access parking and manoeuvring.</li> </ul> </li> </ul>
P5	<p>(a) On Maaori Freehold Land or Maaori Customary Land, <b>indigenous vegetation clearance</b> in a <b>Significant Natural Area</b> identified on the planning maps or in <b>Schedule 30.5</b> (Urban Allotment Significant Natural Areas) for any of the following purposes:</p> <ul style="list-style-type: none"> <li>(i) Removing vegetation that endangers human life or existing buildings or structures;</li> <li>(ii) Conservation fencing to exclude stock or pests;</li> <li>(iii) Maintaining existing farm drains;</li> <li>(iv) Maintaining existing tracks and fences;</li> <li>(v) Gathering plants in accordance with Maaori customs and values.</li> </ul>
P6	Removal of up to 5m <sup>3</sup> 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
DI	Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) that does not comply with one or more conditions in Rule 24.2.8 P1, P2, P3, P4, P5 or P6.

## 24.3 Land Use - Building

### 24.3.1 Dwelling

PI	One dwelling within a site.
DI	A dwelling that does not comply with Rule 24.3.1 P1.

### 24.3.2 Minor dwelling

PI	(a) One minor dwelling up to 70m <sup>2</sup> gross floor area within the site; (b) The net site area is 1000m <sup>2</sup> or more.
DI	A minor dwelling that does not comply with Rule 24.3.2 P1

### 24.3.3 Height

- (1) Rules 24.3.3.1 and 24.3.3.2 provide permitted height for buildings, structures or vegetation.
- (2) Rule 24.3.3.1 Height – Building general provides permitted height limits across the entire Village Zone.
- (3) Rule 24.3.3.2 Height - Buildings, structures and vegetation within an airport obstacle limitation surface provide height limits for specific activities within this area.

#### 24.3.3.1 Height - building general

PI	The maximum height of a building must not exceed 7.5m.
DI	A building that does not comply with Rule 24.3.3.1 P1.

#### 24.3.3.2 Height - Buildings, structures or vegetation within an airport obstacle limitation surface

PI	A building, structure or vegetation must not protrude through the airport obstacle limitation surface as identified in Appendix 9 - Te Kowhai Airpark and as shown on the planning maps.
DI	A building, structure or vegetation that does not comply with Rule 24.3.3.2 P1.

### 24.3.4 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.
RDI	(a) A building that does not comply with Rule 24.3.4 P1. (b) Council's discretion is restricted to the following:

	<ul style="list-style-type: none"> <li>(i) Height of the building;</li> <li>(ii) Design and location of the building;</li> <li>(iii) Extent of shading on adjacent sites;</li> <li>(iv) Privacy on other sites; and</li> <li>(v) Effects on amenity values and residential character.</li> </ul>
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### 24.3.5 Building coverage

P1	On a lot connected to public wastewater and a water supply, the total building coverage must not exceed 40%.
P2	On a lot not connected to public wastewater and a water supply, the total building coverage must not exceed 20%.
DI	A building that does not comply with Rules 24.3.5 P1 or P2.

### 24.3.6 Building setbacks

- (1) Rules 24.3.6.1 to 24.3.6.3 provide the permitted building setback distances for buildings from site boundaries, specific land use activities and environmental features.
- (2) Rule 24.3.6.1 Building setbacks – all boundaries provides permitted building setback distances from all boundaries on any site within the Village Zone. Different setback distances are applied based on the type of building.
- (3) Rule 24.3.6.2 Building setback - sensitive land use provides permitted setback distances for any building containing a sensitive land use from specified land use activities.
- (4) Rules 24.3.6.3 Building setback – water bodies provides permitted setback distances from a lake, wetland, river and coast.

#### 24.3.6.1 Building setbacks – all boundaries

P1	<p>(a) Any building must be setback a minimum of:</p> <ul style="list-style-type: none"> <li>(i) 3m from a road boundary;</li> <li>(ii) 13m from an indicative road;</li> <li>(iii) 1.5m from every boundary other than a road boundary; and</li> <li>(iv) 1.5m from every vehicle access to another site.</li> </ul>
P2	<p>(a) A non-habitable building may be set back less than 1.5m from a boundary, where:</p> <ul style="list-style-type: none"> <li>(i) The total length of all buildings within 1.5m of the boundary does not exceed 6m; and</li> <li>(b) The non-habitable building does not have any windows or doors on the side of the building facing the boundary.</li> </ul>
P3	A garage must be set back further from the road than the façade of the front of the dwelling.
RD1	<p>(a) A building that does not comply with Rules 24.3.6.1 P1, P2 or P3.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Road network safety and efficiency;</li> <li>(ii) Reverse sensitivity effects;</li> <li>(iii) Adverse effects on amenity;</li> <li>(iv) Streetscape;</li> <li>(v) Potential to mitigate adverse effects;</li> <li>(vi) Daylight admission to any adjoining site; and</li> <li>(vii) Effects on privacy at any adjoining site.</li> </ul>

### 24.3.6.2 Building setback – sensitive land use

PI	(a) Any new <b>building</b> or alteration to an existing <b>building</b> for a <b>sensitive land use</b> must be set back a minimum of: <ul style="list-style-type: none"> <li>(i) 5m from the designated <b>boundary</b> of the railway corridor;</li> <li>(ii) 15m from the boundary of a national route or regional arterial;</li> <li>(iii) 25m from the designated <b>boundary</b> of the Waikato Expressway;</li> <li>(iv) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; and</li> <li>(v) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed.</li> </ul>
D	Any <b>building</b> for a <b>sensitive land use</b> that does not comply with in Rule conditions in <b>Rule 24.3.6.2 PI</b> .

### 24.3.6.3 Building setback – water bodies

PI	(a) A <b>building</b> must be set back a minimum of 30 from: <ul style="list-style-type: none"> <li>(i) the margin of any:           <ul style="list-style-type: none"> <li>A. Lake;</li> <li>B. <b>Wetland</b>; and</li> <li>C. <b>River bank</b>, other than the Waikato River and Waipa River.</li> </ul> </li> </ul>
P2	A <b>building</b> must be set back at least 50m from a <b>bank</b> of the Waikato River and Waipa River.
P3	A <b>building</b> must be set back a minimum of 10m from the <b>bank</b> of a perennial or intermittent stream.
P4	A <b>public amenity</b> of up to 25m <sup>2</sup> , or a pump shed within any <b>building</b> setback identified in <b>Rule 24.3.6.3 PI, P2 or P3</b> .
DI	A <b>building</b> that does not comply with <b>Rules 24.3.6.3 PI, P2, P3 or P4</b> .

### 24.3.7 Building - Airport Noise Outer Control Boundary

PI	Construction, addition to or alteration of a <b>dwelling</b> must achieve the internal design sound levels specified in <b>Appendix I - Acoustic Insulation, Section 3 Table 6</b> .
RD1	(a) Construction, addition to or alteration of a <b>dwelling</b> that does not comply with <b>Rule 24.3.7 PI</b> . (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) On-site amenity values;</li> <li>(ii) Noise levels received at the <b>notional boundary</b> of the <b>dwelling</b>;</li> <li>(iii) Timing and duration of noise received at the <b>notional boundary</b> of the <b>dwelling</b>; and</li> <li>(iv) Potential for reverse sensitivity effects.</li> </ul>

### 24.3.8 Historic Heritage

- (I) The following rules manage heritage items (buildings and monuments):
- (a) **Rule 24.3.8.1** - Group A heritage item – Demolition, removal or relocation
  - (b) **Rule 24.3.8.2** - Group B heritage item – Demolition, removal or relocation
  - (c) **Rule 24.3.8.3** - All heritage items – Alterations and additions
  - (d) **Rule 24.3.8.4** - All heritage items – Maintenance or repair
  - (e) **Rule 24.3.8.5** - All heritage items – Site development

#### 24.3.8.1 Group A Heritage item – Demolition, removal or relocation

NCI	Demolition, removal or relocation of any Group A <b>heritage item</b> listed in <b>Schedule 30.1</b> (Heritage Items).
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### 24.3.8.2 Group B Heritage item – Demolition, removal or relocation

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

PI	(a) Alteration or addition of a heritage item listed in Schedule 30.1 (Heritage Items) if: <ul style="list-style-type: none"> <li>(i) No significant feature of interest is removed, destroyed or damaged;</li> <li>(ii) Alterations or additions are not visible from a public place.</li> </ul>
RD I	(a) Any activity that does not comply with Rule 24.3.8.3 PI. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Form, style, materials and appearance;</li> <li>(ii) Effects on heritage values.</li> </ul>

### 24.3.8.4 All heritage items – maintenance or repair

PI	(a) Maintenance and repair of a heritage item listed in Schedule 30.1 (Heritage Items) where: <ul style="list-style-type: none"> <li>(i) No significant feature of interest is destroyed or damaged;</li> <li>(ii) Replacement materials are the same as, or similar to, the original in terms of form, style and appearance.</li> </ul>
RD I	(a) Any activity that does not comply with Rule 24.3.8.4 PI. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Form, style, materials and appearance;</li> <li>(ii) Effects on heritage values.</li> </ul>

### 24.3.8.5 All heritage items – all site development

PI	(a) Development on a heritage item listed in Schedule 30.1 (Heritage Items) must: <ul style="list-style-type: none"> <li>(i) Be set back at least 10m from the heritage item;</li> <li>(ii) Not locate a building between the front of the heritage item and the road.</li> </ul>
RD I	(a) Any activity that does not comply with Rule 24.3.8.5 PI. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Effects on the values, context and setting of the heritage item;</li> <li>(ii) Location, design, size, materials and finish;</li> <li>(iii) Landscaping;</li> <li>(iv) The relationship of the heritage item with the setting.</li> </ul>

## 24.4 Subdivision

- (1) Rule 24.4.1 provides for subdivision density and applies across the Village Zone.
- (2) The following rules apply to specific areas and/or activities:
  - (a) Rule 24.4.2 – Subdivision in Te Kowhai and Tuakau, applies to the Village Zone in these two areas.
  - (b) Rules 24.4.1 and 24.4.2 are also subject to the following subdivision controls:
    - (i) Rule 24.4.3 – Subdivision boundary adjustments;
    - (ii) Rule 24.4.4 – Subdivision amendments and updates to cross lease flats plans and conversions;
    - (iii) Rule 24.4.5 – Title boundaries natural hazard area, contaminated land, Significant Amenity Landscape Dune, notable trees and intensive farming activities, aggregate extraction areas;



- (iv) **Rule 24.4.6** – Title boundaries Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maori;
- (v) **Rule 24.4.7** – Title boundaries Maori sites and Maori areas of significance;
- (vi) **Rule 24.4.8** - Subdivision of land containing heritage items;
- (vii) **Rule 24.4.9** – Road frontage;
- (viii) **Rule 24.4.10** – Subdivision building platform;
- (ix) **Rule 24.4.11** – Subdivision Reserves; and
- (x) **Rule 24.4.12** - subdivision esplanade reserves and esplanade strips
- (xi) **Rule 24.4.13** – subdivision of land containing mapped off-road walkways.

#### 24.4.1 Subdivision – General

RD1	<p>(a) Proposed <b>lots</b> must have a minimum <b>net site area</b> of 3000m<sup>2</sup>, except where the proposed lot is an <b>access allotment</b>, utility allotment or reserve to vest.</p> <p>(b) Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Shape, location and orientation of proposed <b>lots</b>;</li> <li>(ii) Matters referred to in the infrastructure chapter;</li> <li>(iii) Consistency with the matters, and outcomes sought, in <b>Appendix 3.1</b> (Residential Subdivision Guidelines);</li> <li>(iv) Impacts on stormwater and wastewater disposal;</li> <li>(v) Impacts on <b>Significant Natural Areas</b>;</li> <li>(vi) Impacts on identified <b>Maori Sites of Significance</b>; and</li> <li>(vii) Roads and pedestrian networks.</li> </ul>
DI	<b>Subdivision</b> that does not comply with a condition of <b>Rule 24.4.1 RD1</b> .

#### 24.4.2 Subdivision – Te Kowhai and Tuakau

RD1	<p>(a) Subdivision in Te Kowhai and Tuakau must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Proposed lots not connected to public water and wastewater infrastructure must have a minimum net site area of 3000m<sup>2</sup>, except where the proposed lot is an access allotment or reserve lot.</li> </ul> <p>(b) Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Shape, location and orientation of proposed lots;</li> <li>(ii) Position of proposed building platforms and driveways to ensure future subdivision is not compromised;</li> <li>(iii) Matters referred to in the Infrastructure chapter;</li> <li>(iv) Consistency with the matters, and outcomes sought, in <b>Appendix 3.1</b> (Residential Subdivision Guidelines);</li> <li>(v) Impacts on stormwater and wastewater disposal;</li> <li>(vi) Impacts on Significant Natural Areas;</li> <li>(vii) Impacts on identified archaeological sites and Maori Sites of Significance; and</li> <li>(viii) Roads and pedestrian networks.</li> </ul>
RD2	<p>(a) <b>Subdivision</b> in Te Kowhai and Tuakau must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Proposed lots <b>connected</b> to public water and wastewater <b>infrastructure</b> must have a minimum <b>net site area</b> of 1,000m<sup>2</sup>, except where the proposed lot is an <b>access allotment</b> or reserve lot.</li> </ul> <p>(b) The Council’s discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Shape, location and orientation of proposed <b>lots</b>;</li> <li>(ii) Position of proposed <b>building platforms</b> and driveways to ensure future <b>subdivision</b> is not compromised;</li> <li>(iii) Matters referred to in the <b>Infrastructure</b> chapter;</li> </ul>

	<ul style="list-style-type: none"> <li>(iv) Consistency with the matters and outcomes sought in <b>Appendix 3.1</b> (Residential Subdivision Guidelines);</li> <li>(v) Impacts on stormwater and wastewater disposal;</li> <li>(vi) Impacts on <b>Significant Natural Areas</b>;</li> <li>(vii) Impacts on identified archaeological sites and <b>Maaori Sites of Significance</b>; and</li> <li>(viii) Roads and pedestrian networks.</li> </ul>
D1	<b>Subdivision</b> that does not comply with <b>Rule 24.4.2 RDI or RD2</b> .

#### 24.4.3 Subdivision - Boundary adjustments

C1	<ul style="list-style-type: none"> <li>(a) <b>Boundary</b> adjustments must comply with all of the following conditions: <ul style="list-style-type: none"> <li>(i) The conditions specified in: <ul style="list-style-type: none"> <li>A. <b>Rule 24.4.1</b> (Subdivision - General); or</li> <li>B. <b>Rule 24.4.2</b> (Subdivision Te Kowhai and Tuakau).</li> </ul> </li> <li>(ii) Proposed <b>lots</b> must not generate any additional <b>building</b> infringements to those which legally existed prior to the <b>boundary</b> adjustment.</li> </ul> </li> <li>(b) Council's control is reserved over the following matters: <ul style="list-style-type: none"> <li>(i) <b>Subdivision</b> layout;</li> <li>(ii) Shape of <b>lots</b> and variation in <b>lot</b> sizes.</li> </ul> </li> </ul>
D1	<b>Boundary</b> adjustment that do not comply with <b>Rule 24.4.3 C1</b> .

#### 24.4.4 Subdivision - Amendments to cross lease and flats plans and conversions

C1	<ul style="list-style-type: none"> <li>(a) Conversion of a cross lease and flats plan to fee simple.</li> <li>(b) Council's control is reserved to the following matters: <ul style="list-style-type: none"> <li>(i) Effect on existing buildings;</li> <li>(ii) <b>Site</b> layout and design;</li> <li>(iii) Compliance with <b>building</b> rules.</li> </ul> </li> </ul>
C2	<ul style="list-style-type: none"> <li>(a) Amendment or update to a cross lease flats plan including additions or alterations to any buildings, and areas for exclusive use by an owner or owners.</li> <li>(b) The Council's control shall be limited to the following matters: <ul style="list-style-type: none"> <li>(i) Purpose of the <b>boundary</b> adjustment;</li> <li>(ii) Effect on existing buildings;</li> <li>(iii) <b>Site</b> layout and design of a cross lease or flats plan;</li> <li>(iv) Compliance with permitted <b>building</b> rules.</li> </ul> </li> </ul>
D1	Any conversion of a cross lease flats plan or amendment or update to a cross lease flats plan that does not comply with <b>Rule 24.4.4 C1 or C2</b> .

#### 24.4.5 Title boundaries – Natural hazard area, contaminated land, Significant Amenity Landscape - Dune, notable trees and intensive farming activities,

RDI	<ul style="list-style-type: none"> <li>(a) <b>Subdivision</b> of land containing <b>contaminated land</b>, notable trees and <b>intensive farming</b> activities and <b>aggregate extraction</b> areas must comply with all of the following conditions: <ul style="list-style-type: none"> <li>(i) The <b>boundaries</b> of every proposed <b>lot</b> with existing <b>buildings</b> must demonstrate compliance with the following <b>building</b> rules (other than where any non-compliance existed lawfully prior to the <b>subdivision</b>) relating to: <ul style="list-style-type: none"> <li>A. Daylight admission (<b>Rule 24.3.4</b>);</li> <li>B. Building coverage (<b>Rule 24.3.5</b>);</li> <li>C. Building setbacks (<b>Rule 24.3.6</b>);</li> </ul> </li> <li>(ii) The <b>boundaries</b> of every proposed <b>lot</b> must not divide the following: <ul style="list-style-type: none"> <li>A. A natural hazard area;</li> <li>B. <b>Contaminated land</b>;</li> </ul> </li> </ul> </li> </ul>
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	<p>C. Significant Amenity Landscape; or</p> <p>D. Notable tree.</p> <p>(iii) The boundaries of every proposed lot must be setback by 300m from any area operating an intensive farming activity.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Landscape values;</p> <p>(ii) Amenity values and character;</p> <p>(iii) Reverse sensitivity;</p> <p>(iv) Effects on existing buildings;</p> <p>(v) Effects on natural hazard areas;</p> <p>(vi) Effects on contaminated land;</p> <p>(vii) Effects on any notable tree;</p> <p>(viii) Effects on an intensive farming activity.</p>
DA	Subdivision that does not comply with Rule 24.4.5 RDI.

#### 24.4.6 Title boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori

RD1	<p>(a) The boundaries of every proposed lot must not divide the following:</p> <p>(a) Significant Natural Area;</p> <p>(b) A Maaori Site of Significance as listed in Schedule 30.3; or</p> <p>(c) A Maaori Area of Significance as listed in Schedule 30.4.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on Significant Natural Areas;</p> <p>(ii) Effects on any Maaori Area of Significance; and</p> <p>(iii) Effects on any Maaori Sites of Significance.</p>
NCI	Subdivision that does not comply with Rule 24.4.6 RDI.

#### 24.4.7 Title boundaries – Maaori sites and Maaori areas of significance to Maaori

RD1	<p>(a) Subdivision of sites containing Maaori sites and/or Areas of significance to Maaori that includes all of the site or area within a proposed lot.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on sites of significance to Maaori;</p> <p>(ii) Effects on areas of significance to Maaori.</p>
NCI	Subdivision that does not comply with Rule 24.4.7 RDI.

#### 24.4.8 Subdivision of land containing heritage items

RD1	<p>(a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Heritage Items) must contain the heritage item wholly within one lot.</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; and</p> <p>(iii) The extent to which the relationship of the heritage item with its setting is maintained.</p>
DI	Subdivision that does not comply with Rule 24.4.8 RDI.

#### 24.4.9 Road frontage

	(a) Every proposed lot as part of the subdivision with a road boundary, other than a proposed lot
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RD1	<p>containing an <b>access allotment</b>, <b>utility allotment</b>, right of way or access leg must have a width along the road <b>boundary</b> of at least 20m.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Safety and efficiency of vehicle access and road network;</li> <li>(ii) Amenity values and rural character.</li> </ul>
DI	<b>Subdivision</b> that does not comply with <b>Rule 24.4.9 RD1</b> .

#### 24.4.10 Subdivision - Building platform

RD1	<p>(a) Every proposed <b>lot</b>, other than a new <b>lot</b> specifically for access, <b>utility allotment &amp; access allotment</b> must be capable of containing a <b>building platform</b> upon which a <b>dwelling</b> could be sited as a permitted activity, with the <b>building platform</b> being contained within either of the following dimensions:</p> <ul style="list-style-type: none"> <li>(i) a circle with a diameter of at least 18m exclusive of yards; or</li> <li>(ii) a rectangle of at least 200m<sup>2</sup> with a minimum dimension of 12m exclusive of yards.</li> </ul> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>Subdivision</b> layout;</li> <li>(ii) Shape of <b>allotments</b>;</li> <li>(iii) Ability of <b>allotments</b> to accommodate a practical <b>building platform</b>;</li> <li>(iv) Likely location of future <b>buildings</b> and their potential effects on the environment;</li> <li>(v) Avoidance or mitigation of natural hazards;</li> <li>(vi) Geotechnical suitability for <b>building</b>;</li> <li>(vii) Ponding areas and primary <b>overland flow paths</b>.</li> </ul>
DI	<b>Subdivision</b> that does not comply with <b>Rule 24.4.10 RD1</b> .

#### 24.4.11 Subdivision Creating Reserves

RD1	<p>(a) Every reserve, including where a reserve is identified within a structure plan or master plan (other than an esplanade reserve), proposed for vesting as part of the <b>subdivision</b>, must be bordered by roads along at least 50% of its boundaries.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) The extent to which the proposed reserve aligns with the principles of Council's Parks Strategy, Playground Strategy, Public Toilets Strategy and Trails Strategy;</li> <li>(ii) Consistency with any relevant structure plan or master plan;</li> <li>(iii) Reserve size and location;</li> <li>(iv) Proximity to other reserves;</li> <li>(v) The existing reserve supply in the surrounding area;</li> <li>(vi) Whether the reserve is of suitable topography for future use and development;</li> <li>(vii) Measures required to bring the reserve up to council standard prior to vesting;</li> <li>(viii) The type and standard of <b>boundary</b> fencing.</li> </ul>
DI	<b>Subdivision</b> that does not comply with <b>Rule 24.4.11 RD1</b> .

#### 24.4.12 Subdivision of Esplanade Reserves and Esplanade Strips

RD1	<p>(a) <b>Subdivision</b> of an esplanade reserve or strip at least 20m wide (or other width stated in <b>Appendix 4</b> (Esplanade Priority Areas) that is required to be created from every proposed <b>lot</b> shall vest in Council where the following situations apply:</p> <ul style="list-style-type: none"> <li>(i) less than 4ha and within 20m of: <ul style="list-style-type: none"> <li>A. <b>Mean high water springs</b>;</li> <li>B. The <b>bank</b> of any river whose <b>bed</b> has an average width of 3m or more; or</li> <li>C. A lake whose <b>bed</b> has an area of 8ha or more; or</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>(ii) more than 4ha;</li> <li>(iii) or more than 20m from mean high water springs or a water body identified in Appendix 4 (Esplanade Priority Areas).</li> </ul> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) The type of esplanade provided - reserve or strip;</li> <li>(ii) Width of the esplanade reserve or strip;</li> <li>(iii) Provision of legal access to the esplanade reserve or strip;</li> <li>(iv) Matters provided for in an instrument creating an esplanade strip or access strip;</li> <li>(v) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris.</li> </ul>
DI	Subdivision that does not comply with Rule 24.4.12 RDI.

#### 24.4.13 Subdivision of land containing mapped off-road walkways

RD1	<p>(a) Subdivision where walkways shown on the planning maps are to be provided as part of the subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) The walkway is at least 3 metres wide and is designed and constructed for shared pedestrian and cycle use, as per Rule 14.12.1 P8 (Transportation);</li> <li>(ii) The walkway is generally in accordance with the walkway route shown on the planning maps;</li> <li>(iii) The walkway is shown on the plan of subdivision and vested in Council.</li> </ul> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Alignment of the walkway;</li> <li>(ii) Drainage in relation to the walkway;</li> <li>(iii) Standard of design and construction of the walkway;</li> <li>(iv) Land stability;</li> <li>(v) Amenity matters including batter slopes;</li> <li>(vi) Connection to reserves.</li> </ul>
DI	Subdivision that does not comply with Rule 24.4.13 RDI.